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BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.

DEPUTY PRESIDENT.

Khan Bahadur ABDUL HAMID CHOWDHURY, J.P.

PANEL OF CHAIRMEN.

1. Mr. KAMINI KUMAR DUTTA.
2. Mr. W. B. G. LAIDLAW.
3. Khan Bahadur M. A. MOMIN, C.I.E.
4. Mr. HARIDAS MAZUMDAR.

SECRETARY TO THE COUNCIL.

Dr. S. K. D. GUPTA, M.A. (CANTAB.), LL.M. (CANTAB.), LL.D. (DUBLIN), Barrister-at-Law.

ASSISTANT SECRETARY TO THE COUNCIL.

Mr. S. A. E. HUSSAIN, B.L., Advocate.

REGISTRAR TO THE COUNCIL DEPARTMENT.

Mr. T. M. PAUL, B.A.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Honourable RICHARD GARDINER CASEY, C.H., D.S.O., M.C.

MEMBERS OF THE COUNCIL OF MINISTERS.

(1) The Hon'ble Khwaja Sir NAZIMUDDIN, K.C.I.E., in charge of the Home Department (including Civil Defence Co-ordination).

(2) The Hon'ble Mr. HUSEYN SHAHEED SUHRAWARDY, in charge of the Civil Supplies Department.

(3) The Hon'ble Mr. TULSI CHANDRA GOSWAMI, in charge of the Finance Department.

(4) The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of the Education Department.

(5) The Hon'ble Mr. BARADA PROSANNA PAIN, in charge of the Communications and Works Department.

(6) The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN, in charge of the Agriculture Department (including Rural Reconstruction).

(7) The Hon'ble Mr. TARAKNATH MUKERJEA, M.B.E., in charge of the Revenue Department (including Evacuation and Relief).

(8) The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Departments.

(9) The Hon'ble Mr. Khwaja SHAHABUDDIN, C.B.E., in charge of the Commerce, Labour and Industries Department (including Post-war Reconstruction).

(10) The Hon'ble Mr. PREMHARI BARMA, in charge of the Forests and Excise Department.

(11) The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD, in charge of the Public Health and Local Self-Government Department.

(12) The Hon'ble Mr. PULIN BEHARY MULLICK, in charge of the Publicity Department.

(13) The Hon'ble Mr. JOGENDRA NATH MANDAL, in charge of the Co-operative Credit and Rural Indebtedness Department.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

1. Ahmad, Khan Bahadur Naziruddin. [Burdwan Division Muhammadan (Rural).]
2. Ahmed, Khan Sahib Fariduddin. [Tippera Muhammadan (Rural).]
3. Ahmed, Mr. Mesbahuddin. [Bengal Legislative Assembly.]
4. Ahmed, Mr. Nur. [Chittagong Muhammadan (Rural).]
5. Ahmed, Mr. Sultanuddin. [Dacca North-West Muhammadan (Rural).]
6. Ali, Mr. Altaf. [Bengal Legislative Assembly.]
7. Amin, Khan Sahib Nurul. [Mymensingh East Muhammadan (Rural).]
8. Aziz, Khan Sahib Abdul. [Presidency Division South Muhammadan (Rural).]

B

9. Baksh, Mr. Kader. [Bengal Legislative Assembly.]
10. Banerjee, Rai Bahadur Keshab Chandra. [Dacca Division North General (Rural).]
11. Barua, Mr. Dhirendra Lal. [Chosen by the Governor.]

C

12. Chakraverti, Mr. Srish Chandra. [Calcutta General (Urban).]
13. Chaudhury, Mr. Moazzemali *alias* Lal Mia. [Faridpur Muhammadan (Rural).]
14. Chowdhury, Khan Bahadur Abdul Hamid, J.P. [Mymensingh West Muhammadan (Rural).]
15. Chowdhury, Mr. Khorshed Alam. [Bakarganj Muhammadan (Rural).]
16. Chowdhury, Mr. Hamidul Huq. [Bengal Legislative Assembly.]
17. Chowdhury, Mr. Humayun Reza. [Rajshahi *cum* Malda Muhammadan (Rural).]
18. Clarke, Mr. C. E. [Bengal Legislative Assembly.]
19. Cohen, Mr. D. J. [Chosen by the Governor.]

D

20. Das, Mr. Lalit Chandra. [Chittagong Division General (Rural).]
21. Datta, Mr. Bankim Chandra. [Bengal Legislative Assembly.]
22. Datta, Mr. Narendra Chandra. [Bengal Legislative Assembly.]
23. D'Rozario, Mrs. K. [Chosen by the Governor.]
24. Dutt, Mrs. Labanyaprobha. [Chosen by the Governor.]
25. Dutta, Mr. Kamini Kumar. [Bengal Legislative Assembly.]

F

26. Ferguson, Mr. R. W. N. [Bengal Legislative Assembly.]

G

27. Gofran, Khan Bahadur Abdul. [Noakhali Muhammadan (Rural).]

H

28. Hosain, The Hon'ble Khan Bahadur Saiyed Muazzamuddin. [Bengal Legislative Assembly.]
29. Hossain, Mr. Latafat. [Chosen by the Governor.]
30. Hossain, Mr. Mohamed. [Bengal Legislative Assembly.]

J

31. Jaipuria, Mr. Mungturam. [Bengal Legislative Assembly.]
32. Jan, Alhadj Khan Bahadur Shaikh Muhammad. [Bengal Legislative Assembly.]

K

33. Kabir, Mr. Humayun Z. A. [Bengal Legislative Assembly.]
34. Khan, Maulana Muhammad Akrum. [Bengal Legislative Assembly.]

L

35. Laidlaw, Mr. W. B. G. [European.]
36. Latiff, Mr. Abdul. [Rangpur Muhammadan (Rural).]

M

37. McFarlane, Mr. J. [European.]
38. Maitra, Rai Bahadur Brojendra Mohan. [Rajshahi Division South-East General (Rural).]
39. Molla, Khan Sahib Subidali. [Bengal Legislative Assembly.]
40. Momin, Khan Bahadur M. A., C.I.E. [Presidency Division North Muhammadan (Rural).]
41. Mookerjee, Mr. Naresh Nath. [Bengal Legislative Assembly.]
42. Mukherji, Mr. Bankim Chandra. [Burdwan Division South-West General (Rural).]
43. Mazumdar, Mr. Haridas. [Bengal Legislative Assembly.]
44. Moholanabish, Mr. Nagendra Nath. [Rajshahi Division North-West General (Rural).]

N

45. Nimmo, Mr. T. B. [European.]

P

46. Pal Chaudhuri, Mr. Ranajit. [Presidency Division General (Rural).]
47. Purssell, Mr. R. S., C.I.E., O.B.E. [Bengal Legislative Assembly.]

R

48. Rahman, Khan Bahadur Mukhlesur. [Rajshahi Division North Muhammadan (Rural).]
49. Rashid, Khan Bahadur Kazi Abdur. [Dacca South-East Muhammadan (Rural).]
50. Ray, Rai Sahib Jogendra Nath. [Burdwan Division North-East General (Rural).]
51. Ray, Dr. Kumud Sankar. [Dacca Division South General (Rural).]
52. Roy, Mr. Amulyadhone. [Bengal Legislative Assembly.]
53. Roy, Rai Bahadur Radhica Bhusan. [Bengal Legislative Assembly.]
54. Roy, Mr. Biren. [Calcutta Suburbs General (Urban).]
55. Roy Chowdhury, Mr. Krishna Chandra. [Chosen by the Governor.]
56. Roy Chowdhury, Mr. Birendra Kishore. [Bengal Legislative Assembly.]

S

57. Sanyal, Mr. Sachindra Narayan. [Bengal Legislative Assembly.]
58. Shamsuzzoha, Khan Bahadur M. [Bengal Legislative Assembly.]
59. *Singh Roy, the Hon'ble Sir Bijoy Prasad. [Bengal Legislative Assembly.]
60. Sattar, Mr. Yakub H. S. [Calcutta and Suburbs Muhammadan (Urban).]

T

61. Talukdar, Dr. Kasiruddin. [Bogra *cum* Pabna Muhammadan (Rural).]

W

62. Wahiduzzaman, Khan Sahib Maulvi. [Bengal Legislative Assembly.]

*President of the Bengal Legislative Council.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 1.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 7th February, 1944, at 2-15 p.m., being the first day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Obituary References.

Mr. PRESIDENT: Order, order. Honourable Members of Council, it is with the deepest sorrow that the Chair has to perform the melancholy duty of conveying the news of the passing away of Sir John Herbert, G.C.I.E., lately Governor of Bengal, on the 11th of December last.

Sir John Herbert was appointed Governor shortly after the outbreak of the war and assumed the reins of his high office in November, 1939. Apart from the administrative problems of this great province, he was faced with an extremely difficult and complicated situation brought about by the war. Almost from the commencement of his term of office as Governor, Sir John Herbert devoted himself with energy to the question of civil defence. These problems assumed greater proportions and became more complex on Japan's coming into the war at the end of 1941. Through extensive tours all over the province, he tried to encourage the people engaged in the work of civil defence and to maintain personal contact with the organisations set up for the purpose. He also succeeded to a large extent in bringing about co-ordination between the civil and military authorities in defence activities. The problem of evacuees from Burma in the beginning of 1942 and later on those of famine due to the Midnapore cyclone and scarcity of food in Bengal, which became the base of operations for the Eastern theatre of war, evidently proved too great a strain on the health of Sir John Herbert, who never spared himself. He was suddenly taken ill in August, 1943, and this led to the relinquishment of his office in September last. The ailment ultimately proved fatal and he expired at the Government House, Calcutta, on the 11th of December, 1943.

A gentleman of unfailing courtesy and attractive personality, Sir John Herbert had to discharge the responsibilities of his office under very difficult and unprecedented circumstances. He tried to serve the province to the best of his ability. We all deeply mourn his loss.

In honour of his memory, I would request the honourable members to rise in their places.

(Honourable members rose in their places.)

Thank you.

I believe it is the unanimous wish of the House that I should convey our heartfelt sympathy to the Lady Mary Herbert in her great bereavement.

Honourable Members: Yes.

Mr. PRESIDENT: The Chair has to refer with regret to the death of Mr. Kiran Chandra De, C.I.E., I.C.S., which melancholy event took place at his Calcutta residence on the 2nd October last. He was a member of the Bengal Legislative Council under the previous constitution.

Born in January, 1871, the late Mr. De joined the Indian Civil Service in 1893, after a brilliant academic career in the Presidency College, Calcutta, and in the St. John's College, Cambridge. He held several important administrative appointments including the Registrarship of the Co-operative Societies, the Secretaryship of the Bengal General Department, Divisional Commissionerships and Membership of the Board of Revenue from which position he retired in 1928. Besides, he was a member of the District Administration Committee and Chairman of the Bengal Banking Enquiry Committee in 1913 and 1929 respectively. The late Mr. De was a great authority on the land tenure system of Bengal of which he had made a special study. He had a charming personality and occupied a prominent position in the social life of Calcutta. We deeply mourn his loss.

I believe it is the unanimous desire of the House that a message of sympathy should be sent on our behalf to Mrs. De in her great loss.

(Voices: Yes.)

In honour of his memory, I would request the honourable members to rise in their places.

(Honourable members rose in their places.)

Thank you.

The Chair has yet to refer to one more death. Mr. Ramananda Chatterjee, one of the greatest journalists and litterateurs and a foremost figure in the public life of Bengal, passed away on the 30th September last after a protracted illness. Born of a family distinguished for Sanskrit learning, the late Mr. Chatterjee had a brilliant academic career and he started his life as a teacher. Throughout his long life he tried to maintain the high traditions of culture and erudition of his family. He was a social reformer, a philosopher and a teacher. As Editor of the *Prabasi* and *Modern Review* he influenced the thought and character of modern Bengal and by his personal example set a very high moral standard in the social and public life of this province. Fearless in his criticism of social evils, his writings made a great impression on the cultured society of this country.

In the sphere of politics also, he often put forward his views without expecting any favour from the Government, and regardless of popular applause. Sober, staid and dignified in his bearing, his writings always reflected his personal character and deep thinking. Passionately devoted to the cause of India's freedom throughout his life, the late Mr. Chatterjee worked to help its advancement both as a political thinker and as a social reformer. In his death Bengal has lost an attractive personality, a man of great culture and erudition, whom it would be difficult to replace.

I believe it is the unanimous desire of the House to convey our sympathy to the members of the bereaved family.

(Voices: Yes.)

In honour of his memory, I would request the honourable members to rise in their places.

(Honourable members rose in their places.)

Thank you.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSSAIN: Sir, with your permission I wish to move a resolution on behalf of the Council in respect of the death of our esteemed colleague and friend, Khan Sahib Maulvi Abul Quasem. The resolution runs as follows:—

> "That the Bengal Legislative Council places on record its deep sense of sorrow and loss at the sad demise of Khan Sahib Maulvi Abul Quasem who was a prominent member of the Council and desires to convey its heartfelt condolence to the members of the bereaved family."

It is with the deepest sorrow that we heard of the most untimely death of one our most prominent colleagues, Khan Sahib Maulvi Abul Quasem, which melancholy event took place on Saturday, the 29th January last, after a short illness of 2 or 3 weeks. He was 52 at the time of his death, but he looked much younger and was in the best of health until recently and we scarcely think that his end was so near. I first came in touch with him as a member of the Bengal Land Revenue Commission and I found in him a stout supporter of the cause of the weak. He never hesitated to speak in strong words what he actually felt. In his early life, he was a lecturer of a Government college which post he resigned and joined the High Court Bar. At about the same time he entered the Legislature. He was an old parliamentarian besides being an erudite scholar and a sound lawyer. He was a member of the Senate and a member of the Bengal Wakf Board. He had established his reputation as a parliamentarian even in the pre-Reformed Council, and in consequence had an easy walk in into the reformed Council when he was elected as a member of the Upper House. The country expected much from him in future. He was a forceful speaker. As a matter of fact, once the Leader of the European Group described him as the "Roaring Lion". But alas! his voice will no longer be heard in this mortal world. The Council is definitely the poorer today by his death. He was an intimate friend of mine and I know from my personal experience that he was a religiously-minded man and a man of piety and devotion. May his soul rest in peace!

With these words, I commend the resolution to the unanimous acceptance of the House.

Mr. LALIT CHANDRA DAS: Mr. President, Sir——

Khan Bahadur ABDUL HAMID CHOWDHURY: On a point of order, Sir. Is it not necessary that the resolution should be read from the Chair before any speech is made?

Mr. PRESIDENT: Yes; resolution moved: that the Bengal Legislative Council places on record its deep sense of sorrows and loss at the sad demise of Khan Sahib Abul Quasem, who was a prominent member of the Council and desires to convey its heartfelt condolence to the members of the bereaved family.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, on behalf of myself and on behalf of the party which I have the honour to represent in this House, I associate myself whole-heartedly with the resolution which has just now been moved by my friend, the Hon'ble the Leader of the House. I heard with deepest regret the news of the death of Khan Sahib Maulvi Abul Quasem when I arrived here last week. Bubbling with health, I was surprised how he could pass away so soon. That reminds us that death, a necessary end, comes when it comes and nobody can stay its hand. He was a man of strong conviction. Whatever he thought right and proper he used to speak out most emphatically and sincerely. That was a trait in him worthy of emulation by others. Undoubtedly he was a prominent member of the Government party and his loss we all mourn today.

With these words, I second the resolution.

Khan Bahadur ABDUL HAMID CHOWDHURY: Mr. President, Sir, it is with a heavy heart that I rise to associate myself with the sentiments and feelings so fully expressed in the resolution just moved by the Hon'ble the Leader of the House. Late Maulvi Abul Quasem was a gentleman in the real sense of the term. He was a man of courage of conviction, integrity of character and sincerity of purpose. A man of strong determination, he was all along straightforward, both in words and in action. Thought of favour or frown could never deviate him from the path of duties. Today I mourn along with others the loss of a noble friend, a great patriot, an ardent fighter and an over-zealous upholder of truth and justice. By his sudden death, which calamity has cast a gloom over the country, a void has been created and nobody can say when it will be filled, if filled up at all. In his private life he was as simple and unostentatious as a child; but in his public life he was as strong as stone. He has been suddenly snatched away from our midst by the cruel hands of Death in the prime of life which was chequered in its career. He was a brilliant scholar, an eminent professor and a shrewd lawyer. Having completed his education, he accepted the professorship of a Government college, but he was not a man to rot for long in bondage of service. During a comparatively short space of public life he was connected with many important functions, such as, membership of the Bengal Legislative Council, Bengal Wakfs Board, Calcutta University,

Land Revenue Commission and so on and so forth. In every sphere of his public activities he had uniformly proved himself worthy of his choice and selection. His memory will be cherished by the posterity with respect and reverence. May his soul rest in peace!

With these words, Sir, I lend my whole-hearted support to the resolution under discussion. Before I resume my seat, Sir, I venture to suggest that in following the usual practice of this Hon'ble House it may be adjourned as a mark of respect to the memory of the illustrious deceased immediately after disposal of this resolution without transacting any other business.

Mr. SHRISH CHANDRA CHAKRAVERTI: Mr. President, Sir, on behalf of the Congress Party which I have the honour to represent I beg to associate myself with what has fallen from the lips of the previous speakers. It was really a shock to me when I heard that our honourable friend Khan Sahib Maulvi Abul Quasem was no more. Perhaps it is the only certainty which happens in this world and which will come to each of us sooner or later. The time during which I came in touch with our late honourable friend I had really great admiration for him. He was bold and frank in his convictions. He was always bold in expressing what he thought. That is one of the sterling qualities which he had and which is conspicuous in most of us by its absence. With these words, Sir, I support the resolution moved by the Leader of the House.

Mr. HARIDAS MAZUMDAR: Sir, on behalf of the Nationalist Party I whole-heartedly support the resolution moved by my friend, the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hossain. The late Mr. Abul Quasem was really a great fighter in the field of politics. He was a straightforward politician and a man of strong convictions. This Council has lost in him a really good and brilliant speaker. I might have differences with him on many political issues but all differences are now hushed for ever, and now that the light on the side of existence has been extinguished, let the light of heaven shine his path and may his soul rest in peace. This is my prayer. With these words, I commend the resolution to the acceptance of the whole House. *Allah-ho-Akbar.*

Mr. W. B. G. LAIDLAW: Mr. President, Sir, I wish to associate myself with the remarks of the Honourable the Leader of the House and to pay a tribute to the memory of the late Khan Sahib Maulvi Abul Quasem whose passing away is keenly felt by each of the members of this party.

Mr. HUMAYUN KABIR: Sir, I beg to associate myself with the resolution moved by the Hon'ble the Leader of the House. Khan Sahib Maulvi Abul Quasem was one of the most prominent members of this House. What we valued most in him was the utter frankness with which he always expressed himself. We had sometimes our differences with him. In life it often happens that there are differences among the best of friends; but what remains is the memory of personal relationship. The late Khan Sahib Abul Quasem was a man of such sincere and cordial feelings, a man of such a warm heart that even those who differed most violently with him could not help admiring him and having a soft corner

in their heart for him. When we heard of his death, it came as a great shock. It was hard to believe that a man who was so quick, a person who had so much vitality in him and who was so much alive, should have been cut away in his prime before the promise which his life held could be fulfilled. I am sure everybody in this House will agree that Bengal is the poorer by his death today. May his soul rest in peace!

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, it is a most melancholy duty on my part to associate myself and my party with the resolution of condolence which has been moved by the Hon'ble the Leader of the House. Sir, it breaks my heart when I find myself speaking today on the death of one whom I held very dear indeed. I had known Khan Sahib Maulvi Abul Quasem for a very long time, and you, too, Sir, have known him for nearly as many years as I have known him. You will therefore be able to realise and appreciate when I say that the qualities which Abul Quasem had—and which were so patent and obvious in him—it is very difficult to find another man like him easily in this world. We have heard members paying a tribute to his ability, to his intelligence and to his forcible speeches, debating power, and so forth. These gifts, of course, he had; but there are others also who can have such gifts. They are not very rare in this world. But what he had and what is very rare in this world is sterling honesty, reliability and character, which in the present political atmosphere of this country, I regret to say, is very rare to come across indeed. Mr. Quasem's party allegiance can be considered as ideal but he never allowed his party allegiance to interfere with the welfare of the country as a whole. He was a person who always felt very deeply for the poorer classes of this country and in every action and speech of his he showed how deeply he felt for them. The Council's loss at his death has indeed been irreparable, but that is not the only thing. I think Bengal has lost what it will be many years before she can regain. With these words, I join the prayer of the Hon'ble the Leader of the House that his soul may rest in peace.

Alhadj Khan Bahadur Shaikh MUHAMMAD JAN: Mr. President, Sir, I whole-heartedly support the resolution moved by the Hon'ble the Leader of the House condoling the sad death of Khan Sahib Maulvi Abul Quasem and associate myself fully with the noble sentiments expressed by different speakers of this House in eulogy of the departed soul. Unfortunately, when he died in Calcutta I was not present here and I did not know of this calamity until I saw the report about the condolence resolution passed in the other House. I was mortified to find that a man of his health, and so young, should have died so suddenly. But death does not know where or when to come. Although late Khan Sahib Abul Quasem and myself did not see eye to eye as regards political issues, we used to admire each other for the sincerity of purpose which we both possessed. Khan Sahib Abul Quasem often roared in this House like a lion and most bitterly criticized his political opponents including myself; but I remember that he often came to me after the speech and apologised for the remarks which he might have made against me personally. I also used to apologise to him for hard

words which I might have used against him. That shows how sincere we were to each other though we differed in the political field. As other speakers would like to speak, I do not want to take the precious time of the House any more. I pray to the Almighty that his soul may rest in peace. With these words, I associate myself fully with the resolution.

Mr. PRESIDENT: The Chair associates itself whole-heartedly with the sentiments expressed by the honourable members representing all sections of the Council in supporting the condolence resolution moved by the Hon'ble the Leader of the House about the death of Khan Sahib Maulvi Abul Quasem, one of our valued colleagues.

The Khan Sahib's distinguished academic career gave a promise of his future eminence in the public life of this province. After taking the M.A. degree in English, he accepted appointment as a Lecturer in the Intermediate College, Dacca. But he soon joined the Alipore Bar where he succeeded in establishing a lucrative practice. Thereafter, he became an advocate of the High Court and continued to practise there till his death.

He became a member of the old Bengal Legislative Council from the Khulna Rural Muslim Constituency. In 1940 he was returned to this House through indirect election. Besides this, he was actively associated with several official and non-official public institutions of this province. He rendered commendable services as a member of the Wakf Board and of the Bengal Land Revenue Commission. As a member of the Bengal Legislative Council and of the Khulna District Board, the Khan Sahib vigorously championed the cause of the rural population and was instrumental in securing relief for them in many ways. He was nominated a Fellow of the Calcutta University where he attracted attention by his keen advocacy of the spread of Islamic culture.

As a legislator, the Khan Sahib often made valuable contributions to the proceedings of this House. His speeches always reflected his courage of conviction and were marked with clarity of expression.

I believe it is the unanimous desire of the House that a message of sympathy should be sent on our behalf to his family in this great loss.

(Voices: Yes.)

In honour of his memory, I would request the honourable members to rise in their places.

(Honourable members rose in their places.)

Thank you.

Out of respect to the memory of Sir John Herbert and Khan Sahib Abul Quasem the House stands adjourned till 2 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2 p.m. on Tuesday, the 8th February, 1944.

Members absent.

The following members were absent from the meeting held on the 7th February, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Fariduddin Ahmad.
(3) Mr. Nur Ahmed.
(4) Mr. Kader Baksh.
(5) Mr. Dhirendra Lal Barua.
(6) Mr. Humayun Reza Chowdhury.
(7) Mr. Narendra Chandra Datta.
(8) Mr. Kamini Kumar Dutta.
(9) Khan Bahadur Abdul Gofran
(10) Mr. J. McFarlane.
(11) Mr. Naresh Nath Mookerjee.
(12) Mr. Bankim Chandra Mukherji.
(13) Mr. T. B. Nimmo.
(14) Mr. R. S. Purssell.
(15) Khan Bahadur Kazi Abdur Rashid.
(16) Dr. Kasiruddin Talukdar.

BGP-43/4-10900A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 2.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 8th February, 1944, at 2 p.m., being the second day of the First Session of 1944, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Distribution of Covernment grants to aided schools.

1. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state why the Government grants to aided schools have not yet been distributed to the schools other than those classed as "Central Schools"?

(*b*) What is the total number of students attending the "Central Schools" and what grants have they received?

(*c*) Why are the Government anxious to close all schools and colleges in Calcutta as per their *communiqués* of the 25th June, 1942, and of the 12th September, 1942? Will the Hon'ble Minister kindly explain what he meant by his statement in this Council on the 12th September, 1942, that he served the interest of education by closing the institutions? Are the Government aware that the authorities of many institutions for their financial loss due to their closing from December, 1941, till June, 1942, were prepared to keep their institutions open on their own responsibility as there were no disturbances?

(*d*) Are the Government now ready with their scheme of residential institutions in the "safe areas"? Do they adhere to it and are they ready to publish it?

(*e*) Have the Government helped any private institution to evacuate to the "safe areas" and followed any uniform principle of giving grants to such institutions? How many such institutions have applied for Government assistance to start such residential branches, but have not yet got it?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Government do not encourage girls to remain in danger zones like Calcutta; but as it was realised that some girls would have to remain in Calcutta because their parents could not leave

the city or arrange for sending the girls away, certain schools were selected in central places to serve the educational requirements of the girls living in the neighbourhood. All other schools were advised to close down temporarily. To these "Central" Schools, regular and enhanced grants-in-aid are being paid. Certain other schools, situated in outlaying parts of the city from which girls could not conveniently attend the Central Schools were also allowed to work as "approved" schools. All other girls' schools were asked to close down and schools which insisted on keeping open against the advice of the Department, were not paid any grant-in-aid. Almost all the girls' schools in the city co-operated with the scheme.

(*b*) A statement is laid on the Table.

(*c*) Government advised the closing of all schools (but *not* Men's Colleges) as a temporary measure, because it was considered desirable to remove children and women away from vulnerable areas. In September, 1942, schools and colleges in Calcutta were asked to close down temporarily in view of the disturbed political condition in the City. Had the institutions been kept open in the then state of excitement and disturbance, no serious work would have been possible while school children and college students might have been involved in the disturbances with unfortunate consequences. It was, therefore, in the interest of their education that the institutions were closed. Particular institutions might have been unaffected, it is true; but their pupils might have been victims on their way to and from school.

(*d*) The scheme was to build unit hostels of approved pattern in 14 centres in non-vulnerable and suitable areas and to attach these hostels to approved schools or to establish temporarily new schools, which would work by arrangement in existing school buildings in these areas. As only a small number of school children appeared to be ready to join the proposed residential units, as an experimental measure only 3 unit hostels were proposed to be put up at Murshidabad. (Out of a total school population of roughly 252,000, only 528 appeared to be willing to go to the proposed residential units.) The idea was that if after these units were established and found to work well, more children were ready to go, more units would be put up in other areas. In view, however, of the prevailing altered circumstances and the heavy rise in the price of building materials, the scheme for the construction of 3 unit hostels had to be held in abeyance.

(*e*) Roughly about 50 Indian schools evacuated to safe areas; some of these schools moved out because their buildings were requisitioned for Civil Defence or military purposes. In such cases, ample and adequate compensation has been paid. Financial assistance has been given to St. Scholastica's Convent, Chittagong, St. Placid's School and the Welland Goldsmith School, Calcutta. The case of each institution was dealt with on its own merits and no rigid "uniform" rules were laid down. The cases of two other girls' schools are under examination.

Statement referred to in reply to question No. 1, showing the particulars of Central Schools for girls in Calcutta and its suburbs.

Name and location of schools.	Average roll strength during—		Amount of grant sanctioned during—				Number of pupils on the roll at present.
			1941-42.		1942-43.		
	1941-42.	1942-43.	Non-recurring.	Recurring.	Non-recurring.	Recurring.	
1	2	3	4	5	6	7	8
I. Calcutta.			Rs.	Rs.	Rs.	Rs.	
1. Beltola Girls' High School, 17, Beltola Road ..	1,057	608	..	6,000	..	4,000	835
2. Victoria Institution, 78B, Upper Circular Road ..	394	181	..	9,960	..	9,888	415
3. New Girls' School, 23A, Boloram Ghosh Street ..	31	94	1,000	..	..	17,213	410
4. Kamala Girls' High School, 19, Deshapriya Park Road	320	206	..	5,400	..	5,198	379
5. St. Margaret's High School, 19, Duff Street, and Pachamba.	303	179	..	7,200	..	7,200	(a)278
6. Sir R. C. Mitter Memorial School, 15, Jogesh Mitter Road.	201	52	..	4,200	..	4,479	243
7. Ballygunge Girls' High School, 4, Hindusthan Road ..	303	103	..	4,200	..	5,261	310
8. St. Mary's High School, 15, Convent Road ..	242	154	..	4.200	..	4,200	160
9. Sakhawat Memorial Girls' (Moslem) High School, 17, Lord Sinha Road.	355	65	..	Government High School.	..	..	199

(a) Calcutta 236
Pachamba 42
278

Name and location of schools.	Average roll strength during—		Amount of grant sanctioned during—				Number of pupils on the roll at present.
			1941-42.		1942-43.		
	1941-42.	1942-43.	Non-recurring.	Recurring.	Non-recurring.	Recurring.	
1	2	3	4	5	6	7	8
II. Suburbs of Calcutta.			Rs.	Rs.	Rs.	Rs.	
1. Surah Kanya Bidyalaya, 27A, Hara Mohan Ghosh Lane, Baliaghata.	229	133	..	3,600	..	3,269	137
2. Jeeva Shiva Mission Kiron Chandra High School, 10/3, Christopher Road.	137	80	..	2,400	..	3,600	78
3. Dhakuria Binodini Girls' High School, Dhakuria	228	123	..	1,800	..	3,583	200
4. Chetla Girls' High School, 66/1, Jaynuddi Mistri Lane, P. O. Alipore.	193	138	..	2,400	..	(*b*) 1,200	134
Total :	..	..	..	..	..	..	3,579
(*b*) Started in September, 1942				..	..	..	64
					Total ..	..	3,643

*Started in March, 1942, after amalgamating three aided and one unaided high schools in the building of the Church of S. Duff School which was closed down for the emergency period. These three aided high schools and the Duff School used to get a total grant of Rs. 22,800 per annum as per details given below:—

							Rs.
Binapani Purdah High School —1,100 × 12	..	..	..	..	..	=	13,200
Peary Charan Girls' High School—300 × 12	..	..	..	..	..	=	3,600
Shyambazar High School—200 × 12	..	..	..	..	..	=	2,400
Duff School—300 × 12	..	..	..	..	..	=	3,600
							22,800

Mr. LALIT CHANDRA DAS: What are the names of the two other girls' schools?

The Hon'ble Mr. TAMIZUDDIN KHAN: I want notice.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state what provisions the Government made for the school teachers when the schools were forced to go out of Calcutta?

The Hon'ble Mr. TAMIZUDDIN KHAN: All that I know, Sir, is that some special grants were made for school teachers who were affected by the crisis.

Mr. HARIDAS MAZUMDAR: Is the Hon'ble Minister aware that suitable or rather ample provisions had been made in London which was the target of German air-raid for school teachers who were forced to go out of the city?

The Hon'ble Mr. TAMIZUDDIN KHAN: I am not aware of that.

All-India Spinners' Association and Khadi Pratisthan, etc.

2. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that the All-India Spinners' Association, the Khadi Pratisthan and the Khadi Mondal have been declared illegal by the Government of Bengal?

(*b*) Is it a fact that the stocks of khadi and the moneys of those institutions have been seized by the Government?

(*c*) Will the Government be pleased to state—

(*i*) the places where such seizures have been made, showing against the name of institution or institutions whose stocks or money have been seized;

(*ii*) the value of the stock so seized; and

(*iii*) the amount of cash money seized?

(*d*) Will the Government be pleased to state how they have dealt with the stocks or moneys thus seized and what portion, if any, of such stocks has been used by the Government?

(*e*) Have not such seizures and stopping of those institutions resulted in the increase of acuteness about the shortage of cloth supplies? If so, will Government consider the desirability of removing the ban on those institutions?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) A statement is laid on the Table showing the associations that have been declared illegal.

(*b*) Yes.

(*c*) Statements are laid on the Table so far as can be compiled.

(*d*) Stocks and money seized are in the custody of Government except for such articles of clothing, etc., as were requisitioned and used for the relief of distress in the areas affected by the cyclone and tidal wave of 16th October, 1942.

(*e*) I do not think so. No.

Statement referred to in reply to question No. 2(a).

Statement showing names of institutions declared unlawful under the Indian Criminal Law Amendment Act.

(1) All-India Spinners' Association at Englishbazar, Malda town, Malda.
(2) Sadullapur sub-branch of the All-India Spinners' Association, Malda.
(3) Sersahi sub-branch of the All-India Spinners' Association, Malda.
(4) Bistupur branch of the All-India Spinners' Association, Birbhum.
(5) Sibdaspur branch of the All-India Spinners' Association, Birbhum.
(6) Bolpur Station Road branch of the All-India Spinners' Association, Birbhum.
(7) Santiniketan branch of the All-India Spinners' Association, Birbhum.
(8) All-India Spinners' Association at Banglabazar, Dacca.
(9) Abhoy Asram at Bakhari, Dacca.
(10) Malikanda Abhoy Asram, Dacca.
(11) All-India Spinners' Association at Rajpura, Dacca.
(12) All-India Spinners' Association (Abhoy Asram) at Samshabad, Dacca.
(13) All-India Spinners' Association at College Street Market, Calcutta.
(14) All-India Spinners' Association at 70, Ashutosh Mukharji Road, Calcutta.
(15) Comilla Khadi Bhandar, Comilla, Tippera.
(16) Baghi branch of the All-India Spinners' Association, Tippera.
(17) Brahmanbaria Charka Bidyalaya, Tippera.
(18) Gokarna branch of the All-India Spinners' Association, Tippera.
(19) Asta Mahamaya Centre, Tippera.

Statement referred to in reply to question No. 2(c)(i).

Names of institutions where stocks of khadi and/or money have been seized.

(1) Rajshahi Khadi Pratisthan, Rajshahi.
(2) Atrai Khadi Pratisthan, Atrai, Rajshahi.
(3) Sonamukhi Centre of the All-India Spinners' Association, Sonamukhi police-station, Bankura.
(4) Biharjuri Centre of the All-India Spinners' Association, Gangajalghati police-station, Bankura.
(5) All-India Spinners' Association at Englishbazar, Englishbazar, Malda town.

(6) Sadullapur sub-branch of the All-India Spinners' Association, Englishbazar police-station, Malda.
(7) Sersahi sub-branch of the All-India Spinners' Association, Kaliachak police-station, Malda.
(8) Bistupur branch of the All-India Spinners' Association, Rahmalpur police-station, Birbhum.
(9) Bolpur Station Road branch of the All-India Spinners' Association, Bolpur police-station, Birbhum.
(10) All-India Spinners' Association at Banglabazar, Sutrapur police-station, Dacca.
(11) Abhoy Asram at Bakhari, Shivalaya police-station, Dacca.
(12) Malikanda Abhoy Asram, Dohar police-station, Dacca.
(13) All-India Spinners' Association at Raipura, Raipura, Dacca.
(14) All-India Spinners' Association (Abhoy Asram) at Samshabad, Nawabganj police-station, Dacca.
(15) All-India Spinners' Association at College Street Market, Calcutta.
(16) Munshirhat Khadi Pratisthan, Chhagalnaiya police-station, Noakhali.
(17) Rajumiarhat Khadi Pratisthan, Uttarpanua village, Chhagalnaiya police-station, Noakhali.
(18) Santirhat Darogahat Khadi Pratisthan, Kaiara village, Chhagalnaiya police-station, Noakhali.
(19) Parashuram Khadi Mondal, Kolapara village, Parashuram police-station, Noakhali.
(20) Comilla Khadi Bhandar, Comilla, Tippera.
(21) Baghi branch of the All-India Spinners' Association, Nasirnagar police-station, Tippera.
(22) Brahmanbaria Charka Bidyalaya, Tippera.
(23) Gokarna branch of the All-India Spinners' Association, Nasirnagar police-station, Tippera.
(24) Asta Mahamaya Centre, Faridganj police-station, Tippera.
(25) Barkanta branch of the All-India Spinners' Association, Chandina police-station, Tippera.
(26) Siddiganj Bazar branch of the All-India Spinners' Association, Muradnagar police-station, Tippera.
(27) Bitghar branch of the All-India Spinners' Association, Nabinagar police-station, Tippera.

[*Note.*—Item No. (26) has since been released.]

Statement referred to in reply to question No. 2 (c)(ii) and (iii).

Value of stock seized—Rs.99,201-7-3.

Amount of cash money seized—Rs.4,994-14-1½ (including bank deposit of Rs.1,918-7-6).

Mr. HARIDAS MAZUMDAR: Arising out of (*d*), will the Hon'ble Minister be pleased to state whether the moneys seized and kept in the

custody of Government will be refunded to the organisations from whom they have been seized when the ban on such organisations will be removed.

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot tell you what will be done. I do not know when the properties seized will be given back. I think it will depend on the time.

Mr. NAGENDRA NATH MOHALANABIS: Sir, may I know under what authority and under what rule or law these things were confiscated and whether they will be returned when the ban is removed?

The Hon'ble Khwajja Sir NAZIMUDDIN: These things were not confiscated. They were seized. I cannot give the honourable member an assurance whether Government will return the things even when the ban will be removed.

Mr. NAGENDRA NATH MOHALANABIS: If they are not confiscated, may I know whether Government is entitled to retain them indefinitely?

Mr. PRESIDENT: Mr. Mohalanabis, you cannot argue with the Hon'ble Minister. If you have got any other questions to put for eliciting further information you can do so.

Mr. NAGENDRA NATH MOHALANABIS: Will the Hon'ble Minister be pleased to state whether Government are entitled to retain things indifinitely without confiscating them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the section under which they have been seized.

Mr. NARESH NATH MUKHERJEE: Is the Hon'ble Minister aware that the Khadi Pratisthan runs a very large chain of grocers' shops in the city and that this confiscation has resulted in the closing down of their whole organisation much to the inconvenience of the people of Calcutta? I would like to know whether the Hon'ble Minister proposes at least to allow these shops to be reopened, because even when it was impossible to get good rice and also ghee from Government shops and the markets, this organisation met the needs of the people very well?

Mr. PRESIDENT: Mr. Mukherjee, please put your question in question form.

Mr. NARESH NATH MUKHERJEE: All right, Sir. Will the Hon'ble Minister consider the reopening of that section of the Khadi Pratisthan organisation which does not deal with khaddar?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, not till the ban is removed.

Mr. NARESH NATH MUKHERJEE: Has the ban been imposed even on the grocers' section of the Khadi Pratisthan?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, any organisation run by the Khadi Pratisthan is still under the ban.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please state whether the amount obtained from the sale of the stock of the Khadi Pratisthan requisitioned for the relief of distress will be credited to the account of the Pratisthan——

Mr. PRESIDENT: I could not follow your question; please make it clear.

Mr. HARIDAS MAZUMDAR: A certain quantity of khaddar and other clothings have been requisitioned from the Khadi Pratisthan and other organisations for the relief, ostensibly, of distress in certain villages. My question is whether the amounts that will be realised or may be realised from the sale of those goods will be credited to the account of the Khadi Pratisthan when the ban will be removed. I want to know how this accounting will be made up.

The Hon'ble Khwaja Sir NAZIMUDDIN: The accounting or valuation of the stuff used for the relief of the distressed will take place afterwards.

Family allowance of Srijut Prafulla Kumar Ghose.

3. Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether Srijut Prafulla Kumar Ghose, Pleader, Bongaon, Jessore, is a security prisoner, confined in the Jessore Jail;
(*b*) if so, since when he has been so confined;
(*c*) what is the amount that has been sanctioned as allowances for the maintenance of his family;
(*d*) whether he has sent a petition praying for reconsideration of the allowances sanctioned for his family; and
(*e*) if so, what has been the result?

The Hon'ble Khwaja Sir NAZIMUDDIN: The security prisoner was released on 29th April, 1942. He has been granted a family allowance of Rs.40 per mensem for the period of his detention as a security prisoner.

Detention of Dr. Bhupal Bose.

4. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether Dr. Bhupal Bose was released in June, 1938, on medical grounds and whether he has again been made a security prisoner from April, 1940, and is now confined in the Rajshahi Jail.
(*b*) whether it is not a fact that he has a large number of dependants to support and that all properties were confiscated by the Government at the time of his first arrest in 1930;
(*c*) whether Government received representation, and if so, how many, from him from time to time for suitable maintenance allowance to his family; what has become of those petitions; and

(*d*) if the Government propose to consider his case and grant his family due maintenance allowance without further delay; if not, what are the grounds for such refusal; whether in the alternative the Government propose to release him to enable him to earn his livelihood and maintain his family?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes. He is now detained in the Buxa Special Reserve Jail.

(*b*) One of his brothers with his family (consisting of wife and four minor children) was practically dependent on him.

His properties were not confiscated by the Government at the time of his arrest in 1930.

(*c*) and (*d*) Some representations from the prisoner for family allowance were received by the Government and on careful consideration a monthly allowance of Rs.40 was sanctioned to the security prisoner's brother Babu Subodh Chandra Bose with effect from the 1st August, 1942. This amount has been enhanced to Rs.80 with effect from the 1st April, 1943, under the liberal policy of the present Ministry.

Mr. SHRISH CHANDRA CHAKRAVERTI: Does the Hon'ble Minister think that Rs. 80 is quite adequate for the needs of the family he has just now mentioned?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a hundred per cent. increase.

Mr. LALIT CHANDRA DAS: When the present Ministry raised it to Rs. 80, may I enquire what was the price of rice per maund? Was it Rs. 40 per maund?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice: I think the honourable member knows better.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to explain why he emphasised the words "liberal policy" when he cannot answer this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, Sir, no answer is required to this question.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state if an allowance of Rs. 80 to the family is commensurate with the valuable property confiscated?

The Hon'ble Khwaja Sir NAZIMUDDIN: Will the honourable member kindly read the answer before putting the question?

Inundation in the Kandi subdivision.

5. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) whether it is a fact that during the rainy season the whole neighbouring tract of country near Purandarpur village on the west of Radharghat Road in the Kandi subdivision, in the Murshidabad

district, becomes heavily inundated by the embankment at Banka endangering life and property and damaging crops and cultivation;

(*b*) whether this fact has been duly brought to the notice of the District authorities by the local residents;

(*c*) whether in April, 1942, the affected area was in consequence inspected by the then District Magistrate, Mr. Hiran Lal Mukherjee, along with Prince Kasim Ali Mirza and Mr. Sasanka Sekhar Sanyal, M.L.A.;

(*d*) whether as a result of that local investigation, the Executive Engineer, Nadia-Murshidabad, was charged with further investigation into the matter and to send up a report; and

(*e*) the result that has ensued so far as an outcome of that enquiry and investigation?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Barada Prasanna Pain): (*a*) Yes. The area known as Hijal area is subject to inundation in years of heavy rainfall.

(*b*) and (*c*) Yes.

(*d*) and (*e*) The area is a natural depression and is flooded in years of heavy rainfall by the simultaneous discharge of the hill torrents—More, Brahmani and Dwarka. A number of embankments erected by private parties interfere with the drainage. The question of relief is under consideration.

Crimes against women.

6. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact that the crimes against women have increased in Bengal during the last ten years?

(*b*) Is the Hon'ble Minister aware that the traffic in women for immoral purposes has not been checked by the working of the Eastern Bengal and Assam Disorderly House Act and the Bengal Suppression of Immoral Traffic Act?

(*c*) Do the Government propose to form a small committee of officials and non-officials to review the working of these two Acts and to suggest proper amendments to them? If not, why not?

(*d*) Is it a fact that the number of brothels in all important towns of Bengal has increased during the last ten years?

(*e*) If so, what measures have been adopted and are intended to be taken to check the growth of brothels in Bengal towns?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes, on the whole.

(*b*) These Acts have undoubtedly contributed towards suppressing the evil.

(*c*) No.*

(*d*) I have no information about districts. The number of brothels in Calcutta considerably decreased during the period. Four hundred and eighty-one brothels have been closed down in the five years 1938-42; the number has, however, been increasing from the year 1942.

(*e*) Usual action under the Bengal Suppression of Immoral Traffic Act is taken.

Mr. Suresh Chandra Gupta.

7. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if he is aware that Mr. Suresh Chandra Gupta of Barisal is a security prisoner and his wife Mrs. Hemlata Gupta is also a home internee;

(*b*) if he is aware that she is burdened with two unmarried daughters and is entirely dependent on her husband; and

(*c*) if the answer to the parts (*a*) and (*b*) be in the affirmative, whether the Government propose to relieve her distress by granting a suitable monthly allowance without further delay?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Yes.

(*c*) An allowance of Rs.60 per month has already been granted to the wife with effect from the date of the security prisoner's arrest.

Maintenance of the family of persons detained under rules 26 and 129 of the Defence of India Rules.

8. Mr. NAGENDRA NATH MOHALANABIS: Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Government have granted any allowance for the maintenance of the family and education of the children of all or any of the persons detained under rules 26 and 129 of the Defence of India Rules? If not, will the Government be pleased to grant such allowances to minimise the hardships to the family and children of such persons?

The Hon'ble Khwaja Sir NAZIMUDDIN: In deserving cases Government have granted maintenance allowance to the families of security prisoners detained under rule 26 of the Defence of India Rules.

Prisoners arrested under rule 129 of the Defence of India Rules cannot be detained for more than two months. Every effort is made to examine their cases as expeditiously as possible with the result that they are either detained further under rule 26 or released. Family allowances granted to prisoners detained under rule 26 are ordinarily given effect to from the date of arrest, thus covering the period spent as prisoners under rule 129.

*The number of offences against women in 1942 is less than that for the four preceding years. The honourable member has introduced two Bills for the amendment of the Eastern Bengal and Assam Disorderly House Act and the Bengal Suppression of Immoral Traffic Act, which are under consideration at present.

Mr. NAGENDRA NATH MOHALANABIS: May I enquire whether there are a set of rules declaring who are deserving and who are not deserving, or it depends on the discretion of the Hon'ble Minister in individual cases?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government decide who are deserving and who are not deserving. Government follow a particular principle on which each case is decided.

Mr. NAGENDRA NATH MOHALANABIS: May I know the principle on which it is decided?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the various communiques issued on this question from time to time.

Employment of unemployed poor teachers.

9. Mr. HARIDAS MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the attention of the Government has been drawn to the fact that the poor teachers employed in the various educational institutions of the Province are suffering heavily for the dislocation of their work and the abnormal rise in the price of the foodstuffs and cloth?

(*b*) Do Government propose to take necessary steps to absorb them in some work connected with the civil defence of the country or otherwise without further loss of time? If not, why not?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Yes.

(*b*) The applications of such teachers receive due consideration in the departments concerned.

Abnormally high prices of foodstuffs.

10. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if he is aware that the agriculturists in Bengal are undergoing great hardships on account of abnormally high prices of foodstuffs and other necessaries of life?

(*b*) If so, what measures have been taken by the Government of Bengal to give relief to the agriculturists of Bengal by way of remission of rent, grant of agricultural and other loans on a larger scale and otherwise?

(*c*) Is it a fact that widespread distress prevails among the agriculturists in the district of Chittagong, and many are actually starving there?

(*d*) If so, do the Government propose to open test relief centres at suitable places at Chittagong for the relief of the agriculturists and landless labourers of Chittagong? If not, why not?

(*e*) What is the total amount of money that has been advanced (*i*) by way of agricultural loan, (*ii*) by way of crop loan, and (*iii*) by way of gratuitous relief in Bengal in the years 1938-39, 1939-40, 1940-41, 1941-42, 1942-43 and up to 30th June, 1943, and how much in each district of Bengal?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) In areas where there has been a failure of crops due to natural calamities or other causes, the small agriculturists are undergoing hardships on account of abnormally high prices of foodstuffs and other necessaries of life. Big agriculturists, however, grow sufficient foodgrains for consumption and sale and are not badly off.

(*b*) The high prices of staple food crops have benefited the agriculturists to some extent. Remission of rent is, however, granted in deserving cases. A total sum of Rs.1,74,19,350 has so far been sanctioned as agricultural loan during the current financial year.

(*c*) *Vide* reply to (*a*). The agriculturists are not the worst sufferers.

(*d*) Government have already opened test relief centres at suitable places in the district of Chittagong for landless labourers and other distressed persons.

(*e*) A statement is laid in the Library.

Mr. SHRISH CHANDRA CHAKRAVERTI: With reference to (*b*), will the Hon'ble Minister please let us know the amount of remission of rent granted?

The Hon'ble Mr. TARAK NATH MUKERJEA: In the whole province or in one district?

Mr. SHRISH CHANDRA CHAKRAVERTI: In the whole province.

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Mr. NUR AHMED: Arising out of (*b*), what is the amount of remission in Chittagong?

The Hon'ble Mr. TARAK NATH MUKERJEA: I cannot mention the amount offhand.

Deaths due to starvation in Chittagong.

11. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that many deaths due to starvation have occurred in Chittagong town and rural areas and their number is daily on the increase?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is a matter of regret that many deaths have occurred from starvation and allied causes. The number of such deaths is, however, now decreasing.

Declaration of Chittagong as a famine area.

12. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if the Government propose to declare Chittagong a famine area and to take prompt measures for the relief of the suffering of the people in Chittagong on the lines of those taken in Midnapore after the recent cyclone and flood? If not, why not?

The Hon'ble Mr. TARAK NATH MUKERJEA: The desirability of declaring famine in the most distressed areas of the Province is under the consideration of Government. Meanwhile, steps have been taken in Chittagong along with other distressed areas to administer relief on a famine basis.

Strikes in jute mills.

13. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state the number of strikes and trade disputes with number of workers affected by the same in the jute mills of Bengal from September, 1939, to June, 1943, year by year, and what are the causes of the same and what steps the Government have taken to meet the grievances of the jute mill workers?

(*b*) Will the Hon'ble Minister also please state how many times during the present war the Jute Mills Association resorted to sealing of looms and shortening of hours and give all relevant facts and figures showing the number of workers affected by the same on each occasion with reference to their loss of employment and decrease in earnings? How many workers were dismissed in all jute mills owing to the last sealing of looms by 10 per cent.?

(*c*) Will the Hon'ble Minister please state what preventive steps the Government have taken to stabilise the situation and protect the jute workers against frequent dismissals and loss of earnings? If no preventive steps have been taken, what is the reason therefor?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Khwaja Shahabuddin): (*a*) There were 117 disputes in different jute mills in Bengal from September, 1939, to June, 1943, *i.e.*, 26 in 1939, 16 in 1940, 14 in 1941, 38 in 1942, and 23 in 1943 (up to June). It is difficult to compile figures, year by year, of number of workers affected and will take time. The causes that led to the strikes in most cases included demands for increase in wages, dearness allowance, etc.; and in recent cases of strikes demand for the increased quota of foodgrains at cheap rates and supply of ration have been the main causes.

Government and the Labour Commissioner have advised employees from time to time as deemed necessary and various concessions have been granted between September, 1939, and June, 1943.

(*b*) A statement showing the alterations made by the Indian Jute Mills Association in the working hours of jute mills and in the number of looms working since the outbreak of the war is placed on the Table.

I am informed that it is not possible for the Association to furnish the number of workers financially affected on each occasion but that in many cases the workers were absorbed into work of a temporary nature and with the existence of a heavy leave roster, they were also absorbed into normal mill occupations.

10,509 workers were out of employment consequent upon the sealing of looms.

(*c*) Individual cases of dismissal were taken up with the employers and workers reinstated whenever possible.

Statement referred to in reply to question No. 13(b).

Indian Jute Mills Association.

Working Time Agreement: Working hours in Jute Mills.

From 13th September, 1939—45 hours per week.

From 25th September, 1939—54 hours per week.

From 3rd November, 1939—60 hours per week.

From 8th April, 1940—54 hours per week.

From 19th August, 1940—45 hours per week.

From September, 1940—Mills should close one week in September, October and November and again in January and March, 1941, and thereafter 45 hours per week without closing any weeks.

From 1st September, 1941—50 hours per week.

From 13th October, 1941—54 hours per week.

From 6th November, 1941—60 hours per week.

From 18th May, 1942—54 hours per week with 10 per cent. looms sealed.

From 15th March, 1943—60 hours per week without sealing any loom.

From 17th May, 1943—54 hours per week with 10 per cent. of looms sealed.

From 14th June, 1943—54 hours per week without sealing any loom.

Mr. K. C. ROY CHOWDHURY: Is the Hon'ble Minister aware of the fact that several jute mills have been taken over by the military in Barrackpore subdivision and several hundreds of men have lost their jobs in consequence, and that many thousands have to work complicated multiple shifts?

The Hon'ble Mr. Khwaja SHAHABUDDIN: May I submit, Sir, that this question does not arise?

Mr. PRESIDENT: I was also going to say that the question does not arise.

Mr. K. C. ROY CHOWDHURY: My question (*c*) refers to loss of jobs *due to sealing of looms but my present question refers to loss of jobs due to military occupation. So my supplementary question is more or less an allied question.*

Mr. PRESIDENT: I am afraid, not.

Price of Jute.

14. Mr. HAMIDUL HUQ CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state if he is aware that the Jute Mills Association have fixed

the maximum purchasing price of raw jute at Rs. 10 or thereabout per maund by what is known as a Gentleman's Agreement amongst the members of the mills?

(*b*) Is he also aware of the fact that in order to force down the price of raw jute to this level the railways and steamers are refusing to take jute from mofussil centres except for the members of the Jute Mills Association? Do the Government propose to take up this question with the Central Government and the Jute Mills Association with a view to removing the grievances of the growers?

The Hon'ble Mr. Khwaja SHAHABUDDIN: (*a*) Yes, but the prices fixed by the Association are for all *Jat* Jute.

Tops, Rs.19; Middles, Rs.17; Bottoms, Rs.14.

(*b*) No.

Muslim Female Medical Practitioners in Bengal.

15. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state what at present is the total number of lady doctors or female medical practitioners in Bengal?

(*b*) What is the ratio of lady doctors to per thousand women population in Bengal?

(*c*) (*i*) How many medical schools and colleges have been established exclusively for lady students, and (*ii*) in how many medical schools and medical colleges special facilities are given to girl students?

(*d*) What is the total number of girl students in—

(*i*) medical schools; and

(*ii*) medical colleges in Bengal;

and out of this number, how many are Muslims and how many are non-Muslims?

(*e*) What arrangements and facilities exist at present for the training of *pardanashin* Muslim girls in medical schools and colleges of Bengal?

(*f*) Do the Government propose to provide special facilities for the training of *pardanashin* Muslim girls in medical schools and colleges? If not, why not?

(*g*) Is the Hon'ble Minister aware that there is a great demand for lady doctors, especially Muslim lady doctors, in Bengal?

(*h*) If so, do the Government propose to provide suitable conditions and facilities to Muslim girls to attract them to the medical profession? If not, why not?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) There are about 172 registered female medical practitioners in this Province.

(*b*) One per two hundred thousand women.

(*c*) (*i*) None.

(*ii*) Special facilities are given to girl students in the Medical College, Calcutta, as well as in seven out of the nine recognised medical schools in the Province.

(*d*) (*i*) Eighty-five, of which 5 are Muslims and 80 non-Muslims.

(*ii*) Fifty (in the Medical College, Calcutta), up to the end of the Session 1942-43, of which one was a Muslim and the rest non-Muslims. Thirteen girl students have been selected for admission into the Medical College, Calcutta, during the current session, out of which 2 are Muslims. There are no girl students in the Carmichael Medical College, Belgachia.

(*e*) and (*f*) There are no special arrangements for the training of *pardanashin* Muslim girls in the medical colleges and schools. It is not possible to make separate arrangements for the attendance of *pardanashin* girl students at lectures, practical classes and hospital wards.

(*g*) and (*h*) I am aware of the urgent need for lady doctors generally, including Muslim lady doctors, in this Province. Steps will be taken with the return of normal times to increase their number as far as practicable.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state the reason why medical schools or colleges exclusively for women have not been opened in Bengal?

Mr. PRESIDENT: Mr. Mazumdar, will you kindly repeat your question?

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state the reason why medical schools or colleges exclusively for women have not been opened in Bengal?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: There has been no serious demand up to this time.

Babu Kishori Kishore Sarkar.

16. Mr. AMULYADHONE ROY: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether Babu Kishori Mohan Sarkar, a lunatic, son of Babu Haradhan Sarkar, of Bongong town, district Jessore, was arrested by the Police in the year 1936;

(*b*) whether the said lunatic was transferred to the Jessore District Jail; and

(*c*) what is his condition and the place where he is detained now?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*) The correct name of the person referred to is Kishori Kishore Sarkar. He was arrested in 1938.

(*b*) Yes.

(c) His general physical condition is good. His mental condition is improving. The delusions from which he used to suffer are progressively fading and appearing less frequently. He is now detained in the Dum Dum Central Jail.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state the reason why a lunatic is kept in jail instead of being sent to lunatic asylums of Ranchi or Mankundo?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: On account of particular symptoms of this patient he was put in the Dum Dum Central Jail. He was not showing signs for which lunatics are required to be kept in lunatic asylums.

Mr. HARIDAS MAZUMDAR: What are the special reasons, in the opinion of the Hon'ble Minister, that led this particular patient to be declared a lunatic and kept in a jail?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I want notice.

Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister kindly say whether this man was examined by a mental doctor?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I have no materials at present from which I can answer it.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please state whether Government will consider the advisability of keeping the lunatics not in jail but in the lunatic asylum?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: There are many types of lunatics. First of all, the criminal lunatic. They first come to jail having committed a crime and are then sent to a lunatic asylum. With regard to this particular lunatic, I have at present got no material to answer the question.

Mr. HAMIDUL HUQ CHOWDHURY: Does the Hon'ble Minister know that detention of a lunatic in jail requires that he must be convicted first? Otherwise his detention has to be in hospital and not in jail.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: As I have said, I have got no material to answer this question.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please state if he is aware that there is accommodation in Ranchi and other places for lunatics who have got criminal tendencies?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Yes, there are, and I am aware of it. First of all, if a lunatic commits any crime, he is convicted and then sent to a lunatic asylum.

Mr. HAMIDUL HUQ CHOWDHURY: But can a lunatic be convicted at all?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: If the lunatic is not a criminal lunatic, then he may remain in hospital; but if he is declared a criminal lunatic he will be sent to the asylum; his guardians also may send him there if necessary.

Mr. PRESIDENT: The Hon'ble Minister should take his seat when he has finished his reply.

Mr. HAMIDUL HUQ CHOWDHURY: My question was: whether a lunatic can ever be tried and sentenced.

Employment in Chittagong Municipality.

17. Khan Sahib ABDUL AZIZ: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state how many Muslims and how many non-Muslims have been dismissed and discharged from various services of the Chittagong Municipality since the date the Chittagong Municipality was superseded by Defence of India Rules?

(*b*) How many persons with how much monthly salaries have been appointed by the Special Officer in charge of the Chittagong Municipality during 1942-43 and from 1st April to 30th June, 1943, and out of them, how many are Muslims and how many are non-Muslims?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*) and (*b*) A statement is laid in the Library.

Detention of security prisoners.

18. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how long Mr. Nabajyoti Burman has been detained as a security prisoner;

(*b*) if he was engaged in legitimate Trade Union activities before his arrest;

(*c*) if the charges against him will be examined by the Home Minister;

(*d*) if the Government are aware that since his detention in jail, his wife and the other members of his family are practically starving;

(*e*) if so, whether the Government propose to release him conditionally or unconditionally; and

(*f*) if not, whether the Government will arrange for suitable allowance for his wife?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Since 13th November, 1942.

(*b*) Yes.

(*c*) I have examined them.

(*d*) and (*e*) No.

(*f*) A monthly allowance of Rs.50 has been granted to the wife of the prisoner with effect from the date of arrest.

Opening of free kitchens by the Government in North Bengal.

19. Mr. NAGENDRA NATH MOHALANABIS: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) whether any free kitchen has been opened by the Government in the districts of Jalpaiguri, Dinajpur and Darjeeling or any other district in North Bengal for feeding the poor and the destitutes as proposed by him in his statement before the Council in the last July Session;

(*b*) if the answer to part (*a*) be in the affirmative, on what date or dates they have been opened in each district; and

(*c*) if the answer to part (*a*) be in the negative, whether the Government contemplate opening such free kitchens immediately in those districts of North Bengal where they have not yet been opened?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes.

(*b*) These kitchens have been opened on various dates. These dates are not ascertainable.

(*c*) Does not arise.

Taxation Bills passed into law.

20. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) the number, year and title of the Taxation Bills passed into law by the Bengal Legislature from the inauguration of the Provincial Autonomy to June, 1943;

(*b*) the amount of taxes collected under the provisions of those Acts; and

(*c*) the sums of money actually disbursed for the nation-building departments of the Government, namely, Irrigation, Education, Sanitation, Agriculture and Industries?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Tulsi Chandra Goswami): Two statements are laid on the Table.

Statements referred to in reply to question No. 20.

Statement I.

Taxation Bills passed into law by the Bengal Legislature from the inauguration of the Provincial Autonomy to June, 1943

No. and year of Act.	Title of Act.	Amount of taxes collected under the Acts.					
		1937-38.	1938-39.	1939-40.	1940-41.	1941-42.	1942-43.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
V of 1938 ..	The Bengal Expiring Laws Act, 1938—to provide for the continuance in force of the following Acts, which were due to expire in 1938:—						
	(*i*) The Bengal Electricity Duty Act, 1935 (X of 1935).	17,96,000	18,83,000	19,87,000	21,10,000	19,14,000	15,46,000
	(*ii*) The Court Fees (Bengal Second Amendment) Act, 1935 (XI of 1935).	(*a*)					
	(*iii*) The Indian Stamp (Bengal Amendment) Act, 1935 (XII of 1935).						
	(*iv*) The Bengal Amusements Tax (Amendment) Act, 1935 (XIII of 1935).						
I of 1939 ..	The Bengal Finance Act, 1939 (Tax on professions, trades, callings and employments).	..	..	7,04,000	11,69,000	10,47,000	8,59,000
of 1941 ..	The Bengal Motor Spirit Sales Taxation Act, 1941.	..	..	..	..	2,49,000	11,91,000
of 1941 ..	The Bengal Finance (Sales Tax) Act, 1941 ..	..	..	..	..	15,62,000	68,94,000
of 1941 ..	The Bengal Raw Jute Taxation Act, 1941 ..	..	..	..	..	1,000	32,06,000
of 1943 ..	The Bengal Finance Act, 1943 (enhancing from 1st May, 1943, the rates of entertainments, totalisator and betting taxes under the Bengal Amusements Tax Act, 1922, and the rates of duty under the Bengal Electricity Duty Act, 1935).	(*b*)					

(*a*) Separate figures are not available.

(*b*) Separate figures for the increase due to enhancement will not be available.

Statement II.

Sums of money actually disbursed for the nation-building departments.

	Actual expenditure during—					
	1937-38.	1938-39.	1939-40.	1940-41.	1941-42.	1942-43.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Irrigation	49,56,000	51,11,000	52,10,000	50,66,000	57,14,000	52,96,000
Education (*a*)	1,36,96,000	1,55,18,000	1,62,59,000	1,72,02,000	1,75,63,000	1,75,32,000
Sanitation	30,32,000	40,60,000	39,39,000	39,76,000	39,30,000	41,72,000
Agriculture	11,53,000	14,03,000	21,64,000	69,10,000	50,49,000	68,16,000
Industries (*b*)	16,05,000	18,32,000	20,22,000	21,13,000	23,18,000	27,60,000

(*a*) Includes "Anglo-Indian and European Education".

(*b*) Includes "Cinchona".

The maintenance of the Wakf Board.

21. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state what sum accrued from the fees levied under the Bengal Wakf Act, 1934, on Wakf Estates in Bengal during the years 1937-38, 1938-39, 1939-40, 1940-41, 1941-42 and 1942-43, respectively, and how much out of it was spent for the maintenance of the Wakf Board, and the Wakf Commissioner and his staff and how much was spent for the protection and improvement of the Wakf Estates in Bengal during these years?

(*b*) Is he aware of the fact that there is a great demand from the Moslem community of Bengal for the payment of the annual cost of the maintenance of the Wakf Board out of the Provincial revenues?

(*c*) Do the Government propose to defray the entire expenditure of the Wakf Board from Provincial revenues in future? If not, why not?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Two statements are laid on the Table.

(*b*) Yes.

(*c*) No. In 1934 when the Wakf Bill was under consideration in the Bengal Legislative Council, it was clearly stated on behalf of Government by the Hon'ble Minister in charge of the Bill that no part of the expenditure of the Wakf Board would be defrayed from Provincial revenues.

Statements referred to in reply to question No. 21.

Amount of fees levied.

		Rs.	a.	p.
1937-38	...	82,390	5	6
1938-39	...	76,853	2	0
1939-40	...	83,706	15	0
1940-41	...	87,078	9	0
1941-42	...	83,743	5	9
1942-43	...	67,549	9	4
Total	...	4,81,321	14	7

Statement of Expenditure.

Item.	1937-38.	1938-39.	1939-40.	1940-41.	1941-42.	1942-43.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
(1) Maintenance of Wakf Board.	867 0 0	476 4 0	658 14 0	753 6 0	422 2 0	247 2 0	3,424 12 0
(2) Commissioner of Wakfs.	24,000 0 0	24,000 0 0	13,235 0 0	16,001 0 0	12,832 14 0	15,604 0 0	1,05,672 14 0
(3) Other officers	5,952 9 0	5,261 5 0	8,328 11 3	5,154 0 0	5,700 0 0	4,671 3 0	35,067 12 3
(4) Staff (inspecting, ministerial and menial).	21,803 10 0	28,220 14 9	29,445 13 3	37,284 4 6	35,213 4 0	34,825 15 0	1,86,793 13 6
(5) Protection and improvement of Wakf Estates.	1,548 12 0	2,109 10 0	7,348 4 6	2,319 1 0	731 12 6	1,484 9 3	15,542 1 3
Total ..	54,171 15 0	60,068 1 9	59,016 11 0	61,511 11 6	54,900 0 6	56,832 13 3	3,46,501 5 0
Other expenditures	50,949 7 3	1,06,082 11 1	66,195 6 10	69,129 5 6	80,116 15 9	28,394 13 9	4,00,868 12 0

Adult education.

22. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if any scheme has already been or is going to be formulated for evolving a new form of adult education in Bengal as an item in the post-war programme with a view to spreading literacy in Bengal?

(*b*) Is it a fact that 13 per cent. of Bengal's population, recorded in the census as literate, soon relapses into illiteracy due to the neglect of study?

(*c*) Is he aware that the adult literacy campaign initiated by the Congress Ministry in the United Provinces is still in existence and has proved a success there?

(*d*) Is he also aware that about 2,000 adult schools, 4,000 circulating libraries, 36,000 free reading rooms are still functioning in the United Provinces under the said adult education scheme?

(*e*) Do the Government propose to inaugurate a similar adult education scheme in Bengal? If not, why not?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) and (*e*) Government in the Education Department appointed a committee to advise on adult education. Owing to the war the committee has not yet been able to submit its report. A scheme prepared by the Department of Rural Reconstruction has been held in abeyance for the duration of the war. Activities in connection with the spread of adult education are almost exclusively being carried on on a voluntary basis with the assistance of the staff of the Jute Regulation Department.

(*b*) Yes.

(*c*) and (*d*) I have no information.

Dearness allowance to school teachers.

23. Mr. HARIDAS MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if the Government have come to a final decision regarding grants by way of dearness allowance to the poor teachers of the high English and middle English schools of the Province, including the private ones?

(*b*) If the reply be in the affirmative, will the Hon'ble Minister be pleased to inform the House the scheme and recommendations of the Government in this connection and also the time when the same would be given effect to?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Government have reluctantly decided to abandon the idea of granting dearness allowance to the teachers of high English and middle English schools on financial grounds.

(*b*) Does not arise.

Realisation of the Education Cess.

24. Mr. HARIDAS MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if the realisation of the

Education Cess in the different districts of Bengal, particularly in the district of 24-Parganas, during this period of emergency has been suspended?

(*b*) If not, will the Hon'ble Minister be pleased to take immediate steps to suspend the realisation of the same, till the primary education in those places is made free and compulsory?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) No.

(*b*) No. Primary education is already free in cess areas.

Damodar Bund.

25. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state how many times the Damodar Bund gave way in course of the last half a century?

(*b*) Is it a fact that the breaches in the embankment have been more frequent in recent years? How many times did it give way during the last 20 years and in which years?

(*c*) What permanent steps have the Government taken or intend to take to prevent such recurrences?

(*d*) Is it a fact that an Engineer expert from the Punjab or Sind came to suggest measures to the Government of Bengal in the matter of the Damodar Embankment and the prevention of flood? If so, what was his suggestions or plans and what would be the estimated costs of such plans, if any?

(*e*) Will the Hon'ble Minister be pleased to state what explanation the Engineers of this Government gave of such frequent breaches of the Damodar Embankment during recent years?

The Hon'ble Mr. BARADA PRASANNA PAIN: (*a*) As far as can be gathered from the records, the Damodar Left Embankment gave way 9 times in the last 50 years.

(*b*) Yes. The embankment gave way 6 times in the last 20 years, once in 1928, once in 1935, once in 1939 and once in each of the years 1941 to 1943.

(*c*) It has been decided, as an immediate measure, to strengthen the Damodar Left Embankment by modifying its present section and the work is now in progress. Adequate flood precautionary measures will be taken and arrangements will be made for adequate patrolling staff on the embankment throughout 24 hours during the flood season. A committee has been appointed, and is sitting, to advise on permanent long term measures to control floods in the river.

(*d*) At the request of this Government, the Government of Sind lent one of their officers to advise whether certain methods employed in Sind to close the Indus breaches could be usefully applied. Some of his suggestions were utilised. No estimates of cost were prepared.

(*e*) Deterioration of the river in the lower reaches, the raising of th spill area of the right bank and rapid deforestation of the catchment ares are probably the chief causes.

Mr. LALIT CHANDRA DAS: May I enquire whether the work o strengthening the Damodar Left Embankment by modifying its presen section has been entrusted to the same set of engineers who worked for thi purpose from 1941 to 1943?

The Hon'ble Mr. BARADA PRASANNA PAIN: In 1943 there wa some work; but the work of the Damodar Left Embankment has been take up this year only and the engineers engaged before for closing the breacl have been entrusted to do the work.

Mr. LALIT CHANDRA DAS: Arising out of (*e*) where the Hon'bl Minister has said "deterioration of the river in the lower reaches, the raising of the spill area of the right bank and rapid deforestation of the catchmen areas are probably the chief causes", will the Hon'ble Minister be pleased t state whether these causes were known to the engineers who were engage in 1939 and after?

The Hon'ble Mr. BARADA PRASANNA PAIN: Yes, I believe so.

Mr. LALIT CHANDRA DAS: Are these engineers engaged to do the work of strengthening the Damodar Left Embankment?

The Hon'ble Mr. BARADA PRASANNA PAIN: Sir, the position ought to be understood. These engineers are not responsible for the deforestation of the catchment areas. The Government of Bihar is responsible for it. How can the Government of Bengal be held responsible?

Mr. LALIT CHANDRA DAS: You do not understand the trend of my question. All that I am driving at is this: although these causes were known to the engineers in 1939, they failed to tackle the breach. So are they the proper persons to be entrusted to do the work of strengthening the Damodar embankment which gave way several times within 1939 and again three times between 1941 to 1943——

Mr. PRESIDENT: Mr. Das, put your question in question form. Please do not enter into argument with the Hon'ble Minister.

Mr. LALIT CHANDRA DAS: All right, Sir. Does the Hon'ble Minister know whether the causes of the repeated breaches of the Damodar Embankment in the years 1939, 1940 to 1943 are known to the present engineers and also whether the same set of engineers have been entrusted with the work of repairing or strengthening the embankment as were engaged in those years?

Th Hon'ble Mr. BARADA PRASANNA PAIN: Yes, Sir, the causes are known to the engineers. The honourable member seems to think that the engineers themselves were responsible for the breaches.

Mr. HARIDAS MAZUMDAR: With reference to (*c*), will the Hon'ble Minister please state if the committee referred to herein has been appointed by the Government of Bengal?

Th Hon'ble Mr. BARADA PRASANNA PAIN: Yes, Sir.

Mr. HARIDAS MAZUMDAR: Is the Hon'ble Minister aware that another committee has been appointed by the Government of India?

The Hon'ble Mr. BARADA PRASANNA PAIN: I am aware of that.

The development of Agriculture in this Province.

26. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) if it is a fact that the Government of India offered a grant of Rs.95,00,000 for the development of agriculture in this Province; and

(*b*) if it is a fact that because of inability to formulate a scheme for the proper disbursement of this sum, the Government of Bengal have not been able to avail of the grant?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) No.

(*b*) Does not arise.

"Grow More Food" in the Province.

27. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) if any definite plan for growing more food in this Province has been formulated by the Government;

(*b*) if so, if he will make a statement in this House enunciating the principles underlying the plan; and

(*c*) what steps have already been taken to work it out?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Yes.

(*b*) The policy of Government with a view to intensifying the growing of more food within the Province is to make arrangements for the adequate supply of seeds and manures to the cultivators and to provide facilities for irrigation; and to secure the reclamation as far as possible of waste land.

(*c*) A statement showing the schemes undertaken in connection with "Grow More Food" campaign is laid on the Table.

Statement referred to in reply to part (c) of question No. 27.

Description of scheme.	Amount sanctioned.
1942-43.	Rs.
(1) Scheme for distribution of 250,000 maunds of *aman* seeds	16,12,500
(2) Scheme for distribution of 19,125 maunds of seeds of mustard, gram and lentil	1,57,300
(3) Scheme for distribution of one lakh maunds of potato seeds.	15,00,000
(4) Scheme for distribution of seeds of English vegetables	1,00,000
(5) Scheme for distribution of 261 lakhs of sugarcane cuttings	3,15,212
1943-44.	
(1) Scheme for distribution of 300,000 maunds of *aman* paddy seeds.	66,50,000 for seeds and 1,57,512 for staff, etc.
(2) Scheme for distribution of 15,000 maunds of *aman* seed for Midnapore.	3,75,000
(3) Scheme for distribution of 48,000 maunds of *aus* seeds	7,68,000
(4) Scheme for distribution of 50,000 maunds of wheat seeds.	9,00,000
(5) Scheme for distribution of 42,000 maunds of gram, lentil and mustard.	8,68,176
(6) Scheme for distribution of 100,000 maunds of potato seeds.	31,57,076
(7) Scheme for distribution of 56,400 maunds of seeds of substitute crops for flooded areas in West Bengal.	13,52,100
(8) Scheme for distribution of 12,500 maunds of fodder seeds	1,25,800
(9) Scheme for distribution of 14,000 tolas of country vegetable seeds.	3,750
(10) Scheme for irrigation by means of Persian wheels ..	65,820
(11) Scheme for supply of vegetables from Darjeeling district to the Defence Services.	5,850
(12) Purchase and distribution of seeds of English vegetables for rural areas.	25,000
(13) Scheme for distribution of seeds of vegetables for Indian and English types for urban areas.	2,09,450
(14) Authorisation to Collectors to take up small irrigational projects for extension of cultivation up to a limit of Rs.10,000 per district.	2,60,000

Mr. HAMIDUL HUQ CHOWDHURY: Regarding the programme of 1943-44, is the Hon'ble Minister aware whether any success has been achieved in regard to the distribution of the quantities that he has laid down in his scheme?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not know what the honourable member means by "success achieved"; but the statement gives out the amount of distribution.

Mr. HAMIDUL HUQ CHOWDHURY: Has the Hon'ble Minister verified the statement? For example, does he know whether 50,000 maunds of wheat seeds have been distributed as given in item (4) of the 1943-44 programme?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As regards wheat seeds, I do not think the entire amount has been distributed.

Mr. HAMIDUL HUQ CHOWDHURY: As regards gram?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I cannot say without looking into the papers.

Mr. HAMIDUL HUQ CHOWDHURY: Will it be correct if I say that only 12,000 maunds have been distributed?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I cannot say that.

Mr. HAMIDUL HUQ CHOWDHURY: As regards potato seeds?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I know potato scheme has failed partially because the scheme was started very late.

Mr. HAMIDUL HUQ CHOWDHURY: Will it be correct if I say that 75 per cent. failed?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I could not say that yet without looking into the figures.

Shortage in the supply of non-judicial stamps.

28. Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether it has come to his knowledge that there is, at some places total and at others partial, shortage in the supply of non-judicial stamps and some most essential forms of process in some outlying districts;

(*b*) whether reports have reached him that the litigant public have been experiencing considerable hardships in not duly getting process forms for sale proclamation under the Bengal Tenancy Act and summons on defendants and non-judicial stamps for sale certificates and security funds;

(*c*) if the answer to part (*a*) be in the affirmative, what steps have already been adopted to remove the shortage;

(*d*) if the answer to part (*b*) be in the affirmative, what steps are being taken to remedy this state of things; and

(*e*) what are the reasons for such shortage in such essential matters relating to the administration?

The Hon'ble Mr. TARAK NATH MUKERJEA: *Non-Judicial stamps.*—There was partial shortage in the supply of non-judicial stamps of certain denominations for some days in the districts of Noakhali, Bakarganj, Birbhum, Bogra, Midnapore and Jalpaiguri. This was due to the sudden abnormal rise in the demand of such stamps on account of large number of transfers of immovable property. The Collectors concerned took immediate measures to obtain a sufficient quantity of such stamps. At present, there is no shortage.

Forms.—There was no shortage of the essential forms of processes in any district. There was a shortage of sale proclamation forms in Noakhali and Bakarganj but the Collectors had the forms printed locally without delay in order to remove the shortage. There is no shortage at present.

Mr. NAGENDRA NATH MOHALANABIS: Is the Hon'ble Minister aware that stamps, non-judicial and judicial, also have gone to black markets and people have to purchase them at higher prices in different places?

The Hon'ble Mr. TARAK NATH MUKERJEA: No.

Mr. NAGENDRA NATH MOHALANABIS: Will the Hon'ble Minister be pleased to instruct the officers concerned to accept money in cash when they cannot supply stamps in courts?

The Hon'ble Mr. TARAK NATH MUKERJEA: That question does not arise, since there is no shortage.

Deaths due to starvation on the platform of Parbatipur Railway Station.

29. Mr. KADER BAKSH: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that recently there have been several deaths due to starvation on the platform of the Parbatipur Railway Station and in other areas in Dinajpur district?

(*b*) If the answer be in the affirmative, will the Hon'ble Minister be pleased to state the number of such deaths during the months of July and August, 1943?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) No. There has been no report of any cases of death due to starvation at Parbatipur Railway Station. But there were 4 deaths among unknown beggars in the month of August and those were all due to serious disease.

(*b*) Does not arise.

Deaths due to starvation in Bengal.

30. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the number of persons

who died during the months of May, June, July and August, 1943, of the effect of starvation, in the different districts of Bengal, showing separately the figures for each such month?

(*b*) Is it a fact that several persons in the district of Chittagong committed suicide being unable to bear the pangs of hunger?

The Hon'ble Mr. TARAK NATH MUKERJEA: The information is not readily available and it would take a good deal of time, energy, and cost to collect the information. Government are not aware of any deaths from starvation in May and June, 1943. There were a few in July, 1943, and the number increased in August and September, 1943.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state why he does not care to answer question No. (*b*)?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have already said that the answer is "No".

Mr. LALIT CHANDRA DAS: You have not said that. My question is, "Is it a fact that several persons in the district of Chittagong committed suicide being unable to bear the pangs of hunger?".

The Hon'ble Mr. TARAK NATH MUKERJEA: Government have no such information.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister care to bring the information from the locality, or will he care to get the information from Mr. Nur Ahmad who is a Government Party man, or will he care to get the information from the Ministers sitting on his left?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Mr. NARESH NATH MUKHERJEE: Sir, are we to take it that the Government of Bengal are not in possession of important statistics with regard to the deaths due to starvation in the Province? It is a great shame, if they are not.

Mr. PRESIDENT: Have not Government got statistics?

The Hon'ble Mr. TARAK NATH MUKERJEA: They are under compilation. I will answer later on.

Mr. PRESIDENT: Order, order. The Hon'ble Minister has just stated that the figures about death from starvation are under compilation at present. So it is not for him to say whether he is prepared to answer the question later on when the figures are compiled.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I may point out that the answer has been given that Government have no information at present as to the number of people who have committed suicide.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state what he means by his reply in (*a*) that "the information is not readily available and it would take a good deal of time, energy, and cost to collect

the information"? Sir, I asked for the statistics of the figures of death during the months of May, June, July and August, 1943. So many months have passed since then, still they could not collect the information.

Mr. PRESIDENT: You cannot enter into argument with the Hon'ble Minister.

Mr. LALIT CHANDRA DAS: I am not entering into any argument but am putting a question, Sir.

Mr. PRESIDENT: When the Hon'ble Minister says that the information would take a good deal of time and labour to collect and that Government are not prepared to reply to the question, you have to accept the explanation.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister please state if the information asked for will be available later on?

The Hon'ble Mr. TARAK NATH MUKERJEA: If fresh notice is given, then only an answer is possible after the figures are compiled.

Mr. HAMIDUL HUQ CHOWDHURY: I have been told that the Government are collecting the figures for this purpose: May I know whether the figures are being actually collected and whether after collection they will be placed before the House?

The Hon'ble Mr. TARAK NATH MUKERJEA: The figures are under compilation, as I have already stated.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister publish the figures when they are compiled?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is a matter for the Public Health Department and I have got to ascertain it from that department, and I think——

Mr. LALIT CHANDRA DAS: When is it likely that you may be able to publish the figures?

The Hon'ble Mr. TARAK NATH MUKERJEA: I cannot say when it will be ready.

Mr. LALIT CHANDRA DAS: But when is it likely to be ready? The Hon'ble Minister may be in a complacent mood, but that won't do——

Mr. PRESIDENT: Order, order. Mr. Das, you must put your question in the proper form and not introduce irrelevant matters. I have told you more than once today that you cannot enter into an argument.

Mr. LALIT CHANDRA DAS: I am not arguing, Sir, but am putting a question. But because the Minister is in a complacent mood and is not replying to my questions properly, therefore I have had to introduce other matters. I have asked him by what time he expects that the figures would be published.

Mr. PRESIDENT: But the Hon'ble Minister has already made it perfectly clear that the matter relates not to his own department but to the Public Health Department and therefore it is very difficult for him to say when those figures will be published.

Mr. LALIT CHANDRA DAS: But I want an answer to my question from the Government. My question is: within what time Government think that these figures are likely to be published.

Mr. PRESIDENT: As I have already told you, the Hon'ble Revenue Minister has replied that the matter does not lie with his department; and so he cannot take upon himself the responsibility of replying to the question put by you.

Mr. LALIT CHANDRA DAS: If the Minister says that then it is evading a part of his duty, and that is an evidence of bad administration.

Mr. PRESIDENT: Well, there are other remedies open to you.

Mr. HUMAYUN KABIR: Sir, you have ruled that when a question has got to be put, it should be put to the particular department concerned. If a question relating to the department of a particular Minister is not addressed to the proper Minister, then it is handed over to the proper department. But in view of the importance of the question as to whether the Hon'ble Minister would be prepared to lay the figures before the House after they were compiled, you will be good enough to ask the department concerned to lay those figures before the House when they are ready.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid the honourable members have not followed the matter, and if they would be good enough to do so, a lot of trouble could be saved. So far as the Revenue Department is concerned, they say that it is a question to answer which would take a lot of time, and therefore they have expressed their inability to do so. It is the Public Health Department that is concerned with this matter, and it is no question of referring from one department to another. That is a separate matter. The Revenue Department have no statistics for the purpose nor have they got the proper machinery for the purpose.

Mr. PRESIDENT: The question of Mr. Humayun Kabir is "if the Hon'ble Minister in charge of the Revenue Department is prepared to refer the matter to his colleague—the Hon'ble Minister in charge of the Department of Public Health".

The Hon'ble Mr. Khwaja SHAHABUDDIN: Does this question arise, Sir? The honourable member asks the Hon'ble Minister to refer a part of the question to another department and in doing so is it open to the honourable member to ask him to ascertain when the information could be supplied?

Mr. PRESIDENT: Mr. Shahabuddin, generally speaking, it does not arise. But in view of the importance of the matter the Government should have said that they would pass over the question to the Minister in charge of the department concerned.

(Cries of "hear, hear" from the Opposition Benches.)

The House Rent Control Order of 1943.

31. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that the House Rent Control Order, 1943, is meant to relieve the tenants?

(*b*) Is he aware that the costs involved in the procedure are prohibitive and that the procedure is so unsuitable that it discourages tenants from taking advantage of the order?

(*c*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister please state what steps are going to be taken in the matter by the Government?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) Yes.

(*b*) No. The honourable member is referred to the executive instructions issued by Government under the Calcutta House Rent Control Order, 1943, published under notification No. 8747-L.R., dated the 25th June, 1943, in the *Calcutta Gazette Extraordinary*, dated the 26th June, 1943. A copy of the executive instructions has been placed in the Library.

(*c*) Does not arise.

Mr. NARESH NATH MUKHERJI: Will the Hon'ble Minister be pleased to state whether the Rent Controller is bound by the provisions of the Rent Control Order, or has he power to go beyond the provisions of the Rent Control Order?

Mr. PRESIDENT: I do not think that question arises.

Mr. NARESH NATH MUKHERJI: Is the Hon'ble Minister aware that in many cases the Rent Controller has gone beyond the provisions of the Rent Control Order?

Mr. PRESIDENT: I think that question is much too vague. You cannot put vague questions. Questions must be specific.

Mr. NARESH NATH MUKHERJI: Sir, I have tried to make it as specific as possible—Is the Hon'ble Minister aware that in several instances the Rent Controller has gone beyond the scope of the Rent Control Order?

Mr. PRESIDENT: Mr. Mukherji, I am afraid, it is a very vague question. "Several instances" is rather a vague expression. You will have to put a question which must be specific: otherwise I cannot allow the question.

Mr. HAMIDUL HUQ CHOWDHURY: Is it a fact that no court fee has to be paid for approaching the Rent Controller?

The Hon'ble Mr. TARAK NATH MUKERJEA: No.

Deaths due to starvation.

32. Mr. SHRISH CHANDRA CHAKRAVARTY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many

deaths have already occurred in Calcutta and the mufussil up-to-date due to starvation? What steps, if any, have been taken to prevent the same? Will he please give figures, district by district?

The Hon'ble Mr. TARAK NATH MUKERJEA: The information is not readily available and it would cost an amount of time, labour and money to collect the information which would not be justifiable in war time.

(After the printed answer was read by the Hon'ble Minister.)

The Hon'ble Mr. TARAK NATH MUKERJEA: Since this reply was prepared, Government have taken steps to collect information which is expected very shortly.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister be pleased to tell us whether Government are not in possession of sufficient records mentioning death of persons throughout the province due to starvation?

The Hon'ble Mr. TARAK NATH MUKERJEA: I have already answered that question.

Dispensation of civil justice by executive officers.

33. Mr. NAGENDRA NATH MOHALANABIS: (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state whether the Government are aware that the dispensation of civil justice by executive officers in the subdivisions of Kurseong, Kalimpong and Siliguri in the district of Darjeeling and Alipur Duar in the district of Jalpaiguri is not only causing serious strain on the executive officers themselves, but also causing dissatisfaction amongst the people and the litigants?

(*b*) If so, do the Government propose to secure the services of munsiffs for trying civil cases in these subdivisions as has been done for Darjeeling proper?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) No.

(*b*) Does not arise.

Mr. NAGENDRA NATH MOHALANABIS: May I enquire of the Hon'ble Minister why it is not thought advisable to employ munsiffs in those places mentioned in the question? I am asking for reasons.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Government is not aware of any dissatisfaction, that is all.

Mr. PRESIDENT: Now, Khan Bahadur Jalaluddin Ahmed will make his statement.

Mr. LALIT CHANDRA DAS: Sir, may I mention that I have got an adjournment motion?

Mr. PRESIDENT: You should have got up in time, but you did not do that.

Mr. LALIT CHANDRA DAS: Sir, am I too late? Will you permit me to move the adjournment motion?

Mr. PRESIDENT: I am sorry, Mr. Das; your turn comes after the Hon'ble Khan Bahadur Jalaluddin Ahmad makes his statement. Because that statement relates to part of a question.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Sir, I beg to lay before the House the statement showing the result of enquiry promised in the reply to clause (*f*) of question No. 34, of the 26th February, 1943. A further enquiry has been made and it has been ascertained that the dead bodies were removed by the 30th October, 1942.

Adjournment motion.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government of Bengal to meet, by the adoption of proper, timely and adequate remedial measures, the very serious situation which, arising out of the outbreak of preventible diseases following the famine, has taken and is taking a huge toll of human lives from all the districts of the province.

Sir, I think the Government will have no objection to my moving this adjournment motion.

Mr. PRESIDENT: The honourable member has my consent; now it is for the House to give him permission or not. Has he got leave of the House?

Mr. MESBAHUDDIN AHMAD: No, Sir, I have objection.

Mr. PRESIDENT: As there is objection, will the honourable members who are in favour of this adjournment motion being moved rise in their places?

(Thirteen honourable members rose in their seats.)

As the requisite number of members have risen in their places the mover has the leave of the House to move his adjournment motion.

I fix tomorrow 1 o'clock for the discussion of the adjournment motion.

Mr. HARIDAS MAZUMDAR: Mr. President, Sir, there is another adjournment motion standing in my name——

Mr. PRESIDENT: You cannot mention it today.

Panel of Chairmen.

Mr. PRESIDENT: Under rule 6 of the Bengal Legislative Council Procedure Rules, I nominate the following gentlemen on the Panel of Chairmen for the current session:—

Mr. Kamini Kumar Dutta,
Mr. W. B. G. Laidlaw,
Khan Bahadur M. A. Momin, C.I.E., and
Mr. Haridas Mazumdar.

House Committee.

Mr. PRESIDENT: Under rule 122 of the Bengal Legislative Council Procedure Rules, I nominate—

The Deputy President (Chairman, *ex-officio*),
Mrs. K. D'Rozario,
Mr. R. W. N. Ferguson,
Khan Bahadur Mukhlesur Rahman,
Mr. Amulyadhone Roy,
Mr. Yakub H. A. Sattar,
Mr. Bankim Chandra Dutta,

on the House Committee for the current session.

Governor's Assent to Bill.

Mr. PRESIDENT: I have to inform the House that the Bengal Vagrancy Bill, 1943, which was passed by both Chambers of the Bengal Legislature, has been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935.

The Bengal Motor Vehicles Rules.

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to place before the House the amendments to the Bengal Motor Vehicles Rules, 1940, in accordance with the provisions of section 133(*3*) of the Indian Motor Vehicles Act, 1939.

The Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1943.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, may I have your permission to lay before the Council the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1943, under section 88(*1*) of the Government of India Act, 1935?

The Bengal Alienation of Agricultural Land (Temporary Provisions) Ordinance, 1943.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, may I have your permission to lay before the Council the Bengal Alienation of Agricultural Land (Temporary Provisions) Ordinance, 1943, as promulgated under section 88(*1*) of the Government of India Act, 1935?

Amendment of Bengal Legislative Council Procedure Rules.

Mr. PRESIDENT: Order, order. A notice of a motion for leave to amend rules 56, 57 and 58 of the Bengal Legislative Council Procedure Rules has been received from the Hon'ble Khan Mahadur Saiyed Muazzam-uddin Hosain.

As required under sub-rule (*2*) of rule 110 of the said Rules, I now read the draft amendments proposed by the Hon'ble Minister, namely:—

(1) *Amendment of rule 56.*—In rule 56,—

(*a*) clause (*i*) of sub-rule (*3*) shall be renumbered as sub-rule (*3*) and in clause (*i*) of sub-rule (*3*) as so renumbered which has now become sub-rule (*3*) the words "if he is a member of the Council" shall be omitted;

(*b*) clause (*ii*) shall be omitted.

(2) *Amendment of rule 57.*—To rule 57 of the Bengal Legislative Council Procedure Rules the following proviso shall be added, namely:—

"Provided that if a Minister who is not a member of the Council is the Chairman of a Select Committee, then in the case of an equality of votes, he shall not have a casting vote but shall decide the question before the committee by the drawing of lots in such manner as he may determine."

(3) *Amendment of rule 58.*—To rule 58 of the Bengal Legislative Council Procedure Rules the following proviso shall be added, namely:—

"Provided that the provisions of this rule shall not preclude the presence of departmental Secretaries or experts or the Parliamentary Secretary attached to the Minister in charge of the Department to which a Bill relates at the delibarations of a Select Committee for the purpose of rendering to such Minister or to the committee generally any assistance that may be necessary."

Mr. PRESIDENT: Those who are in favour of the motion——

Mr. HUMAYUN KABIR: May I interrupt for a few moments, Sir? Are you putting them all together? For, some of them may be unobjectionable, while others may be subject to controversy.

Mr. PRESIDENT: It is only a question of granting leave; I am not taking up the matter today.

Those who are in favour of leave to move the motion being granted, will please rise in their places.

As more than 13 members have stood in support of the motion, leave has been granted.

Mr. SHRISH CHANDRA CHAKRAVERTI: Shall we not be entitled to give notice of amendments?

Mr. PRESIDENT: Yes, certainly. Now that leave has been granted, it is for Government to fix a date for consideration of the matter.

The Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg leave to introduce——

Mr. PRESIDENT: Khan Bahadur Sahib, as the Bill has been already published, you need not ask for leave of the House; you may simply say that you introduce the Bill.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: All right, Sir, I beg to introduce the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944.

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Coroners and Criminal Procedure (Bengal Amendment) Bill, 1943.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to introduce the Coroners and Criminal Procedure (Bengal Amendment) Bill, 1943.

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: I beg to introduce the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Hon'ble Mr. TARAK NATH MUKERJEA: I also give notice that the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, be taken into consideration and passed, as settled in the Council.

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of order, Sir. Can both the motions be moved together?

Mr. PRESIDENT: The Hon'ble Minister is only giving notice and not actually moving the motions; so your objection is premature.

The Bengal Destitute Persons (Repatriation and Relief) Bill, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: I beg to introduce the Bengal Destitute Persons (Repatriation and Relief) Bengal, 1944.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Hon'ble Mr. TARAK NATH MUKERJEA: I also give short notice that the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, be taken into consideration and passed, as settled in the Council.

Mr. PRESIDENT: I understand that these two Bills which have just now been moved by the Hon'ble Revenue Minister will have to be passed within a certain date, because they arise out of the Ordinances and they have to be passed within this month. So I accept short-notice and the date I suggest for giving amendments to the motion that the Bill be taken into consideration, is Thursday, the 10th February, 11 a.m.

Mr. LALIT CHANDRA DAS: Won't it be too early, Sir?

Mr. PRESIDENT: I do not think so.

The Hon'ble Mr. TARAK NATH MUKERJEA: It is a very short Bill.

Mr. PRESIDENT: Yes, and the time given is only for tabling amendments to the motion that the Bill be taken into consideration.

Mr. LALIT CHANDRA DAS: All right, Sir.

Mr. PRESIDENT: For consideration of amendments to clauses of the Bill I fix Tuesday, the 15th February. Amendments to the clauses should reach office by 11 a.m. on Saturday, the 12th February.

Mr. LALIT CHANDRA DAS: That will be too early, Sir. Can't it be Monday?

Mr. PRESIDENT: I am afraid not.

Mr. SHRISH CHANDRA CHAKRAVERTI: The time is short, Sir. We should have proper time for considering the amendments sitting together and coming to a certain decision.

Mr. PRESIDENT: I cannot defer the date as the office will have to receive amendments, tabulate them and then circulate them. It would be very difficult to do so if you want more time.

Mr. SHRISH CHANDRA CHAKRAVERTI: There is no sitting on Saturday but we will have to come here only for giving the amendments.

Mr. PRESIDENT: You need not come yourself for this purpose.

Mr. SHRISH CHANDRA CHAKRAVERTI: But we will have to come to a decision before submission of amendments.

Mr. PRESIDENT: But the Bill will have to be passed by the 17th. If there is any change in the Bill, it will have to go back to the other place. You must provide for that contingency.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, may I request you to change the time from Saturday, 11 a.m. to Saturday, 2 p.m.?

Mr. PRESIDENT: I am prepared to make it 1 p.m. on Saturday, the 12th February 1944.

The Hindu Women's Rights to Property (Bengal Agricultural Land) Bill, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to introduce the Hindu Women's Rights to Property (Bengal Agricultural Land) Bill, 1944.

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The Bengal Diseases of Animals Bill, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to introduce the Bengal Diseases of Animals Bill, 1944.

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: The Bill is introduced.

The House stands adjourned till 1 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1 p.m. on Wednesday, the 9th February, 944.

Members Absent.

The following members were absent from the meeting held on the 8th February, 1944:—

(1) Khan Bahadur Nazimuddin Ahmad.
(2) Mr. Kader Baksh.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. Narendra Chandra Datta.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Abdul Gofran.
(7) Mr. J. McFarlane.
(8) Mr. B. C. Mukherji.
(9) Mr. R. S. Purssell.
(10) Khan Bahadur Kazi Abdur Rashid.
(11) Dr. K. S. Ray.
(12) Mr. S. N. Sanyal.
(13) Dr. Kasiruddin Talukdar.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 3.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 9th February, 1944; at 2 p.m., being the third day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Adjournment Motion.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I beg to move the Adjournment Motion which stands in my name and which runs as follows:—

That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government of Bengal to meet, by the adoption of proper, timely and adequate remedial measures, the very serious situation which, arising out of the outbreak of preventible diseases following the famine, has taken and is taking a huge toll of human lives from all the districts of the province.

Sir, responsible persons have variously estimated the figures of mortality from famine and pestilence in Bengal. Mr. Leopold Amery, the Secretary of State for India, has given out his own figures. He said that there are no reliable figures but the Government of India on the basis of their present information consider that the total abnormal mortality due to famine and disease in the last five months of 1943 has not exceeded a million.

This figure, however, Sir, was challenged by Mr. Krishna Menon, the Secretary of the India League in England. We know, of course, that it is an under-estimate. Sir, in India also, this figure was challenged by Pandit Hridaynath Kunzru. According to him, 50,000 deaths from starvation alone took place every week in Bengal. Malnutrition so debilitated the constitution of the people that they fell easy victims to attacks of preventible diseases. Dr. Syama Prasad Mookerjee's idea of the total mortality figure was 2 million and 5 lakhs from starvation and one million from diseases. Here is an opportunity. Let Government state its own figures of mortality from starvation and diseases. Sir, malaria is 4 to 5 times of what it was in normal times. Malaria, cholera, small-pox and other preventible diseases have broken out in the most epidemic form and are taking a heavy toll of human lives in almost all the districts of Bengal, particularly since the last quarter of the year that is gone. Their constitution was so undermined by famine with no winter clothing to protect them that these people have fallen easy prey to attacks of preventible diseases. I have seen personally human dead bodies floating in the rivers as well as *khals*. Sir, while passing through the district board road from Kuti to Kamalasagar in

the interior of my district, which is Tippera, I have seen in November an January graves and *Smashans* on the side of the road for miles togethe as I never saw before.

I enquired and came to know that they were mostly cases of death fro cholera and malaria and that not much help was received either from th Government or the district board in the form of sufficient supplies c quinine and anti-cholera vaccine to fight these epidemics. In my ow village Purbadhair, I could not find a single member of any house wh was free from attack of malaria. In Daudkandi, Homna, and Bancharam pur police-stations, in the district of Tippera, about 75 per cent. of th fishermen, *Namasudras* and *Rishis* died of diseases following from starva tion, and 25 per cent. were hovering between life and death. In Homn police-station, in the month of November last, reported cases of death fro malaria were 2,520 as against 1,004, 255 and 257 in October, Septembe and August last, respectively. In Bancharampur police-station, about 50 people died of malaria in the months of September, October and Novembe out of a population of 2,000 people. In that area 90 per cent. were affecte by malaria, and it was only towards the end of December, 1943, that i after some months, that Government began free distribution of quinine i small quantities through the existing dispensaries in the union and th union relief committee; but the supply was utterly inadequate to meet th needs of the situation. Government have also started an emergency relie hospital of 20 beds attached to the existing dispensaries though the patient who can be and should be admitted——

Mr. PRESIDENT: I may tell you Mr. Das that you can speak only for 20 minutes.

Mr. LALIT CHANDRA DAS: All right, Sir. .....should be admitted numbered more than 2,000 in each union. During the nine months from January to September, 1943, 22,809 deaths occurred in the Chandpur sub-division whereas the number of deaths in 1942 during the same period was 12,646 and in 1941, 11,203. The birth-rate in the Chandpur subdivision had fallen by 48·7 per cent. in 1943 compared with 1941 and the death-rate increased abnormally by 103·59 per cent. over that of 1941 during the same period. The total number of deaths in Brahmanbaria subdivision from January to September, 1943, was 15,391 and in Sadar subdivision (north) it was 18,789 and in Sadar subdivision (south) 11,759 during the same period. Small-pox had broken out in a virulent form in most of the villages in the Chandpur subdivision. From a United Press telegram, dated Chandpur, the 30th December, we gather that more than one lakh of people were lying sick in the countryside being victims of malaria, cholera, small-pox and dysentery and other like diseases. Some dispensaries and temporary hospitals with a limited number of beds had been established by the Government after much mischief was done. But this has not touched even the fringe of the problem. Extensive medical relief is urgently called for. Sir, Tippera is typical of the whole of Bengal. What is true of Tippera is also true of the other districts of Bengal.

For instance, Mr. R. Ahmed, an Alderman of the Calcutta Corporation, after touring the Dacca district, said on 29th December, 1943: "Of all districts in Bengal, Dacca is one of the most hard hit: with famine, death-roll mounted high and cholera, malaria and small-pox are taking the mortality figures higher still. In Nawabganj thana, where communications are very difficult at this time of the year, no relief worth the name has yet been given. I found villages where 50 per cent. of the people have died. Nawabganj thana had a population of 1·30 lakhs and a conservative estimate of mortality in this area alone would be 20,000. The neighbouring thana of Dohor is equally affected and out of about 80,000 people, fully 10,000 have vanished from the world. Quinine is not available." Sir, to proceed further, I can say, Sir Nazimuddin was at Dacca on 30th January last. He met some of the leaders in a conference. There, he heard some ugly facts. There he was told to his very face that Dacca was his own city and yet there was no sufficient quantity of small-pox lymph for vaccination although small-pox was raging furiously in that city. Sir Nazimuddin promised that lymph would be supplied within a week. Up to now no supply has reached Dacca. This is discreditable in the extreme. It shows how inefficient the Government is. And then, Sir, you will notice from a gazette notification in the last week of January, 1944, that ten districts in Bengal, namely, Chittagong, Noakhali, Tippera, Khulna, 24-Parganas, Faridpur, Bakarganj, Birbhum, Burdwan and Howrah, are threatened with an outbreak of cholera. But all the Government of Bengal have done so far is that they have prescribed some temporary regulations for a period of three months for medical inspection, isolation, observation and surveillance of persons suffering from or suspected of being infected with cholera. What about prevention? There is a grave shortage of qualified men in the epidemic staff required for inoculation and vaccination. Government have utterly failed so far to meet the situation. We understand that many were recruited so carelessly that only a few reported for duty. For this inefficient bungling, many people have lost their lives. There is discernible, however, a silver lining in this dark cloud. In giving medical relief to the needy, the army is doing really fine work. But army help must necessarily be of a limited nature and has touched only a fringe of the problem. Sir, the Government stands convicted out of its own mouth. In a Press Note issued last month by the Director of Public Information, Bengal, we read the following:—

"The chronic delay in furnishing vital statistics to the Director of Public Health has been accentuated by the absence of any up-to-date figures of a rising mortality rate throughout the summer and autumn months of 1943 which might have given the public health and medical authorities more timely warning of the necessity of emergency measures on a very wide scale".

This inefficiency on the part of the Government has resulted in the loss of innumerable lives in Bengal.

A million deaths from preventible diseases—that is a horrible fact. It ought to challenge the honour and statesmanship of the present Ministry. Have they that sense? Do they feel it so?

Hospital beds in existing hospitals should be increased cent. per cent Emergency hospitals should be increased very largely. Medical and non-medical equipment should be purchased in sufficient quantities commensurate with the needs of the situation. Preventive staff should be multiplied fifty times its present strength, mobile medical units should be created and run satellite treatment centres attached to every dispensary in the province should be established. In all these, Government failed grievously resulting in untold suffering for the people and numberless deaths. I do not wish to increase further the catalogue of my grievances in connection with this motion.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government of Bengal to meet, by the adoption of proper, timely and adequate remedial measures, the very serious situation which, arising out of the outbreak of preventible diseases following the famine, has taken and is taking a huge toll of human lives from all the districts of the province.

Mr. HARIDAS MAZUMDAR: Mr. President, Sir, I rise to support the adjournment motion so ably moved by my honourable friend Mr. Lalit Chandra Das. He has given a catalogue of details which need not be repeated. I want to speak in general terms. Sir, the chief defence of the present Ministry with regard to the famine has been that they came in when the situation was already very serious. Sir Nazimuddin said at Delhi on the 15th October: "At the time we took office the cupboard was literally bare". I may point out in passing that this statement runs counter to that of Mr. Suhrawardy who said on the 8th May last as follows: "There was a sufficiency of food grains for the people of Bengal". Mr. M. A. Jinnah, President of the Muslim League, said on the 14th November: "When they (these Ministers) got in, the conflagration had already started.....the Nazimuddin Ministry were there as a fire-brigade and were doing their utmost to put out the fire." Even a man with a face of brass will not have the hardihood to say that at least in regard to epidemics the Nazimuddin-Suhrawardy Ministry had not had ample time to foresee and prevent appalling human mortality. My humble self on return from a visit to Barisal, one of the worst affected areas, made in the first week of May a statement to the Press which was published in several Calcutta newspapers and which contained the following: "Owing to the widespread malnutrition and the taking of ill-adjusted poor diet the country is sure to face epidemics the like of which it has never met in the past." On the 15th July in a meeting of the Bengal Legislative Council and in the presence of the Ministers I repeated my warning and said (as published on page 122 of the Official Report of Bengal Legislative Council Debates—Second Session, 1943, No. 4) "Owing to the widespread malnutrition and the taking of ill-adjusted poor diet the country is sure to face epidemics the like of which it has never witnessed in the past." The *Amrita Bazar Patrika*, the oldest nationalist

daily in India and the most influential newspaper in Calcutta published the following in its issue of the 25th October: "Pirojpur, October 2—Sj. Haridas Majumdar, M.L.C., who is touring Barisal and rural areas in a Press statement says: 'Quinine and cholera vaccine must be made available before the epidemics break out virulently. Special doctors should be appointed for the purpose'."

Epidemics did not break out until months later and if the Ministry then undertook on a preventive scale even that small and inadequate measure of medical relief which it arranged later on, tens of thousands of lives would have been saved. We believe that Mr. Jinnah will admit that at least in the case of diseases which have proved a more deadly enemy than hunger, fire had not broken out and the work of the fire-brigade would never have been needed if ordinary circumspection were exercised. Who does not know that epidemics are the horrible aftermath of famine? Bankim Chandra in his book "Ananda Math" gives a graphic description of the famine of 1770 and writes—

"Those who left died of starvation in strange places; those who did not do so died of disease as the result of taking unwholesome food * * *

Pestilence broke out,—fever, cholera and small-pox began to roam rampant."

There are few literate Bengalees who have not read the "Ananda Math" which has been a perennial source of inspiration to patriotic young men. The Ministry should have profited by the facts vividly narrated in such a widely read work of literature. Besides, Bankim Chandra's description of famine is a mere paraphrase of the official record. Sir William Hunter also wrote in the same strain. Engaged in grappling with a severe famine which, as I forecast in my speech at Pannalal Seal Vidyamandir published in the Hindusthan Standard of the 16th March, was an impending "calamity comparable to the famine of 1770" could not the Ministry commission one of its 13 members to go carefully into the official record of the 1770 famine in the cool breeze of an electric fan in the Writers' Buildings to the exclusion of all other work? We know that during the last war the Mesopotamia muddle which caused the death of a few hundred British soldiers for want of proper medical aid cost the late Sir Austen Chamberlain his seat in the British Cabinet. Here the Ministers guilty of grave dereliction of an obvious duty pointed out as clearly and emphatically as human speech or writing can indicate, have been responsible for the death of tens of thousands of God's creatures and are still flourishing like green bay trees. Can Britain, responsible for the governance of this country, exculpate herself before the bar of world opinion of the wrong in installing under peculiar circumstances and keeping up this Ministry with the aid of some European votes in the Legislature which bear no relation to the numerical strength of the European British subjects in the province?

With these words, Sir, I commend the motion to the acceptance of the House.

Mr. R. W. N. FERGUSON: Mr. President, Sir, while we are not prepared to support the motion of my friend Mr. Das, we welcome the opportunity of discussing the very serious situation as regards the spread of malaria.

This is not, as the resolution suggests, entirely a result of the after-effect of the famine. Nor is the Government entirely to blame. The Calcutta Corporation are not replacing any vacancies on their mosquito-control staff. Their organisation is decreasing at a time when it should be increased. The southern part of the city was invaded by the *ludlowi* mosquitoes in November of last year for the first time on record.

Malaria is definitely on the increase in Calcutta and we consider measures must be taken for its control.

In the Calcutta area the malaria mosquito and the *dengu* mosquito breed in cisterns and water storage places and what is primarily required is an organisation capable of mosquito proofing all cisterns and water storage places.

There is also the salt lakes area where a diffrent type of mosquito breeds and we should like to know what Government intend to do about this mosquito-breeding area.

The reorganization and strengthening of the Calcutta anti-mosquito organisation is, we consider, a matter of extreme importance and urgency. The present Corporation mosquito-control organisation is not on a scale adequate for a city of the size of Calcutta.

Mr. PRESIDENT: Mr. Ferguson, I am afraid you are criticising the Corporation of Calcutta but this motion refers to the public health measures of the Government of Bengal. The Corporation of Calcutta being an autonomous body, I do not think the Government of Bengal have direct responsibility for the health of the city of Calcutta. You should bear this point in mind. Of course, you can refer to the Calcutta Corporation generally but the Government of Bengal are not primarily responsible for the health of Calcutta.

Mr. R. W. N. FERGUSON: All right, Sir. The anti-mosquito organisation in Calcutta compares unfavourably with the organisation in Bombay and Government, we consider, should impress upon the Calcutta Corporation the neecssity of increasing their mosquito-control organisation.

The position which has arisen as a result of famine has also very clearly demonstrated that the medical and public health services are not capable of dealing with such an emergency. Had it not been for the medical help given by the military it is quite clear that the situation would have got out of control. We cannot see how Government can expect efficiency from medical services which are controlled by district boards or local authorities and we would like to know if Government have investigated the desirability of provincialising the medical and public health services as a first step towards putting them on an efficient basis.

Military aid on the present scale will not be with us always and we must know what Government intend to do to set up efficient medical and public health services.

Khan Bahadur M. SHAMSUZZOHA: Sir, in opposing the motion moved by Mr. Lalit Chandra Das I would only cite some facts to show that it was almost impossible on the part of the present Ministry to tackle the food problem that was created by the Ministry before them. After the present Ministry took over the reins of Government in April last, they found themselves face to face with a problem which was unprecedented in character to such an extent that the people of the province of Bengal had to go almost without food for a considerable length of time. This was the result not of the present Ministry's assumption of office for a month or so, but the result of maladministration for years together. Just after the onset of the war there has been maladministration throughout and it was also caused by shortage in the supply of food on account of the occupation of Burma by Japan. And there was absolutely no attempt on the part of the previous Governments to see that a proper supply of food is brought to the doors of the hungry millions of Bengal. Now, Sir, after the present Ministry took over the charge of Government, they tried to solve the problem and the House is well aware how from May up to September they were so very busy with the food problem that it was impossible on their part to give adequate attention to other problems that would follow from the consequences of an inadequate supply of the necessaries of life. Now, Sir, in this province, so far as my own knowledge goes, there has not been any proper attempt on the part of the authorities previously to make proper arrangements for the collection of vital statistics. So far as the statistics are concerned, in all branches of life there has been absolutely no arrangement whatsoever. So far as my own district is concerned, still now we have not been able to collect the vital statistics of the district in a proper manner. The sanitary officers who are in the employ of Government as well as of the district board are very few in number—the machinery in our control is hopelessly inadequate and we could not expect with such inadequate staff to get proper vital statistics. So far as medicines are concerned, especially quinine, it is a well-known fact that the supply of quinine is inadequate. Even before the war in my own district when the supply was adequate we could not cope with the situation. Then, after the war there were epidemics of malaria and with our limited resources we could not cope with the situation. This year because of starvation due to the famine, there has been a heavy mortality: but we cannot accuse the present Government of their indifference to the gravity of the situation. I have seen from correspondence that was carried on between the district board, District Magistrate and the Government that they became alive to the situation at least from September last and measures weer taken by the Government to bring to the notice of the district authorities the gravity of the situation and also the need for giving the people such medical relief as was possible under the circumstances. But now arrangements have been made with the help of the military authorities to give relief to the suffering people. Attempts have been made where cholera broke out to see that it is brought under control by proper medical help. So it cannot be said that this Government is solely responsible for this heavy mortality in this province. The real fault lies with the previous

Government. They could have taken stock of the peculiar situation which arose as a result of the loss of Burma as well as other abnormal developments incidental to the war. It cannot be said that this Government have been apathetic to the people or that they did nothing to ease the situation or they neglected their duty. So I humbly request my friends opposite to realise that this is not an occasion to press a censure motion like this. There has been no maladministration really speaking. According to Malthusian theory, when there is famine there is mortality: no one can prevent this mortality: these are the natural consequences for which no human agency can be held responsible.

Mr. HAMIDUL HUQ CHOWDHURY: Mr. President, Sir. My friend has sought to attack the Government by way of this adjournment motion. After having heard all he had to say, I must admit that he has miserably failed to make out even the shadow of a case against the Ministry. It is true that the state of affairs in the province is extremely bad. The outbreak of malaria is very widespread. At one time, in the month of December last, it would not have been an exaggeration to say that more than 50 per cent. of the population were lying in their beds attacked with malaria and to make things worse this year—I do not know what the doctors would say—due to malnutrition men have been reduced to such a state of physical exhaustion that all power of resistance has been lost and are reported to be dying after suffering for 3 or 4 days from malaria. There were many places in East Bengal where malaria was not so widely known. But this year there have been cases in those places in which families with as many as 30 to 40 members have entirely disappeared. We have got a report from the district of Dacca that in a family consisting of 72 members not one has survived the malaria epidemic. This is the position also in Noakhali where in the same house you would find cases of malaria, cholera and small-pox, all together. This is the condition to which the province has been reduced. But, Sir, who is responsible for this state of things? Certainly, it is the primary duty of every civilised Government not only to take all possible measures but be responsible for the health of the people, for the preservation of every man in healthy condition. But you cannot expect that by a movement of the magic wand the present Ministry would be able to bring about everything, that they would be able to protect every man in this province from diseases and malnutrition. Had Bengal ever been visited with such pestilence before? Did such military forces come into this country on any occasion before which demanded the withdrawal of all medical men? More than half the medical men who were in private practice and who were available for the civil population have since joined the Army on unheard-of pay. We all know what inducements are being offered to these medical men. If the inducements offered are not considered sufficient, next day higher pay and other emoluments are offered in the newspapers. The militar' have succeeded in taking away more than 70 per cent. of our doctors; and they are now broadcasting how generously they have sent to us 50 to 100 doctors for short duration. We recognise the military necessities, but they in turn should recognise the

civilian needs. We find from the reports of the Hon'ble Ministers and the statements made by them that even the senior students of medical colleges and schools are being requisitioned for the purpose of medical duties in the districts. Government have done everything that has been possible for them to do in the course of the four or five months that they are in office. They have laid down elaborate and ambitious plans which would have taken years and years for any Government to implement. Fourteen hundred to two thousand dispensaries are going to be opened throughout the province. They will have to be furnished at a time when furniture are a rarity. They will require not only furniture but also medical instruments for the use of the doctors, which are also very expensive and unavailable at the moment. These dispensaries will have to be provided with doctors and nurses. And doctors and nurses are notoriously unavailable. They have to be provided with medicine when medicine has become as scarce as anything.

So far as people's co-operation is concerned, there is very little of it. Opposition members were raising false cries and creating false impression leading to more panic and more distrust in the minds of people. A business-man tries to create an atmosphere in which he can thrive and make more black markets and profit. Ordinary citizen will not volunteer their services in the matter of suppressing black markets. The real remedy for these lies in every citizen coming forward to help the machinery set up by Government to check the black markets by informing the police so that the culprits may be punished. There is utter lack of co-operation from every side. In this atmosphere Government is asked to do miracles. Government have their duties in this matter and they must discharge their responsibilities. There is no doubt about that. But, at the same time, Government is entitled to demand from you, from us or from anybody that amount of co-operation which alone can make any scheme successful.

As regards the picture drawn by Mr. Das and Mr. Mazumdar, the Government cannot say that it is in the least exaggerated. The picture is there. It is even more horrible than words can describe. Malaria which was confined only to a few districts is now running rampant in every district of Bengal. But the Government wants your help and instead of that you create all sorts of obstruction, you create all sorts of antipathy in the minds of the people. Whenever there is an attempt made by Government to create confidence in the minds of the people so that they may co-operate with Government scheme, you try your best to see that such confidence is not created. You are trying to make political capital out of the miseries of the people. You have used the poor and the sufferers as arguments in support of your political game. Therefore, Sir, I say that Mr. Lalit Chandra Das after hearing the Minister as to what they have done should realise his own short-comings and withdraw his motion and remain content with what Government do.

Dr. KUMUD SANKAR RAY: Sir, I am sorry that I have not heard the previous speakers but from what I have heard from the last speaker it seems to me very difficult to take part in any debate in this House or to offer criticisms on any matter under discusison without being charged with

a political motive or bias regarding it. I hope, however, that this is not the attitude of the other members of this House. I take it that there are many members in this House who are entitled to express their views without any bias. I hope that whatever remark I may make will be taken in that spirit and not be characterised, as the previous speaker has done, as emanating from any political motive. With these few preliminary remarks, I would like to put a few questions to my honourable friend on the other side. He says that there are no doctors available when we want a large number of doctors and nurses. Sir, why are there no doctors? And I should like to know what steps have been taken by Government to increase the facilities for medical education. What steps have been taken by them for the training of nurses? In my last budget speech, I pointed out that the need for the training of nurses was acute and I also suggested that some medical schools in the mofussil could well be converted into special training institutions for nurses. The then Finance Minister promised to look into the matter, but I do not know what has happened to that suggestion of mine. Government should have anticipated such a situation developing owing to the war and should accordingly have made arrangements for the training of a large number of nurses and doctors. There is also the question of finance. A large number of private medical institutions are on the verge of closing their doors for financial difficulty and applications made for financial aid find no response from Government.

Then again, I had drawn the attention of the public and warnings were given also through articles in the Press urging compulsory vaccination against small-pox and cholera. I do not know whether any notice was taken of these warnings. It may be that it was construed as a political propaganda. Far from it. But I am sorry that no response was given to it. I have never heard of any conference being called to consider whether it was feasible to have compulsory vaccination and pre-vaccination every five years as is done in every civilized country in the world. I do submit, however, that I do not blame this particular Ministry or the previous Ministry for having neglected the medical and public health problems of this province. There was no policy worth the name, no far-sighted policy regarding the reorganisation of the province from the medical and public health point of view. I challenge the Government to lay before the public any far-sighted scheme regarding the supply of medical men in rural areas and the prevention of epidemic diseases, not to speak of diseases like tuberculosis and other diseases of that nature. There is also the problem of nutrition which has become acute in the wake of famine, beri-beri and other diseases. Is there any committee sitting to devise ways and means for preventing them? Sir, I do not want to waste the time of the House further. Neither am I in a position to answer the points raised by the speakers who have spoken before me. With these remarks, I resume my seat.

Mr. W. B. C. LAIDLAW: I would like to make our attitude perfectly clear in regard to the spread of diseases in this city. Government cannot evade responsibility when the Calcutta Corporation's arrangements are palpably inadequate. Mr. Ferguson has told the House that the invasion by

ludlowi of southern Calcutta in November last was the first of its kind that is on record and this should demonstrate to Government how very serious the situation in this city has become.

Khan Sahib NURUL AMIN: Sir, I do not stand up to minimise the magnitude of the situation which has been created by various epidemic diseases in consequence of the famine. But the question which is for discussed here is whether the present Ministry is responsible in any way for creating the situation or for the failure in arresting the progress of the epidemics. Everybody will agree with me that malaria was raging high when the food problem of this province reached its zenith. Government at that time was mainly concerned with the supply of food and along with that they tried their best to secure quinine and supply it to the malaria-affected districts. But Government had had limitation there also. We all know that supply of quinine has been curtailed to a great extent and that rationing system has been introduced on account of the loss of Java from our possession—Java, from where large quantity of quinine used to be imported. Bengal is the only place where quinine is produced in India: this quinine has to be distributed all over India. Therefore, the allotment has had to be cut down to a certain extent. But it cannot be denied that at present through the help of the military, quinine has been made available all over the mofussil districts in abundance—wherever there is scarcity of quinine it is being supplied with the help of military and we find quinine everywhere in abundance where there was shortage. Quinine is now sold at controlled rate in almost every union: it is now distributed to district boards and union boards free of cost with the result that that problem has almost been solved. Then comes the question of cholera. There are not sufficient laboratories for manufacturing cholera vaccines: the existing laboratories are not quite enough to meet the demands of the abnormal situation. These laboratories work day and night and produce vaccine up to their maximum capacity; but in spite of that, they are not able to cope with the situation. It is difficult also to set up new laboratories all at once and we realise the difficulty of the Government. Then, Sir, with regard to the question of small-pox: here also the same question arises, the question of sufficient number of laboratories to produce vaccines: that also depends on the capacity of individual laboratory to produce lymphs. The maximum quantity of vaccines are being produced by the laboratories and maximum number of vaccinations are being given in the districts. I do not say that this is sufficient. But I say that Government cannot improve on the situation under the present circumstances. Thanks to Lord Wavell, who came to our help and mobilised the otherwise immovable military in this respect. There was difficulty of transport and district boards and other local bodies did not get the medicines and other supplies indented by them for want of proper transport facilities. But this situation has been eased by the help of military: these articles are now being transported with the military aid. Then, Sir, we have got to consider the limit of financial responsibility.

As soon as the military people came—I do not know wherefrom they got money—they engaged petty officers of health assistants' type in the district

boards getting Rs. 40 on Rs. 95.Perhaps the Government of India are giving money. But we find that they are being engaged. It has been suggested by some honourable member that as public health administration is not properly being managed by the self-governing bodies like the Calcutta Corporation and the district boards, Government should take charge of this department. Sir, I seriously object to that suggestion. Neither the Government nor the honourable member has been able to point out any dereliction of duty on the part of the district boards. They are running the organisation efficiently but they have not got unlimited finances. Their financial position being inelastic, they could not spend more even if they had wished. Representations after representations were made to Government for monetary help, for medical men; but nothing came from the Government. So, the district boards and other local bodies cannot be blamed for that. The sanitary staff which is working under the district boards is working day and night. The staff is very ill-paid. The district boards wanted to increase their salaries but could not, owing to the reduced cess collections. The landlords have very good collections but they are loathe to pay cesses which will go to the district boards. Regard being had to all these facts, I would submit that the suggestion of the honourable member is not justified.

With these words, Sir, I oppose the motion.

Mr. SHRISH CHANDRA CHAKRAVERTI: Mr. President, Sir, on behalf of my group, I support the motion moved by my honourable friend Mr. Lalit Chandra Das. His figures are more eloquent than his speech and I think those figures will amply prove the responsibility and neglect of the Government who were in charge at the time when this calamity took place. This famine took place about a year ago in this province. The Government tried to evade their responsibility at first by saying that there was no famine. There were bitter controversies between different parties here and we sometimes intervened in those debates. When the whole world said that there was famine, even then Government practically did not show by any record that there was famine and they did not apply the Famine Code to the affected areas. Anyway, it is now admitted that famine has been raging in Bengal, and we all know that in the wake of famine comes pestilence in the shape of epidemic diseases.

With the development of science, if it is not possible to prevent entirely the diseases it is at least possible to mitigate the evil to a great extent. We have also heard one honourable member of this House who is a doctor of some eminence in this city, and I think, you cannot lightly dismiss his remarks. It is quite apparent that Government did not, from the beginning, take all necessary steps to prevent the recurrence of diseases. The honourable members of the Ministerial Group tried to advocate the cause of Government by saying what they have done. Certainly, they have done something. We do not say that they have not done anything but what are the facts? The facts are there that every day people are dying in great numbers and the most unfortunate part of the situation is that we do not even know the total mortality figure. Government have not published

what is the number of deaths, what is the percentage of deaths in Bengal due to starvation, disease, etc. One of the Hon'ble Ministers gave us in reply to our enquiry that it would not justify the expenses in war time to give the number of deaths. It is only possible for Ministers in a country like ours to say that. Had it been in any other country, the Minister would have been lynched. But here Government goes on merrily while people are dying. It is just like Nero fiddling when Rome was burning. I am really sorry, that Ministers are still in a gay and joyful mood despite grave dereliction of their duty. They realise that as long as some votes are at their beck and call, they can stick to their posts. Does the gentleman who is laughing on the other side know what vote he has at his disposal? Probably he has his own vote only. Anyway, I think that Government cannot get out of the fact that the pestilence and epidemics broke out during this Ministry. I do not say that the past Ministry was very good or that they were above blame. The pestilence and epidemic diseases nevertheless have happened during this Ministry. But what they have done? They could not prevent the diseases which it is possible to prevent. They have failed to discharge their duties. One honourable member complained against the Calcutta Corporation, and the Hon'ble President pointed out that it is not the proper place for reference to the Calcutta Corporation. But everybody knows that the Corporation is also suffering from financial difficulties. The Government should assist the Calcutta Corporation with sufficient funds to carry on the work of mosquito control. The Government is also responsible for the short comings and incapacity of the Corporation and the district boards which cannot carry on their work efficiently for want of funds. In the circumstances, Sir, I think that Government should take all possible steps to relieve the situation. Another of our honourable friends, Mr. Hamidul Huq Choudhury, said that people do not co-operate but I do not know when and at what stage our co-operation was sought. So far as the food problem was concerned, a Conference was no doubt called. We attended but no co-operation was asked from us save that the Hon'ble Food Minister spoke something and we had nothing to do except to hear it only.

Mr. PRESIDENT: That is beside the point; we are now discussing about public health.

Mr. SHRISH CHANDRA CHAKRAVERTI: I am sorry I had to digress. But I have done so because we were charged with not having co-operated with Government, and that is why I was saying that we were never even asked to co-operate with Government. And when we went to a Conference in response to an invitation from the Minister of Food—I beg to say that the food problem is almost an allied problem with disease and famine—, we found to our utter surprise that the whole scheme had already been prepared and sent out to the different District Officers and we were simply to hear what the Hon'ble Minister had done, as if it was a sort of Press Conference and the whole object of the invitation was that we should go there and advertise the activities of Government. Was our co-operation

ever called for especially in this matter of preventible diseases? I say "no". In that view of the case, it is the Government who are to blame and not the public or the leaders of the public. With these words, I resume my seat.

Mr. NAGENDRA NATH MAHALANABIS: Mr. President, Sir, the motion before the House seeks to draw attention to the burning question of the day, namely, the death-roll that is being taken by malaria, small-pox and other preventible diseases. After having heard so many honourable members on the motion, I have got no doubt in my mind that the main fact involved in the motion, namely, the question of the prevalence of these preventible diseases in this province is admitted on all hands. It is also admitted that these diseases could be easily prevented if timely action had been taken. Now, Sir, in discussing this matter of great importance some of the honourable members have tried to bring in unpleasant remarks by saying that we are trying to make political capital out of this situation. Dr. Kumud Sankar Ray has very pertinently replied to this sort of criticism and I do not like to add to that except to say that this sort of criticism has become a stock criticism for certain members. If what the Opposition say is sought to be hushed and silenced by the Government Party by saying that they are trying to make a political propaganda, then I submit that instead of hearing the views of Opposition members they should chuck out the Opposition altogether, and no opportunity need be given to the Opposition to express their views whatsoever. Now, Sir, we find that it is not really a case where the Government should be so helpless. Whatever might have been the position with regard to the question of food problem in early June, July, August and September, it was foreseen by everybody that in the wake of famine, pestilence in the form of these diseases was coming.

Now, Sir, what have the Government done? It has been said that Government could not do anything by magic. What were the things necessary to prevent spread of these diseases? In regard to malaria, all that was necessary was adequate supply of quinine. What attempts have been made by Government to obtain quinine we do not know and we have not heard anything about it up till now. But it is confessed that the supply of quinine is inadequate. Why? What attempts have been made to secure quinine? If Indian supply is not sufficient to meet the want of Bengal, why did you not try to get the supply from elsewhere when malaria has appeared in a serious form? I submit no reply has been given to this point, and the Government must confess their guilt. Then, Sir, with regard to cholera and small-pox—what is necessary is vaccine. Is it at all difficult to procure vaccine to cope with the menace? I submit, Sir, Government have not taken up this matter in all seriousness. If they had done so, they could have actually helped in this matter. Government have not tried to appoint adequate staff for vaccination and have not encouraged the small societies—there are small societies and small chemical manufacturing companies started by some doctors for the production of vaccine lymph in sufficient quantities,—but Government never cared to help them,

never cared to take advantage of these organisations; and they did not utilise these small societies with a view to effect adequate supply of vaccine lymphs. Then, Sir, apart from the question of inadequacy of supply of medicines, there is another question for which I hold Government responsible, namely, the adulterated food that the Supply Department is supplying to the people. The mixing of *joar* and *bazra* with wheat is really causing much more mischief than want of food. Then, Sir, the adulterated mustard oil that is being sold to the people is being freely allowed without any check whatsoever. There is no check, as before, under the Food Adulteration Act. The Act has been laid aside. The oil which is being consumed by the people is doing more harm than if the people did not take mustard oil at all. Government do not care to see whether it is pure mustard oil or not. I should say people should go without the mustard oil which is to be retailed now-a-days instead of taking this oil. This sort of oil is responsible for killing hundreds and thousands of our people. The next question for consideration is the question of nutrition which was emphasised by Dr. K. S. Ray. You are taking away the cattle from our country. We do not get any supply of milk. For malaria the medicine is quinine and the food is milk—a malarial patient must have a sufficient quantity of milk. But instead of supplying milk you are taking away all the cattle. There are epidemic diseases of cattle in the countryside and thousands and thousands of cattle are dying along with men. But is the Government doing anything to prevent this mortality? I have not seen anything being done. I think Government will say that they are still compiling vital statistics. It is ridiculous that we do not know up till now what is the number of deaths in the province because the figures are still being compiled. We know, Sir, that in every village, every town and every city deaths are recorded from day to day by the local authorities and local bodies.

The Public Health Department receive daily and weekly reports of deaths and in those reports they get the causes of deaths as well and it does not require any amount of labour or expense to compile statistics and to present those statistics before the House. The excuses that are being given in this House, are, I submit, if that is parliamentary, lame-excuses not worthy of the Government. I therefore submit that the Government has failed to perform its duty and I think every one present here would agree to that and this is all that this resolution stands for.

*Mr. **MUNGTURAM JAIPURIA** addressed the House in Hindi.

Mr. NUR AHMED: Mr. President, Sir, I had no desire to take part in today's discussion but the remarks of the last speaker has induced me to speak something on this very vital question. Sir, this question might have been brought in this House in any other form except as an adjournment motion. I know Mr. Lalit Chandra Das always comes with a motion like this. With all respect to Dr. K. S. Ray, I must say that this motion

*An authorised English translation of this Hindi Speech will be printed as an appendix to the debates of this session.

has been moved with only one motive and that is a political motive, to censure the Ministry rightly or wrongly. That is the only intention which lies behind this motion. Of course, I must say that the subject-matter of this motion is very vital to the people of Bengal. Sir, it has been admitted by the Hon'ble the Chief Minister that the prevalence of the diseases is very widespread in Bengal. Bengal is confronted with many serious problems, but it would not be correct to say that the present Ministry is sleeping or that they have failed to do their part. This Ministry all on a sudden found themselves confronted with the task of grappling with a very grave problem, namely, the prevention of the diseases which have broken out all on a sudden throughout the length and breadth of the country affecting 6 crores of people. Dr. Bentley, the great friend of Bengal, said when there was an outbreak of cholera—and at that time there was no popular Government but the bureaucratic Government—that there was no money. There was some delay in his getting the money and in the meantime thousands died of cholera.

Sir, I must congratulate the Ministry on the bold step they have taken. Though Bengal is facing a huge deficit, the Government are spending a lot of money on prevention of diseases. What was the expenditure under head "Public Health" before? It never exceeded Rs. 50 lakhs, but this year Government have spent more than a crore on Public Health Department alone and they have taken all possible steps to prevent diseases. Of course, I cannot deny that malaria, cholera, dysentery and other diseases are widespread in Bengal. Speaking from my own personal experience and also from the recorded figures of Chittagong, I can say that in Chittagong the mortality from all diseases has increased more than double. Generally, the death-roll of Chittagong is about 50,000 but it has exceeded a lakh in 1943. Sir, the incidence of cholera and malaria has increased more than double. Despite all the attempts that have been made by the Ministry, there is want of medical treatment in some quarters in Chittagong. Sir, the Ministry have to grapple with the very grave situation with limited resources.

As regards quinine, the big source of quinine has dried up with the fall of Java. From the figure it appears that in 1938-39 Bengal consumed only 1 lakh and 41,000 lbs. of quinine out of the total requirements of 2 lakhs lbs. In 1940-41, it dwindled into one lakh and 11,000 lbs. Sir, in 1943, it has dwindled into 75,000 lbs. but this Ministry has increased it to one lakh and 23,000 lbs. Sir, the Ministry have organised the whole province on a basis so that medical relief may reach every village. They are going to set up 250 travelling dispensaries or moving units and 5,000 other dispensaries. There is activity on all sides. Therefore, I do not think that this motion is in order at this time when there are great activities going on throughout the province to organise medical relief for Bengal. Sir, with these words, I oppose the motion.

Mr. PRESIDENT: The Hon'ble Minister will now reply to the debate. But before he begins, I may inform him that he can speak for twenty minutes only. After his speech the mover of the motion has a right of

reply. The Hon'ble Minister can also reply again to any new points in the speech of the mover. After that the discussion will come to an end.

Mr. LALIT CHANDRA DAS: Is it your ruling, Sir, that after I make my reply the Hon'ble Minister also will have a right of speaking again?

Mr. PRESIDENT: Yes.

Mr. LALIT CHANDRA DAS: Under what rule, Sir?

Mr. PRESIDENT: Under the very rule that gives the mover of an adjournment motion the right to reply to the Minister's reply.

Mr. LALIT CHANDRA DAS: Very well, Sir. Mr. Kabir also wants to speak.

Mr. PRESIDENT: He is too late, I am afraid.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Mr. President, Sir, the adjournment motion of my esteemed friend Mr. Lalit Chandra Das is, I am afraid——

Mr. PRESIDENT: One moment, Khan Bahadur. Mr. Das, I would refer you to sub-rule (*3*) of rule 42 of our Rules of Procedure. You may now go on, Khan Bahadur Sahib.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Sir, the adjournment motion of my honourable friend, as I have already said, is based on a misconception and absolute ignorance of the contents of the different communiqués issued by the Bengal Government from time to time and also of my broadcast speech made on the 8th January, 1944, regarding the remedial measures that were taken for the reception of sick destitutes so far back as August last, and the establishment of famine relief emergency hospitals and the increased supply of quinine throughout the province, not to speak of increased indent of cholera and small-pox vaccines and the recruitment of a large number of preventive sanitary assistants and doctors.

I would like to mention also that according to the fortnightly reports from the Surgeon-General and the Director of Public Health to the Government of Bengal malaria is definitely on the decrease in the majority of the districts, though it is a little high in Mymensingh. Malaria has decreased in 14 districts. Four districts are absolutely free from cholera, and in 7 districts it is stationary. And only in two districts they are increasing a little. Small-pox is definitely on the decrease in four districts; in 6 districts only it is stationary and one district is absolutely free. In the rest of the 15 districts, it is increasing a little, but vaccinations have been pushed on energetically.

On the basis of figures so far received from 18 districts, it is expected that the total excess in the number of deaths during 1943 over the average of normal years will come to between 6 and 7 lakhs. The figure being an average of 1,184,000 and the actual for the whole year of 1943 is estimated at 1,784,000, so that the excess will be 6 lakhs or about 7 lakhs. In this connection, I may tell the House that the figure of deaths on account of famine is being contested. We have recently seen in the statement issued

by the Secretary of State that the figure of mortality is given as one million. People in our province and also of India as a whole are contesting this figure and claiming that it should be 2 millions. If that be so, then no blame can be laid at the door of the medical relief operations of the Bengal Government. You cannot censure the Government twice—once for lack of medical education which has brought about these deaths and again for want of food, and famine. These deaths are really attributable to the recurrence of—but I am not saying that there are no deaths from these diseases—malaria, cholera and small-pox. The figure of 7 lakhs includes deaths from all causes, cholera, malaria, small-pox as well as starvation. It is true that practically all excess cholera deaths are the result of famine conditions and starvation and want of people's vitality and power to resist malaria. It must be remembered, of course, that cholera and small-pox recur periodically in normal times and they reach their peak between November and January. We have taken early measures to fight against these diseases. Then, malaria has increased on account of famine conditions although malaria and small-pox also occur independently of any famine. Honourable members know that Bengal is notorious for malaria and the high incidence of malaria this year is due to loss of vitality on account of famine conditions. It would, therefore, be incorrect to deduce from this that the excess mortality figures of 1943 is due to lack of timely measures being adopted by Government—that Government failed to take timely action against these preventible diseases. With these observations I would now dwell on the measures which we have taken beforehand. We took office towards the close of April last and we found in August that the situation was serious. And as far back as September, 1943, the District Magistrates were authorised to open hospitals for the reception of sick destitutes all over Bengal. They were authorised to incur expenditure under Treasury Rule 27 up to any amount to bring medical relief to the poor and suffering people. Then in October, 1943, the Government of Bengal, through the Minister in charge of the Public Health and Local Self-Government Department, moved the Government of India for 40 doctors and 10 assistants for combating preventible diseases in Bengal in view of the shortage of doctors in the province. This will give the House an idea of what Government have done. Government as a matter of fact were alert about the seriousness of the situation and tried their best to give relief to the people. With regard to the complaint of my esteemed friend Dr. K. S. Ray, I may say that in the whole of Bengal there are 4,000 doctors; out of this 4,000, 3,000 work in Calcutta and the rest, namely, 1,000, is distributed throughout the mofussil area of Bengal consisting of 60 million people. So I would ask the members to consider whether it is possible even for a super-man, to cater to the needs of such a vast population in the mofussil with only one thousand doctors giving perhaps one doctor for every 15,000 or 20,000 people.

The present Ministry is not at all responsible for this state of affair. It is due to the callousness of the people of Bengal. The people of Bengal have been callous in respect of medical relief and medical service in Bengal. They agitated for political achievements and for other things, but they did

not care for medical relief; they did not press the Government—India Government for providing adequate medical relief. On the other hand, even, between 1937 and 1942, I have never seen any serious agitation on the part of any member of the Upper Chamber or of the Assembly to move for more money for the Public Health Department. Things have drifted not today, not during the last 5 years but in the course of the last 20 to 30 years. So, if anybody is responsible for this, the people of Bengal,—and I should say the leaders of the Assembly and Council—, are responsible for this state of things. These are due to the accumulated neglect of the people of Bengal. Neither the present Ministry nor myself is responsible for this state of affairs. But it is not possible to effect an over-night improvement. (Mr. RANAJIT PAL CHOWDHURY: Two wrongs do not make a right thing.) We have some post-war reconstruction schemes and other schemes by which we want to revolutionise the whole public health administration. We want to bring medical relief to the door of every man in each union, through our mobile medical units. In October, 1943, the Government of Bengal moved the Government of India for enlarging hospital accommodation and then a definite scheme was made and the Government sanctioned more than 600 new hospitals with beds numbering over 18,000. Of these beds, 2,000 were in Calcutta and the remaining for the 12 worst affected districts of the province. I admit here that there was defective machinery for the collection of vital statistics. The President of the union board was made responsible for the collection of statistics. We have recently altered the machinery. Now the Sanitary Inspector will collect the statistics. Here again, there may be complaint that this Government is acting like a bureaucratic Government inasmuch as it is taking away power from the union boards. The worst affected districts are the 24-Parganas, Murshidabad, Rangpur, Burdwan, Howrah, Midnapore, Dacca, Faridpur, Mymensingh, Chittagong, Noakhali and Tippera. I do not know whether there is any honourable member from Rangpur here. But I may say that cholera and malaria have decreased in Rangpur.

The total cost of this scheme is estimated to be 24 lakhs of rupees non-recurring and 7 lakhs of rupees per month recurring. The Opposition members have said that Government have not done what they were required to do. This is not correct. Even in this extraordinary circumstance they are spending money. They are spending up to any amount that they can spend on medical relief. Under this scheme, 15,000 beds have already been started in the mofussil and the delay in starting the rest is due to paucity of sufficient number of doctors. I appealed in my broadcast speech to the members of the medical profession to offer their services but in spite of very attractive emoluments that we offered, the response that we have got from them is very poor.

Besides the hospitals, 2,800 satellite treatment centres for outdoor cases of all kinds have been sanctioned as annexes to the 1,400 existing dispensaries to fight malaria and other diseases at an expenditure of more than four and half lakhs of rupees. Quinine is liberally distributed through centres already opened—their number is more or less 400—and

through other non-Government agencies and the cost on this account is estimated to be 17 lakhs of rupees. Additional sum of 7 lakhs of rupees has been sanctioned for the purchase of quinine. It is reported by the majority of the District Magistrates that malaria is markedly decreasing as a result of this quinine distribution. In addition to this, to bring medical relief to the door of those people who cannot avail themselves of the satellite dispensaries, Government have provided for 250 mobile medical units and the cost sanctioned on this account is more than two and half lakhs of rupees per month. These units, together with 41 other units maintained by the military, I am confident, will greatly alleviate the sufferings of the sick people. Here I can tell the House through you, Sir, that I acknowledge with gratitude the assistance that has been given by the military. But there is a general impression that the assistance given by the military is much more than what the Government in the Civil Department have done. This is not correct. The military have only supplemented the resources of the emergency hospitals that we have set up. It is true that they have got more equipped doctors who have been of great assistance to us. Suffice it to say, in the hospitals and the mobile treatment centres opened by the military no less than 1 lakh 85 thousand patients were treated.

(Here the Hon'ble Minister reached his time-limit but was given some time to finish his speech.)

Sir, there are so many things in connection with this motion and I am expected to answer every point but I am afraid I have got no time. I can, however, assure the members that there is no lack of attention or anxiety on the part of the Government to deal with medical relief to the people. I can assure the House that everything that is humanly possible is being done by the Government and that mere statement of remedial measures will not help the situation.

Mr. LALIT CHANDRA DAS: Sir, if the Hon'ble Minister wants to meet our points, he may be given more time to do so.

Mr. PRESIDENT: How can we allow him more time? The time allotted is 20 minutes under the rules.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I have got nothing further to say. If my honourable friend Mr. Das would be good enough to come and see me in my office, I shall be able to convince him and show what steps have been taken in this behalf from the month of September and what we are doing. I intend to announce by a press communique——

Mr. PRESIDENT: Khan Bahadur, your time is up; you cannot go on further.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: All right, Sir. I would conclude by requesting the mover of the motion to be good enough to withdraw his motion, in view of the remedial measures that Government have taken. I may also say that we have provided quinine

for 10 millions out of 60 million people of this province. I would not like to take the time of the House further——

Mr. PRESIDENT: Khan Bahadur, I am afraid you are exceeding your time-limit. Mr. Das, do you want to exercise your right of reply?

Mr. LALIT CHANDRA DAS: Yes, Sir.

Mr. PRESIDENT: After you have finished the Hon'ble Minister has a second right of reply; so he must be given some time. Therefore, I can give you only 5 or 6 minutes.

Mr. LALIT CHANDRA DAS: Sir, so many members have spoken and I have got to reply to their remarks also. Please let me have some more time.

Mr. PRESIDENT: Well, I am helpless in the matter. The debate must under the rules come to an end after two hours and we must finish by 3 p.m. punctually. If you exercise your right of reply, the Hon'ble Minister has a second right of reply: either you speak or you don't.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I would like first of all to reply to one particular point which has been raised by some members on the Government side, particularly by Mr. Nur Ahmed and Mr. Hamidul Huq Chowdhury. They found that their position was very difficult, that what the motion stood for was all true, that the people of Bengal were dying like cats and dogs and that proper remedies were not forthcoming from Government and that timely relief did not reach them. So the best course, they thought, would be not to meet my points by actual facts and figures. Instead, they took recourse to vilification. That is what, Sir, they have attempted to do. Both Messrs. Nur Ahmed and Hamidul Huq Chowdhury have charged me with having behind this motion a political motive. I say that he is a political, I am a political, every one in this House is a political. Therefore, it is easy for any one to charge another with having a political motive but if a person does not act according to his convictions, he is shirking his responsibility. The honourable members on the other side want to drown a very important motion brought by one of their adversaries by branding it as a political issue. Sir, it is a very important motion brought before the House for drawing pointed attention of Government to the serious situation in Bengal and they are to say whether the facts are true or not. Once they admit that they are true, they ought to hand down their heads in shame for it, unless they can point out facts which justify their existence here. While they charge us with political motive we can equally charge them with a political motive. There is no case behind them and therefore they meet our points only by vilification ascribing political motive which is untrue.

Next, I would like to point out another important fact, namely, that a large part of the speech of Mr. Nur Ahmed was in entire support of the motion I have moved. He pointed out that the death-roll in Chittagong was running very high and medical help was not quite sufficient. That is, Sir, what we are saying—we are saying that medical help is not sufficient and death-roll is running very high. It is the duty of Government to see

that the life and property of the people are secure. If they cannot do so, they have no right to be on the Treasury Benches. If they want to remain on the Treasury Benches, they have got to discharge their duty and save the lives of the people from these preventible diseases. The Hon'ble Minister tried to wriggle out of the awkward situation by saying that out of the 4,000 doctors in the whole of Bengal, 3,000 are working in Calcutta and the rest are in the mofussil: as such how could this small number cater to the needs of so many people suffering from diseases in the mofussil? Well, I say, why did you not import doctors from outside? According to the statement of the Hon'ble Minister, he got timely warning of the coming catasprophe and he took timely steps. What steps the Government of Bengal have taken in trying to meet the present serious situation? Why did the Government not import a large number of doctors from outside the province and also a larger number of trained persons required for the purpose of vaccination and inoculation? Some of these points have been replied to by Dr. K. S. Ray. He distinctly charged the Government with dereliction of duty. Dr. Ray pointed out that whenever he approached Government with suggestions for medical relief, for contribution to medical needs of the province, for medical institutions, his suggestions were not taken notice of and sometimes even refused. Then, Sir, Government ought to have taken care to encourage people to take to medical profession: they ought to have taken care to properly educate the people. Then and then only you can get sufficient doctors. Sir, there is another very important point to look to. Is it a fact that the Hon'ble Minister in charge called the students to come out to help in the matter of giving medical relief to the people of Bengal? Did they report for duty? If not, what was the reason for not doing so? You charge us first of all by saying that the whole people of Bengal are callous; but did you move the Government either as a member or as a Minister for sufficient money for giving medical help to the people? Sir, remaining where he is, as a Minister of Government representing the people, it was his clear duty to move the Government, to persuade the Government to make sufficient allotments for medical and public hygiene purposes. It was clearly his business to move the Government for money to cope with the situation. But instead of that he makes it his business to charge the whole people of Bengal with callousness. Again I say, it was his clear duty to move Government to allot sufficient funds for proper medical education as well for proper medical treatment.

Then, Sir, is it a fact that when the Hon'ble Minister called the students to render medical help and come to the rescue of the suffering people, sufficient number was not forthcoming? Our report is that the Hon'ble Minister's selection of people was wrong and many did not turn up with the result that sufficient help was not available which proved disastrous to the people, and several lakhs of people died in consequence. These are the points which the Hon'ble Minister did not care to reply to. He said that large number of hospitals has been started—large number of beds has been provided for. I know, Government started some emergency hospitals. I know also that they have added some beds to the existing hospitals.

Mr. BIREN ROY: May I rise on a point of order, Sir?

Mr. PRESIDENT: Order, order. Yes, Mr. Roy.

Mr. BIREN ROY: Sir, my point of order is that Mr. Lalit Chandra Das is addressing the Hon'ble Minister direct and not through you. Is he in order?

Mr. LALIT CHANDRA DAS: I have been addressing the Hon'ble Minister through you, Sir. However, Sir, I know all these things. But what I want to say is that we should have more hospitals and more beds and all of them in right good time. As for example, in Homna police-station only 20 beds have been given, where 2,000 beds are necessary. Where 50 emergency hospitals are needed, only one is there. We get all these hospitals and beds on paper all right but in actual practice there is very little sign of these things being in operation. The Government have failed to discharge their duties properly, fairly and adequately.

Mr. PRESIDENT: Mr. Das, I hope you will now resume your seat.

Mr. LALIT CHANDRA DAS: Sir, may I speak a few words with regard to quinine?

Mr. PRESIDENT: But the Hon'ble Minister will have to reply to you.

Mr. LALIT CHANDRA DAS: But, Sir, has the Hon'ble Minister any mind to reply to my points? They are unanswerable.

Malaria has increased 4 to 5 times than what it was before. I want to know what arrangements the Government made to cope with that situation. Sir, one honourable member belonging to the Government party was saying or rather deploring the loss of his possession of Java I was wondering when Java was in his possession?

Mr. PRESIDENT: Mr. Das, have you finished your quinine?

Mr. LALIT CHANDRA DAS: May I speak only for a couple of minutes more? Give me two minutes, Sir, for quinine.

Mr. PRESIDENT: But you have already spoken for 10 minutes more.

Mr. LALIT CHANDRA DAS: All right, Sir.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Sir, we have tried our best to get doctors from other provinces. In fact, we have got 26 doctors from Burma. (Mr. RANAJIT PAL CHOWDHURY: Burma refugees?) No, no, we have got them from the Burma Government on loan. Now, from the Government of India also we have asked for doctors and we will soon get some. I think very shortly we shall get two-thirds of the whole of India's strength of doctors.

Mr. LALIT CHANDRA DAS: Did you offer them proper wages?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Certainly we did, but you are unanswerable.

Mr. PRESIDENT: Order, order.

The Council stands adjourned till 1 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1 p.m. on Thursday, the 10th February, 1944.

Members absent.

The following members were absent from the meeting held on the 9th March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Kader Baksh.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. Narendra Chandra Datta.
(5) Mr. Kamini Kumar Dutta.
(6) Khan Bahadur Abdul Gofran.
(7) Mr. J. McFarlane.
(8) Mr. Naresh Nath Mookerjee.
(9) Mr. B. C. Mukherji.
(10) Mr. R. S. Purssell.
(11) Khan Bahadur Kazi Abdur Rashid.
(12) Dr. Kasiruddin Talukdar.

BGP-44/5-1336A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 4.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 10th February, 1944, at 1 p.m., being the fourth day of the First Session of 1944, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

T. B. Hospital at Dinajpur.

34. Mr. NAGENDRA NATH MAHALANOBIS: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Government are aware that there are a large number of tubercular patients amongst the hillmen and other poor people in the Darjeeling district, who cannot have proper treatment in the local hospitals for want of accommodation? If so, do the Government propose to arrange for a properly-equipped T. B. Hospital for the treatment of these poor people?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): As soon as normal conditions return making construction work possible, Government intend to implement the decision announced in 1937 to establish a sanatorium for tuberculosis in this Province as an integral part of their campaign against tuberculosis. The hill people of Darjeeling district will be eligible for admission to that sanatorium.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please state whether Government propose to commence the urgent work in the interest of the hill people from whom a large number of military labour are recruited in rented houses which are always available in the locality?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I may say for the information of the House that there are two hospitals available for T. B. patients.

Mr. HARIDAS MAZUMDAR: Is the Hon'ble Minister aware that two hospitals are quite insufficient for the purpose for which this question was asked?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Well, Sir, I am not aware that any patient was ever refused admission in those hospitals for want of accommodation.

Allegations against the Jessore District Board.

35. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is a fact that the ex-President of the Chandibarpur Union Board, police-station Narail, district Jessore, sent a memorial to him, through the Commissioner of the Presidency Division, on the 20th March, 1943, making certain allegations against the Jessore District Board? If so, will he please enlighten the House as to the contents of the said memorial?

(*b*) If the answer to part (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken by the Government or is intended to be taken in the matter?

The Hon'ble Khan Bahadur JALALUDDIN AHMAD: (*a*) The answer is in the negative.

(*b*) Does not arise.

Opening Fire-lanes in Bustee areas of Calcutta.

36. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) if he is aware of a scheme for opening fire-lanes in *bustee* areas of Calcutta in order to provide easy access for fire engines;

(*b*) if any fire-lanes have been opened in these areas;

(*c*) if so, where and when; and

(*d*) if not, what are the reasons therefor?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*) Yes.

(*b*) Yes, four.

(*c*) (1) Gun Foundry Road, Cossipore,

(2) Belgatchia,

(3) Motijheel, Tangra, and

(4) Bhukailash Road, Kidderpore,

all within the last eight months.

(*d*) Does not arise.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please inform the House how many *bustees* are there in Calcutta?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I want notice.

Mr. HARIDAS MAZUMDAR: Are not the fire-lanes—four or five—mentioned in the reply quite insufficient in comparison with the total number of *bustees* that are to be dealt with by opening fire-lanes?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: On the basis of the present figure, I am advised that the number given is for the present sufficient for the access of fire engines.

Starvation cases in Calcutta.

37. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) if he is aware that destitutes on the point of death due to starvation are being removed from the streets of Calcutta to various hospitals of the city and the suburbs with infant children in their charge;

(*b*) whether a record as to the caste and creed of the infant children is kept at the time of their removal to the hospitals; and

(*c*) what arrangements are being made for the custody and protection of the infant children in the case of the death of their parents?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*) and (*b*) Yes.

(*c*) The orphans at first are given necessary treatment at the hospital, if required. They are then sent over for custody and protection to the (*i*) Infant Relief Centre at 43, Wellesley Street, Calcutta, (*ii*) and (*iii*) to Relief Centres at No. 89, Elliott Road, and 55, Haris Chatterjee Street, Calcutta. Details of each orphan are furnished to the Society for the Protection of Children in India.

Mr. HARIDAS MAZUMDAR: Is the Hon'ble Minister aware that this Society for the Protection of Children in India is a private organisation?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I suppose it is a private one.

Mr. HARIDAS MAZUMDAR: Has Government got any official institution where these details are kept on record?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Yes, there is a register for keeping these details: records are kept in the office of the Society for the Protection of Children in India.

Mr. HARIDAS MAZUMDAR: Does the Government propose to establish a home for the orphans thus collected from streets or places where they roam about?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: May I submit, Sir, it is a request for action: I could not follow the question. What is the question?

Mr. PRESIDENT: The question is whether Government propose to establish a Home for the orphans.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: My department is not concerned with it. But in this connection, I may say for the information of the House that there is a proposal before the Education Department for the establishment of such an orphanage.

Mr. HARIDAS MAZUMDAR: Does the Government propose to send the Hindu orphans to the Hindu orphanage and Muslim orphans to the Muslim orphanage before handing them over to the Society for the Protection of Children in India.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I have not given thought over this matter. I will consider it.

Cholera in the district of Mymensingh.

38. Khan Sahib NURUL AMIN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether he is aware that there is a serious outbreak of cholera in the district of Mymensingh;

(*b*) what quantity of anti-cholera vaccine was sent to the District Health Officer, Mymensingh, from the 1st August to the 15th September, 1943; and

(*c*) what was the demand of the District Health Officer, Mymensingh, for anti-cholera vaccine during that period?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*) Yes.

(*b*) 50,000 c.c.

(*c*) 50,000 c.c.

Khan Sahib NURUL AMIN: Will the Hon'ble Minister be pleased to state if his attention was drawn to several telegraphic requisitions sent by the District Health Officer of Mymensingh to the Director of Public Health, Bengal, and to the Superintendent of the Bengal Vaccine Laboratory asking for 50,000 c.c. cholera vaccines for inoculation and again for one lakh per week as occasion would demand?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I have not seen the telegraphic requisition specifically. Some were addressed to me personally and I have asked the Public Health Department to take immediate action.

Khan Sahib NURUL AMIN: Does the Hon'ble Minister propose to reply to this question without reference to those telegrams?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Yes, the printed question is "what was the demand and what was the supply". The answer is there.

Khan Sahib NURUL AMIN: What I wanted to clarify is this: whether the District Health Officer of Mymensingh sent telegraphic requisition towards the end of August last to the Director of Public Health for sending 50,000 c.c. cholera vaccines per week and then one lakh per week as occasion arises?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Sir, I could not follow the honourable member.

Khan Sahib NURUL AMIN: The reply to (*c*) shows that the entire demand of the District Health Officer for the period from 1st August, 1943, to 15th September, 1943, was 50,000 c.c.

(The Hon'ble Mr. Khwaja Shahabuddin and Mr. Mesbahuddin Ahmed were talking.)

Mr. PRESIDENT: Order, order. It is very difficult for the Chair to conduct business if honourable members go on talking amongst themselves.

Khan Sahib NURUL AMIN: Has the attention of the Hon'ble Minister been drawn to the telegraphic requisition sent by the District Health Officer of Mymensingh wherein the officer wanted 100,000 c.c. per week.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: My attention was not drawn to that telegram.

Khan Sahib NURUL AMIN: Does the Hon'ble Minister think that the answer has been prepared without any reference to those requisitions and that the answer is incorrect?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I do not think that my printed answer is incomplete. As for the demand for 100,000 c.c. I shall look into the matter.

Khan Sahib NURUL AMIN: Has the answer been prepared without any reference to those documents?

Mr. PRESIDENT: Order, order. That cannot be a question. You may ask for information but how the Hon'ble Minister prepares his answer is not your concern. You put your question and it is for the Hon'ble Minister to reply.

Khan Sahib NURUL AMIN: Is the Hon'ble Minister prepared to contradict me when I say that the answer to part (*c*) is false?

Mr. PRESIDENT: Order, order. Khan Sahib, I would ask you to withdraw that expression. Government never gives any false reply.

Khan Sahib NURUL AMIN: I withdraw it.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: The answer is quite correct.

Mr. HARIDAS MAZUMDAR: Sir, I have heard much about official information. Will the Hon'ble Minister be pleased to state if any non-official agency also has asked for some supply of vaccines?

Mr. PRESIDENT: That question does not arise.

Petrol Ration.

39. Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if he is aware of the difficulties of car owners who have to travel all the way to Beltala to obtain their petrol ration every month;

(*b*) if so, whether the Government intend to remove this office to a more central place; and

(*c*) if the Government propose to discontinue basic rations and distribute the petrol thus saved more equitably among those engaged in work of an essential character?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) It is to the advantage of the public that the Petrol Rationing Office should be located alongside the Motor Vehicles Department. Irregularities regarding tax, registration, permits, etc. can be immediately rectified and ration drawn. If the two departments were separated, a good deal of time would be spent in travelling from one office to another.

(*c*) Government do not propose at present to discontinue basic rations.

Loans and advances taken from the Central Government.

40. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state what is the total amount of loans and advances taken from the Central Government by the Government of Bengal up to the 31st October, 1943? Out of this total amount, how much is taken as loan and for what purposes and how much as advance and for what purposes?

(*b*) What is the total amount spent on the civil defence works in Bengal up to the 30th September, 1943, from the beginning of this War?

(*c*) How much of this total expenditure on the civil defence works have been borne by the Central Government and how much has been met from the Provincial revenues?

(*d*) Have the Government of Bengal approached the Central Government for a subvention of substantial sums to meet the deficit in the Provincial finance due to extraordinary charges incurred by this Government owing to the food distress and war emergencies?

(*e*) If so, for what amount has the subvention been asked for?

(*f*) Have the Government of India agreed to grant any subvention to the Government of Bengal or to write off the loans advanced to them?

(*g*) If so, what is the said amount for which a subvention has been granted or loan written off by the Government of India?

Mr. Biren Roy rose to reply for the Hon'ble Finance Minister without taking Mr. President's permission to do so.

Mr. PRESIDENT: Are you replying to the question of the Hon'ble Finance Minister, Mr. Roy? In that case you should have asked my permission to do so. Becaus I call out the name of the Hon'ble Finance Minister and you should have the permission of the Chair before you reply for him.

Mr. BIREN ROY, Parliamentary Secretary (on behalf of the Hon'ble Mr. Tulsi Chandra Goswami): (*a*) The total amount of loans and advances taken from the Central Government up to 31st October, 1943, is shown below:—

Loans and the purpose for which taken	Amount of loan. Rs.
(*i*) Ways and Means loan to meet the cost of ordinary administration	5,50,00,000
(*ii*) Loan for the purchase of rice by the Civil Supplies Department	5,50,00,000
(*iii*) Loan for the purchase of wheat by the Civil Supplies Department	1,50,00,000
(*iv*) Loan for Grow More Food schemes	62,15,000
(*v*) Loan to meet the Provincial share of civil defence expenditure up to 31st March, 1943	1,54,06,000
Total ..	14,66,21,000
Advances and the purpose for which taken—	
(*vi*) Advance to meet the total cost of expenditure on civil defence for the first three quarters of 1943-44 which will be adjusted at the close of the year by final allocation of the actual expenditure between the Centre and the Province	3,00,00,000
Total Loans and Advances ..	17,66,21,000

Out of the loans in (*ii*) and (*v*) above, Rs.50,00,000 and Rs.8,81,200, respectively, had been repaid by 31st October, 1943. The total net loan outstanding on 31st October, 1943, was Rs.14,07,39,800.

(*b*) and (*c*) The position is shown in the statement below:—

Year.	Central Government's share.	Bengal Government's share.	Total expenditure on Civil Defence.	Amount actually recovered from the Centre.	Amount still to be recovered from the Centre.
	Rs.	Rs.	Rs.	Rs.	Rs.
1939-40 to 1942-43 ..	3,36,86,879	1,94,37,988	5,31,24,867	2,98,89,879	37,97,000
1943-44 (up to 30th September).	..	..	2,33,43,468	..	..
Total expenditure up to 30th September, 1943.	..	..	7,64,68,335	..	..

Allocation of expenditure between the Centre and the Province is made at the close of the year. It is not possible, therefore, to work out at this stage the Central and Provincial shares of the expenditure incurred up to 30th September this year.

(*d*) and (*e*) The Government of Bengal is in correspondence with the Central Government on the subject. It is not considered to be in the public interest to furnish details at this stage.

(*f*) and (*g*) No decision has yet been reached.

The Central Primary Education Committee.

41. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if the Central Primary Education Committee contemplated under the provisions of the Bengal (Rural) Primary Education Act, 1930, has been formed in Bengal? If not, why not?

(*b*) Has any survey of the whole Province been undertaken by the Government with a view to drawing up a comprehensive scheme for the primary education for the whole Province with special reference to—

(*i*) area and population to be served by each school,

(*ii*) unschooled areas that are in need of new schools,

(*iii*) equitable distribution of new schools,

(*iv*) special condition prevailing in each locality,

(*v*) equipment and accommodation of primary schools,

(*vi*) communications, and

(*vii*) introduction of Islamic course in selected primary schools?

(*c*) If not, do the Government propose to undertake such a survey and to draw up a comprehensive scheme for the primary education for the whole Province? If not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) No school boards have up-to-date been formed in seventeen districts, only three of which are non-cess paying. In the Burdwan Division the majority of the districts are without Boards. In order to have a representative central committee it is necessary that the majority of the districts in each division should have Boards established.

(*b*)(*i*) to (*vi*) Yes.

(*vii*) Religious education has been made a part of the primary school curriculum.

(*c*) Does not arise.

Mr. LALIT CHANDRA DAS: Arising out of answer (*a*), have not the Government any responsibility to see that there are school boards in the districts? In the answer Government have said "No school boards have up-to-date been formed in seventeen districts——"

The Hon'ble Mr. TAMIZUDDIN KHAN: There should be a fullstop after "No".

Defalcation of landlords' fees in the Mymensingh Collectorate.

42. Khan Sahib NURUL AMIN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether there was a defalcation of landlords' fees in the Mymensingh Collectorate; and

(*b*) if the answer to part (*a*) be in the affirmative—

(*i*) whether the amount actually defalcated has been ascertained,

(*ii*) if so, what is the amount,

(*iii*) if not, to what extent the amount could be ascertained and the reason for the inability of the Government in ascertaining the exact defalcated amount,

(*iv*) how much of the defalcated amount falls within the category of "lapsed landlord fees", and

(*v*) whether the Government contemplate to reimburse the Mymensingh District Board to the extent of the defalcation of the "lapsed landlord fee"?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) Yes.

(*b*)(*i*) to (*iii*) The amount of money definitely established to have been withdrawn fraudulently is Rs.8,032. As the records up to 1938 were destroyed under the rules in 1939, it could not be ascertained if any amount deposited before 1939 had been fraudulently withdrawn.

(*iv*) Rs.3,408.

(*v*) The question is under consideration.

Extension of the operation of the Bengal Tenancy Act to Western Duars.

43. Mr. NAGENDRA NATH MOHALANABIS: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government propose to withdraw the restrictions imposed on the extension of the operation of the Bengal Tenancy Act, 1885, to the Western Duars of the Jalpaiguri district? If so, when? If not, why not?

The Hon'ble Mr. TARAK NATH MUKERJEA: No. The existing restrictions safeguard the interest of the *bona fide* cultivators of the area who are mostly aboriginal tribes.

Representation of the Legislature on the "After-War Reconstruction Committee".

44. Mr. MUNGTURAM JAIPURIA: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state whether the Bengal Legislature is represented on the "After-War Reconstruction Committee" appointed by the Government of Bengal? If so, who are the representatives? Were the claims of the non-Muslim members of the Legislature considered?

(*b*) Will the Hon'ble Minister be pleased to state if it is a fact that no member from the Opposition in the Legislature was appointed on this important Committee? If so, why?

(*c*) If the answer to the first part of paragraph (*b*) be in the affirmative, will the Government consider the desirability of appointing from the Legislature on the Committee some capable members of the Opposition who take keen interest on the subject? If not, will the Hon'ble Minister be pleased to state the grounds for such refusal?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Khwaja Shahabuddin): (*a*) No, not as such. Two members of the Bengal Legislature—Mr. A. R. Siddiqui and Khan Bahadur M. A. Momin—have been appointed on the Committee, but not as members of the Legislature but in their personal capacity.

(*b*) and (*c*) Do not arise.

Mr. HARIDAS MAZUMDAR: Do Government propose to appoint some members from the Opposition not as members of the Legislature as such?

The Hon'ble Mr. Khwaja SHAHABUDDIN: There is no Opposition if they are not members of the Legislature.

Mr. LALIT CHANDRA DAS: Why did not Government propose to take in non-Muslim members from the Legislature in the same way that the Government considered the position of Mr. A. R. Siddiqui and Khan Bahadur M. A. Momin and took them in not as members of the Legislature. Is the Hon'ble Minister in a position to consider the position of the members in the Opposition not as members of the Legislature but otherwise?

The Hon'ble Mr. Khwaja SHAHABUDDIN: I did not consider when I appointed Mr. Siddiqui and Khan Bahadur M. A. Momin as members of the Legislature.

Mr. LALIT CHANDRA DAS: All right, Sir, I shall put it in this way.

Mr. PRESIDENT: The Hon'ble Minister has already said that he has nothing more to add.

Mr. LALIT CHANDRA DAS: We take it from the answer given that Mr. Siddiqi and Khan Bahadur Momin were not considered as members of the Legislature but that they were considered for some other reasons to be fit to be on the Post-war Reconstruction Committee. But may I ask him whether he can similarly consider the position of non-Muslim members of the Opposition not as members of the Legislature but otherwise and take them in on the committee which they consider to be so very important, without giving a communal colour to the committee?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, there are already a number of non-Muslims on the Post-war Reconstruction Committee and I have already stated that I had not the Legislature in view when I made my recommendations: so the question of representation of the members of the Opposition does not arise.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please explain in what way he considered the position of Mr. Siddiqi and Khan Bahadur Momin other than as members of the Legislature?

Mr. PRESIDENT: It is quite clear from the Hon'ble Minister's reply that these two gentlemen were appointed not as members of the Legislature but as members of the public—in their individual capacity. Therefore, I do not think your question arises.

Mr. LALIT CHANDRA DAS: My question is this: whether from the standpoint of the public the Hon'ble Minister is prepared to consider the position of non-Muslim members of the public who also happen to be members of the Legislature and put in two more non-Muslims from the public as in the case of these two honourable gentlemen, Mr. Siddiqi and Khan Bahadur Momin?

Mr. PRESIDENT: To that question also the Hon'ble Minister has replied. There are several non-Muslims on the committee already who have been appointed on the same criteria.

Mr. LALIT CHANDRA DAS: Kindly let the Hon'ble Minister answer this question himself, Sir.

The Hon'ble Mr. Khwaja SHAHABUDDIN: All right, Sir. Let me answer the question myself. I have already said that there are several non-Muslim members on the committee.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister please state whether he considered the case of all the Muslim members of the general public when selecting Hindu members on the committee?

The Hon'ble Mr. Khwaja SHAHABUDDIN: I would prefer not to answer the question, Sir. It would not be fair.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please inform the House the basis on which he considered this matter and selected these two members of the committee?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, many factors were taken into consideration in making these nominations. For the information of the House I may mention that Mr. Nalini Ranjan Sarkar, Sir Gyan Ghose, and Sir Biren Mookerjee are on the committee. Various considerations were taken into account before these nominations were made and it is very difficult to define all of them.

Mr. HARIDAS MAZUMDAR: Do the Government propose to take in some members who are members of the Chambers of Commerce and are members of the Legislature as well?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, the nominations were made not after considering the claims of persons as representatives of any institution or interest but only keeping in view the work which the Post-war Reconstruction Committee will be called upon to do. The decisions were made on other grounds than those of Commerce or private interests.

Mr. PRESIDENT: Questions over.

Adjournment motion of Mr. Haridas Mazumdar regarding rationing of articles of "bhog."

Mr. HARIDAS MAZUMDAR: Sir, I have given notice of an adjournment motion which runs as follows:—

Mr. PRESIDENT: Are you moving it now?

Mr. HARIDAS MAZUMDAR: No, Sir, I am asking your permission to move it. The motion runs thus:—"That the Council do adjourn its business to discuss an urgent and definite matter of public importance, namely, the situation that has been created in Calcutta and the adjoining rationed areas by the decision of the Hon'ble Minister in charge of Civil Supplies not to issue food-ration cards to the *sebaits*, trustees and managers of deities for their daily *puja* and *bhogs* as religious offerings and for the feeding of the poor as an essential part of such sacred ritual, in spite of urgent public demand, resulting in the non-performance of a religious duty enjoined by the Hindu *shastras* and provision of the religious trusts."

Sir, I am moving this motion as it is my religious duty——

Mr. PRESIDENT: You cannot move the motion till you have permission.

Mr. HARIDAS MAZUMDAR: No, Sir, I am asking for permission to move and I hope and trust that there will be no objection to my doing so from any section of the House——

Mr. PRESIDENT: Will you please explain why you propose to move it?

Mr. HARIDAS MAZUMDAR: Yes, Sir. I move it because it is very important that the daily *pujas* of the deities must be performed by the *sebaits* and trustees in compliance with the injunctions of the *sastras* and the provisions of the religious trusts. By the rationing order the *sebaits* and trustees are not allowed to have ration cards issued in their names on behalf of the religious institutions and also for the private deities. It is essential for a Hindu to perform *pujas* and offer *bhogs* before he partakes of his food. After the religious offerings these *bhogs* become *prasads* and then they are distributed among the poor. The difficulty is that Hindus, unless they get ration cards cannot get an ounce of foodgrains from the market for performing these ceremonies and unless steps are immediately taken to issue ration cards to the *sebaits* and trustees of these institutions it is impossible for them to perform these ceremonies as enjoined by the Hindu *shastras*. There are some other religious ceremonies such as *sradh* and other occasional religious functions. The Hindus are handicapped, on account of the introduction of the ration card system, to perform these ceremonies, unless separate and special cards are issued for this purpose. With these words, I ask your permission to move the adjournment motion and request the House to accept it. I am, however, prepared to withdraw the motion if the Hon'ble Minister makes a statement to our satisfaction with definite assurance to make arrangements for *bhog's*, *sradh's* and other religious ceremonies affecting the Hindus of Bengal.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I cannot accept the motion at it stands. I may, however, say that the honourable member has not been able to explain the religious view-point of the Hindus, so far, as *bhog* is concerned, very satisfactorily. I have made some researches in the subject and I appear to be acquainted with it. I am prepared to say this that I am most anxious to ensure supply for *bhogs* and other religious ceremonies to the extent that it is necessary for the performance of these ceremonies, and I am examining the position as to how best we can ensure supply, having regard to the quantum of supplies in our possession. I hope the House will be satisfied with what I have said. In a few days' time I hope to be able to give the public the conclusions that I arrive at on this subject. I hope after this assurance the honourable member will withdraw his motion. But if he does not, I shall have to oppose it.

Mr. LALIT CHANDRA DAS: Is it a promise from the Hon'ble Civil Supplies Minister that he will issue ration cards for the purpose and make a statement on this subject?

Mr. HARIDAS MAZUMDAR: On the assurance of the Hon'ble Minister I do not like to press my adjournment motion. But this is the tenth day of rationing and I would request the Hon'ble Minister to be a little up and doing in the matter and see that the statement is made at an early date.

Mr. PRESIDENT: Then Mr. Mazumdar, I take it that in that case you do not ask for permission to move the adjournment motion.

Mr. HARIDAS MAZUMDAR: In view of the assurance of the Hon'ble Minister, I do not press the adjournment motion.

The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

Mr. PRESIDENT: The Hon'ble Mr. Tarak Nath Mukerjea will now move the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, be taken into consideration.

Sir, it was brought to the notice of Government that during the period of scarcity of foodgrains and abnormal increase in their prices during the year 1943 many petty *raiyats* and under-*raiyats* transferred their agricultural holdings by sale for small amounts in order to maintain themselves and their families and thus reduced themselves to the position of landless labourers. This caused grave anxiety to Government who considered it necessary to undertake legislation immediately in order to enable those *raiyats* and under-*raiyats* to get back their holdings. As the legislature was not in session then, an Ordinance, viz., the Bengal Alienation of Agricultural Land (Temporary Provisions) Ordinance, 1943, was promulgated by the Governor on 24th December, 1943, under sub-section (*1*) of section

88 of the Government of India Act. The present Bill is a complementary measure to follow up the said Ordinance, the term of which will expire after six weeks from the commencement of the present session of the Legislature. The main provision of the Bill is that if during the year 1943 a *raiyat* or under-*raiyat* has transferred for maintaining himself or his family any agricultural holding by sale for any consideration the amount or value of which does not exceed Rs. 250, he may apply to the Collector for restoration of such holding on paying back the consideration money with interest at the rate of 3½ per cent. *plus* the amount of any compensation for improvement effected to the holding after the date of transfer less the amount of the net income derived for such holding by the person in possession of the holding as a result of such alienation. Option has also been given to the *raiyat* or under-*raiyat* to apply for conversion of the sale of his holding into a complete usufructuary mortgage for a period not exceeding ten years.

It may be mentioned in this connection that figures have been collected from the Sub-Registry offices situated in the most distressed areas of the province about the extent of sale of *raiyati* holdings in 1943. The total number of sales of ordinary occupancy holdings in those areas during the period was 513,831 of which 426,683 sales representing about 83 per cent. of the total number of such sales were for amounts not exceeding Rs. 250. There were also 60,436 sales of *mokarari raiyati* holdings during the year of which 46,758 sales representing about 77 per cent. of the total number of such sales were for amounts not exceeding Rs. 250. These figures make it clear that the limit of Rs. 250 provided for in the Bill will cover the bulk of the cases. So, in view of the above facts and in consideration of the fact that this is a purely temporary measure and as other schemes of rehabilitation are under the consideration of Government, I hope the House will accept my motion.

Mr. PRESIDENT: Motion moved: that the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, be taken into consideration.

If any honourable member wants to speak on the consideration motion, he may do it now.

Mr. NUR AHMED: Sir, with your permission I rise to support this motion. Sir, the Bill is a very useful one. Its intention is to render some relief to those unfortunate cultivators who have sold away their holdings under the pressure of overwhelming distress and who have become landless wanderers in this wide world. Sir, this measure is very modest, and it contains very modest provisions for rehabilitating these unfortunate persons. In this Bill, Government ' doing some justice to the cultivators, but I think its provisions should have been much wider and its scope should have been further widened in order to include persons who have sold their holdings the valuation of which is Rs. 500, in view of the fact that some of the

unscrupulous transferees have falsely entered into the document more than Rs. 250. However, I congratulate the Ministry on their bringing this modest measure and I wholeheartedly support the motion.

Mr. HARIDAS MAZUMDAR: Sir, in according my support to this Bill I propose to make certain observations. The price-limit of the property already sold has been put at Rs. 250. I think Government should have enhanced the amount a bit more——

Mr. PRESIDENT: Mr. Mazumdar, you are entering into details, I think. You should confine yourself only to the principle of the Bill.

Mr. HARIDAS MAZUMDAR: Therefore, Sir, if Government wish to amend and improve the Bill, they can do it at the time of passing. This is my request. As regards the general principle, this sort of rushing a Bill without placing it for the consideration of members of the House, either in the Select Committee of a limited number of members or of the whole House, is not salutary. I think we should have a Select Committee. However, this is a welfare measure to help the poor and the distressed and those who have been compelled to part with their little all for hunger and on account of famine and pestilence, and therefore I associate myself whole-heartedly with this measure.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I support the principle underlying the Bill, but the Bill does not go far enough to give real relief to the cultivators. Its provisions should be substantially amended. The provision that the value has to be repaid within the period of two years by an application for this purpose requires re-examination. Therefore, the Bill provides that the man has to pay double the value of the land in 1944-45 for getting back the land for which he had parted in 1943. Most of these people will be quite unable to pay the price, because possibly the land sold represented all they had or possessed. Therefore, I should suggest that the cumbrous procedure that has been provided in the Bill should be replaced by a simple provision to the effect that the vendor shall get back his land on his applying for the same within two years from the passing of this Act. But he will remain indebted to the purchaser for the money he received from the purchaser and the land shall remain subject to mortgage for this money which might be paid in 10 equal instalments. If these provisions are incorporated, then it will really serve the purpose for which the Bill is being enacted.

Khan Bahadur M. A. MOMIN: Sir, the principle of the Bill, of course, is admirable; but I am afraid I do not feel much enthusiasm for the Bill itself. It seems to me that if this temporary relief that is sought to be given is passed into law, then the people who are sought to be relieved will not be relieved but certain other classes of people will be benefited, whom perhaps the Hon'ble Revenue Minister has no intention of benefiting, namely, the lawyers,—because that will lead to a lot of litigation—, and also the people who have got money and whose income has now increased

and also the people who have got covetous eyes over the lands which they so long could not buy but which they can now afford to buy. What will happen in that case? I would like you, Sir, to visualise what will happen. A poor man who had not enough to live upon during these difficult times had to sell his land for Rs. 250 or less. It is very unlikely that he will be able to go to the court and deposit Rs. 250 with an additional ten per cent. What will really happen is that some rich men in the neighbourhood will come to him and make him an offer of Rs. 250 *plus* the 10 per cent. and *plus* something more—just as in the case of a *benami* transaction—and make him apply, get back the land and then transfer it to him. That is what will happen in most cases.

Then, if the poor man himself is able to accumulate this Rs. 250 *plus* 10 per cent. and wants to get back the land, he will go to court and the man who purchased the land will naturally oppose him and there will be litigation the result of which is not difficult to foresee. So I think these measures will not serve any useful purpose. On the contrary, it will only lead to litigation and to *benami* transactions. Under the circumstances, although I do not oppose the Bill in so many words, I would like Government to reconsider the position in the light of what I have stated and either improve it in such a way that the return of the land would be automatic or to drop the Bill altogether. It is no use making laws and filling up the library with all these useless Statutes which are not likely to do any good to them.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I propose to be very brief. As regards raising the limit, I will only say that if after practical experience it is found that it is necessary to raise the limit, Government will not hesitate to do so. But I may say that out of a little over 5 lakhs of transactions more than 4½ lakhs, that is about 83 per cent. of the transactions, were for amounts below Rs. 250: so we have taken Rs. 250 as the maximum limit.

As regards the observation made by my friend Mr. Hamidul Huq Chowdhury, I may say that as the Bill stands at present the *raiyat* will get back his land probably on payment of Rs. 150 or less because we have made provision in the Bill that he will get back the land on payment of the amount actually paid by the purchaser. It is well known that the price of rice and other agricultural produce has risen and the net profit from that particular land when calculated will show that it will give good deal of relief to the *raiyat*, and in framing our Bill we have tried our best to make it as simple and as specific as possible——

Mr. SHRISH CHANDRA CHAKRAVERTI: Will it require any stamps?

The Hon'ble Mr. TARAK NATH MUKERJEA: We have not yet come to any decision about it. But if stamp is provided, it will be very nominal —just as in the case of Debt Settlement Board cases. I may say also that

the procedure contemplated will be simple and quick and I can assure the honourable members of the House that Government will do all that is necessary and all that is possible to give as much relief as possible to these unfortunate people——

Mr. HARIDAS MAZUMDAR: Will any pleader be necessary?

The Hon'ble Mr. TARAK NATH MUKERJEA: Probably not——

Mr. PRESIDENT: You need not answer these interruptions.

The Hon'ble Mr. TARAK NATH MUKERJEA: In view of these facts, I hope the House will accept the motion.

Mr. PRESIDENT: The question before the House is: that the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, be taken into consideration.

(The motion was agreed to.)

The Bengal Destitute Persons (Repatriation and Relief) Bill, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I beg to move that the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, be taken into consideration.

Sir, in this case also I propose to be very brief. I would only submit that owing to acute distress prevailing in the rural areas of the Province on account of scarcity and unprecedented rise in the price of foodstuffs there was a heavy rush of destitutes to Calcutta and other urban areas. Government were faced with the problem of accommodating and feeding these destitute people, and of repatriating them to their homes with the improvement of the situation in the rural areas. Apart from Government's responsibility to save people from starvation, there was also the question of health and sanitation of these urban areas which was greatly endangered by the influx of such a large number of rural people seeking food and shelter. Camps were opened in Calcutta and in other areas for the reception of such destitutes. Arrangements for accommodation, food and medical treatment in the camps were also made. But the destitutes were found reluctant to take advantage of these facilities. Government, therefore, needed some powers to apprehend them and to remove them to such camps with a view to feed and accommodate them as long as necessary and ultimately to repatriate them to their villages. As the matter was considered very urgent and as the Legislature was not in session, the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1943, was promulgated in October, 1943.

The working of the Ordinance during the last 3 months has produced satisfactory results. From October, 1943, up to the end of January, 1944,

43,524 destitutes were collected from the streets of Calcutta and admitted in the different reception centres within Calcutta where they were fed and accommodated and given medical treatment. Of this number, 33,418 destitutes have been repatriated so far. No one who is either sick or too weak to move is repatriated and no one is repatriated so long as there is risk of his starving in his native village. About 20,000 destitutes were similarly dealt with in areas other than Calcutta.

With the harvesting of the last *aman* crop, the food situation has considerably improved. But it is not safe to assume that normal situation will be restored soon, and that there will be no recurrence of the unfortunate events which occurred during the last few months. In the circumstances, it is considered necessary that the provisions of the Ordinance should be extended by a temporary Act of the Legislature. The Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, contains the same provisions as in the Ordinance and will remain in force till the end of January, 1946.

I hope this will be acceptable to the House.

Mr. PRESIDENT: Motion moved: that the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, be taken into consideration.

The question before the House is: that the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, be taken into consideration.

(The motion was agreed to.)

Mr. BIREN ROY: Sir, may I bring to your notice that the Hon'ble Mr. Tarak Nath Mukerjea who introduced the Hindu Women's Rights to Property (Bengal Agricultural Land) Bill, 1944, the other day in the Council will move its consideration motion next day?

Mr. PRESIDENT: But the Hon'ble Minister himself is present here.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I propose to move the consideration motion next time.

Mr. HARIDAS MAJUMDAR: Sir, may I mention an urgent matter which is in regard to a steamer accident on the 7th instant? I want to ask one short notice questions?

Mr. PRESIDENT: Order, order. You should have mentioned it immediately after the questions were over.

Mr. HARIDAS MAZUMDAR: This is a very urgent matter, Sir. I hope you will kindly allow me to make a brief statement.

Mr. PRESIDENT: Please do it tomorrow.

Point of privilege.

Mr. HAMIDUL HUQ CHOUDHURY: Sir, may I rise on a point of privilege? We have been experiencing considerable difficulty as regards

the facilities that are provided in the Library. The books which we require most urgently cannot be had because the Library is directly under the control of the Assembly Department. Sir, may I suggest to you that you should take the matter up with the Government so that we may also have some control over the Library? Because, we need the Library for our own use in this House.

Mr. PRESIDENT: Thank you very much for raising this point of privilege. May I have the suggestions of the honourable members so that I can place the proposal before Government?

Mr. SACHINDRA NARAYAN SANYAL: Sir, we did it several times before, but it was fruitless.

Mr. PRESIDENT: It was never raised in my time.

Order, order. The Council stands adjourned till 2 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 11th February, 1944.

Members Absent.

The following members were absent from the meeting held on the 10th February, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Kader Baksh.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. N. C. Datta.
(5) Mr. K. K. Dutta.
(6) Khan Bahadur Abdul Gofran.
(7) Mr. J. McFarlane.
(8) Mr. N. N. Moholanabish.
(9) Mr. N. N. Mookerjee.
(10) Mr. R. S. Purssell.
(11) Khan Bahadur Kazi Abdur Rashid.
(12) Dr. K. S. Ray.
(13) Dr. Kasiruddin Talukdar.

BGP-44/5-1337A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 5.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 11th February, 1944, at 2-15 p.m., being the fifth day of the First Session of 1944, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Contractors in the Communications and Works Department.

45. Khan Sahib NURUL AMIN: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) the total number of contractors enlisted in different branches of the Communications and Works Department since April, 1943;

(*b*) the number of Muslim contractors enlisted since that time;

(*c*) the aggregate or approximate value of works distributed by—

(*i*) the Executive Engineer, A.R.P. Shelters Construction Department, Calcutta,

(*ii*) the A.R.P. Officer, Howrah and Hooghly, and

(*iii*) the A.R.P. Officer, 24-Parganas,

to the Muslim and non-Muslim contractors, respectively;

(*d*) whether any unregistered contractor was engaged by any of the officers mentioned in parts (*c*) (*i*), (*ii*) and (*iii*) above;

(*e*) if so, how many of them were Muslims and how many non-Muslims, and what is the total value of work distributed amongst unregistered Muslim and non-Muslim contractors (to be shown separately);

(*f*) whether open tender was called for the works distributed by the officers named in parts (*c*) (*i*), (*ii*) and (*iii*) above; if not, why not;

(*g*) whether any contractor was given works of the value more than the maximum value of the class to which he belonged; and

(*h*) if so, in how many cases, and why?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Barada Prasanna Pain): (*a*) Seventy-one in Communications and Buildings Branch; 231 in Irrigation Branch.

(*b*) Twenty-five in Communications and Buildings Branch; 93 in Irrigation Branch.

(*c*) (*i*) Rs.2,42,310 to Muslim contractors; Rs.5,98,693 to non-Muslim contractors.

(*ii*) Rs.65,530 to Muslim contractors; Rs.1,04,695 to non-Muslim contractors.

(*iii*) Rs.44,633 to Muslim contractors; Rs.2,75,829 to non-Muslim contractors.

(*d*) Yes.

(*e*) Muslim 10; non-Muslim 31.

Total value of work distributed amongst unregistered Muslim contractors, Rs.1,01,595.

Total value of work distributed amongst unregistered non-Muslim contractors, Rs.2,57,785.

(*f*) No. The works being of emergent nature were distributed at the rates approved by the Chief Engineer under the rules approved by Government in this behalf.

(*g*) Yes.

(*h*) In 37 cases. When the digging of slit trenches was first taken up in the early part of 1942, very few registered contractors were forthcoming and the work being of extreme urgency had to be given to any one who would carry it out. Contractors who carried out work in these early days of panic were given further works.

[*N.B.*—The answers to questions (*c*) to (*h*) cover the period commencing from 1st April, 1943.]

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state the name of the Chief Engineer who distributed the work and fixed the rates?

Mr. PRESIDENT: I think the mention of any name should be avoided, as far as possible.

Mr. HUMAYUN KABIR: Arising from (*g*) and (*h*), will the Hon'ble Minister be pleased to state if these cases where the contractors were given works of the value more than the class to which they belonged, were confined only to Calcutta or extended to outsiders also?

The Hon'ble Mr. BARADA PRASANNA PAIN: I want notice.

Mr. HUMAYUN KABIR: In answer (*h*), it is said that there were 37 cases in which contractors were given works of value more than the maximum value of the class to which they belonged: Will the Hon'ble Minister please state if all these 37 cases related to Calcutta?

The Hon'ble Mr. BARADA PRASANNA PAIN: Yes.

Grievances of the tramcar passengers.

46. Mr. HARIDAS MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if he is aware of the grievances of the tramcar passengers regarding—

(*i*) non-issue of transfer tickets,

(*ii*) over-crowding and want of sitting accommodation in tramcars,

(*iii*) insufficiency of the number of ladies' seats,

(*iv*) increase of monthly fare, and

(*v*) incivility and rashness on the part of the ticket collectors and conductors, particularly in connection with the stopping and starting of the car?

(*b*) If so, do the Government propose to take immediate and urgent steps to remedy these grievances of the tramcar passengers? If not, why not?

The Hon'ble Mr. BARADA PRASANNA PAIN: The matter is being investigated.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please state how long it will take to finish the investigation?

The Hon'ble Mr. BARADA PRASANNA PAIN: I shall be in a position to give a full reply within 15 days.

Mr. HARIDAS MAZUMDAR: With your permission, Sir, I may mention that a few days ago I gave notice of a short-notice question on a very urgent matter. I do not know whether the Hon'ble Minister is aware of it or not. It runs as follows:—

"Whether the Hon'ble Minister is aware that recently a hail-storm passed over a portion of the Bakarganj district and that Bagerhat ferry steamer met with a serious accident near Bhandaria during the squall; if so, what is the reason for not publishing this news in the Press: what is the number of sufferers in connection with the said accident?"

I gave this notice probably in the early part of this week—I think on the 5th or 7th of this month. I read from yesterday's paper that the accident really took place and I would request the Hon'ble Minister to furnish this House with a statement giving details of this accident, e.g., whether sufficient provisions were made for life-saving appliances, life-boats in the steamer which met with the accident and also the reasons for suppressing so long the news of the accident which took place on the 29th of the last month.

Mr. PRESIDENT: The short-notice question has been admitted and it is for the Government to say when they will reply to it.

Mr. BIREN ROY: The answer to the short-notice question will be given on Monday next.

The Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Sir, with your permission, I beg to ask for short notice regarding the motion that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944, be taken into consideration and passed.

Mr. PRESIDENT: As you request for short notice, I suggest 11 a.m. on the 14th February as the last date and time for sending amendments to the motion for consideration, and 11 a.m. on the 15th February for sending amendments to the clauses of the Bill. The Bill will be taken over on the 17th.

Presentation of Select Committee Report on Advocates' Robes Bill.

Khan Sahib NURUL AMIN: I beg to present the report of the Select Committee on the Advocates' Robes Bill, 1941.

NON-OFFICIAL RESOLUTIONS.

Mr. PRESIDENT: Mr. Amulyadhone Roy, you were in possession of the House on the last non-official day.

Mr. AMULYADHONE ROY: Yes, Sir. Before dealing with the resolution I should like to make a passing remark. Whatever I shall submit in this connection is my personal opinion as a member of the Scheduled Castes whose sentiment I am giving expression to, and not as a member of the party to which I have the honour to belong. With these remarks, I will now speak on the main resolution. During the last session of the Council, I was submitting before this august assembly the reasons why a demand was put forward to Mahatma Gandhi by the Congress Scheduled Caste members of the Madras Legislative Assembly for provision in the constitution for fixing seats from the Panchayat Board to the State Council on the basis of population. Honourable members will also perhaps remember, as I then pointed out, that they asked Gandhiji if the Congress M.L.A's. belonging to this particular community were free from party discipline in dealing with the communal problems to which the greatest leader of the Indian National Congress replied that they were absolutely free to do anything in the interest of their community.

Now, Sir, what are the reasons behind this move on the part of the M.L.A's. of the province in which untouchability prevails in the extreme. On an enquiry it would be found that the Gentlemen's Agreement arrived at Poona following the fast of Mahatma Gandhi relating to election to local bodies and appointments to various services have been treated no better than a scrap of waste paper. The understanding arrived at at the Round Table Conference with Dr. Ambedkar about the formation of the Provincial Council of Ministers has been broken. Sir, the terms of the Poona Agreement regarding the representation of the Scheduled Castes in the Central Legislature have not been respected for want of a statutory provision. To summarise, this breach of trust only shows that statutory obligations appear to be better to the Hindu leaders than to give us a share in the administration ou' of good-will and affection. Sir, the unfortunate position existing in the local self-governing institutions, —which, I hope, is not the symbol of things to come in the future national Government—, is quite on a par with what obtains in the Legislature Honourable members will pardon me if I point out some incidents for their reference by a

narration of the events that occurred in this country after the Mont-Ford Reforms and the coming into force of the present Constitution. During the last 22 years, members of the Scheduled Castes other than on special grounds had not been returned on their own strength to the Legislature or to the local bodies. No political organisation represented by the best and first-rate politicians of India did care to adopt them as candidates. On the other hand, Sir, the Legislature was sought to be humiliated by the election of those, either domestic servants or men of the street whose return to this body would wound the feelings and affect their sentiments. Sir, the position has not improved even after the Yerveda Pact, as Mahatma Gandhi calls it. During the 1936 election, the adoption, nomination and election of candidates for seats allocated in the general constituencies of the various legislative assemblies in India were such as if they had been reserved by the separate electorate in the constitution for a section of the Hindus alone. What is true with regard to the Legislature is also true in a greater degree about the University, Corporation, municipalities and other self-governing institutions. Sir, for more than half a century these statutory bodies are being constituted more or less on the basis of joint electorate and are functioning at the cost of those people who belong to a society perpetually living in a social and economic bondage with obligations to the members of that society without any corresponding benefit. But their door is closed now as before.

Now, Sir, I have got to make two appeals. My first appeal would be to the Hindu members and the other to the European Group and Muslim members of the House. My appeal also goes to the Buddhist, Christian and other communities. My appeal to the Hindu members is this. I prefer goodwill and sincere intention for securing the representation of the Scheduled Castes to legislation. But the Hindu leaders must show by their action that legislation is not necessary. If the Hindu leaders do not realise the gravity of the situation, the Scheduled Castes must in course of time form a distinct and separate element in the political life of India having complete partition of political power without fail.

To the honourable members of this House other than the Hindus my appeal is this. This is a problem which concerns the Scheduled Castes and the remainder of the Hindus and we have no intention to encroach upon other's rights. Therefore, the choice for or against one way or the other, must be left to the Hindu members for their decision at the first instance; but on the other hand, in case of their opposition to this resolution, I must invoke the aid and assistance of the members of other groups and parties of this Council. With these remarks, Sir, and with these humble suggestions I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: Order, order.

Resolution moved: that this Council is of opinion that legislative measures be undertaken by the Government with a view to securing representation of the Scheduled Castes on the line of the Communal Award in the services and on the Statutory Boards of the University, Corporation, Municipalities and District and Local Boards of the Province.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I desire to second the resolution moved by my friend Mr. Amulyadhone Roy. He wants to extend the principle underlying the Communal Award to the University, Corporation, Municipalities and District and Local Boards of the Province. He has my sympathy and also the sympathy of my party.

Mr. HARIDAS MAZUMDAR: Sir, I whole-heartedly support this resolution of my honourable friend, Mr. Amulyadhone Roy. The Scheduled Caste Hindus of Bengal are labouring under very many difficulties. I have no love for the Communal Award and I can never recommend the appointment of persons to offices unless there is solid merit to support. These Scheduled Caste Hindus require sympathetic backing, because, Sir, it is an open secret that without backing there is little chance of success for any individual to secure even an ordinary job, not to speak of a key job in the administration or anywhere in the body politic. But these gentlemen hailing from the Scheduled Castes sometimes require not only the help of statute but also the help of persons who have sympathy for the uplift of the backward classes of the province. Hence, the demand from my friend Mr. Roy to enforce the quota fixed for them in all the self-governing institutions, namely, local bodies and others, is understandable. Of course, duly qualified members should be appointed to posts of responsibility, as I have already pointed out. Personally speaking, I never encourage the craze for Government service. The number of appointments is very limited. Besides, Bengal is being attacked from all sides: by industrialists, businessmen of all castes and creeds from outside the province. If the best brains of Bengal be absorbed in Government service, only third class men will go in for business or agriculture. And the result will be that in the course of a few decades the wealth of the province will be in the hands of outsiders. Here I may recall an incident in Bengali life, if I am allowed to quote it. The late Sir K. G. Gupta gave employment to numerous *Vaidyas* in Bengal and for a time they occupied very important jobs in the province. But I do not know if I am correct in my estimate that they comprise now the poorest middle class community in Bengal. We should, therefore, learn by experience. However, as a matter of policy and subject to what I have said regarding the merit test, the resolution should be accepted by the whole House; and if the Ministry is really sincere in its professions, it should see that it is given effect to at an early date. With these words, I support the motion.

Khan Sahib NURUL AMIN: Mr. President, Sir, I have full sympathy with the sentiments expressed by Mr. Roy in moving his resolution and I am also quite anxious that the Scheduled Castes people should get their proper representation in the services, in the local bodies and in other statutory bodies. But, Sir, one thing is not understandable to me. The resolution contains certain words which require elucidation. It states that representation should be secured by legislation for the Scheduled Castes on the lines of the Comn nal Award. The expression "on the lines of Communal Award" is not at all understandable, because we find that Mr. MacDonald gave an award which was subsequently modified by a pact

between the caste Hindus and Scheduled Castes, called the Poona Pact and which was chararacterised as Gentlemen's Agreement by Mr. Roy himself. But may I ask which Communal Award he refers to? What is the ratio given by the Communal Award? Is it the ratio given by Mr. MacDonald or the ratio given by the Gentlemen's Agreement. If he was asking for the percentage of the Gentlemen's Agreement, it is a matter between the Caste Hindus and Scheduled Castes themselves. He also said something about breach of faith by the caste Hindu people. Although he has not done so in his speech today, in his previous speech on the subject in September last he felt very much diffident about his community. He quoted the authority of Mr. Gandhi for allowing freedom for giving expression to such communal grievances, because he knows that he belongs to a party which is outwardly national and cannot allow anything which will benefit only a section of the people, however depressed, however backward, they may be and which goes by the name of communal. He has also said that the depressed class leaders had a discussion about this with Mr. Gandhi in 1942, and that certain questions were put to Mr. Gandhi, but the replies given by that leader has not been given by Mr. Roy. We do not understand their leader's attitude in this matter. According to Mr. Roy's speech the questions are these—what should be the position of the Harijans in the future constitution of India? This question was put to Mr. Gandhi by several Scheduled Caste leaders. But what was the answer was not given. Then a demand was made by the Congress Scheduled Caste members to have a provision in the constitution to fix seats of the Harijans from Panchayat Board to the State Council on population basis. But no reply was given to this by Mr. Gandhi. So we have not understood what is the attitude of the caste Hindus or for the matter of that their own leader, Mr. Gandhi, in this matter. Before we know that attitude, we cannot accept this resolution in the form in which it has been moved in this House. We have not also heard from the caste Hindu members present in this House about this matter. Mr. Das who always finds time too short for his speech on any subject, has been very brief in his speech today and in two or three words he supported this motion. We wanted elucidation, explanation and certain suggestions as to in what way it is practicable. It is very nice to express sympathy with every one and to have that at the cost of other people. We have no objection to a motion being supported from this side, but let us understand the implications, what the consequence will be, what should be the exact proportion, what you mean by the expression "on the line of Communal Award". Nothing has been explained here about it: simply the motion is supported. Now, Sir, Government has already fixed a proportion for Scheduled Castes in the services and that is being religiously followed so far as my knowledge goes.

Then, Sir, in making nominations to district boards, local boards, municipalities, union boards, debt settlement boards, jute committees and several other committees that are being set up day to day by Government, Government try to secure Scheduled Caste candidates. So long as Scheduled Caste candidates are not found, nominations are not made by Government. So, Government are really trying to meet their demands. The other day

we have seen that in the amended Bengal Primary (Rural) Education Act, provision has been made by Statute for two Scheduled Caste nominations to School Boards, and this was done before Mr. Amulyadhone Roy moved this resolution. Government are really trying to meet their wishes, to give them their dues; but it is natural for one to crave for more and more as he gets it. So, my advice to my honourable friend would be that he should first try to apply this Gentleman's Agreement to all those statutory boards and to local bodies and not to take to legislative measures. If it is not possible, —as Mr. Roy has given a warning to the caste Hindu members that if he cannot achieve these rights amicably, then he will declare war—he should try independently to have it achieved by other means. So, let him try first by other methods. If he finds that he is being treated unfairly, unjustly and the agreement is being broken, then he may declare war.

With these words, I request the honourable member to withdraw the resolution.

Rai Bahadur KESHAB CHANDRA BANERJEE: Mr. President, Sir, I could not exactly make out whether the honourable member who has just spoken really supported the resolution or opposed it. I take it that he opposed the resolution. I thought that the members occupying the benches opposite would be more generous to the demands of the Scheduled Castes. Sir, on more than one occasion in the past, I supported all legitimate demands of the Scheduled Castes on every available opportunity.

Now, so far as this particular resolution is concerned, I think the Government should come forward to make a definite statement as to whether they are prepared to grant the concessions which have been asked for by Mr. Roy. Sir, the honourable member who preceded me said that if there was any Gentleman's Agreement, Government would not be well-advised to meet the demands of the Scheduled Caste people by legislation or in other ways. I agree that some concessions have been shown to this deserving community in the shape of nominations to different local bodies and also by appointment to the different services and that to a limited extent; but I think that having regard to the principle involved, the Government should have been more generous to meet the legitimate demands of the Scheduled Caste people.

Sir, if I remember aright, some provision was made in the last year's budget or in the budget year before last of an amount of 5 lakhs of rupees for the benefit of the Scheduled Castes. I do not know in what way, if at all, the money has been expended. We have not had any statement from the Hon'ble the Finance Minister or any other Minister occupying the Treasury Benches as to the exact nature of the concessions granted to the Scheduled Castes. I pause for a reply from the Hon'ble Minister in regard to this particular point. Sir, 5 lakhs of rupees is hardly adequate to meet the various demands of the Scheduled Castes people. There is the question of education, appointments to the different services and other matters in which the Government can show their generosity to the depressed classes. Sir, I was not present here when Mr. Amulyadhone Roy moved his resolution

but from the nature of the resolution it seems desirable that the Government should be more charitable in the matter of distribution of services and in meeting the other demands of the Scheduled Castes.

Sir, with these words, I support the resolution.

Mr. HAMIDUL HUQ CHOUDHURY: Mr. President, Sir, speaking on behalf of the non-official section of this side of the House, I think Mr. Roy does not doubt the sympathy which the Muslim section has got for the Scheduled Castes. Throughout the last 7 or 8 years during which the Muslims have had a predominant voice in the administration of this province the Scheduled Castes were given certain percentage of representation in every measure that was brought before the Legislature. Recently, he is probably fully aware that the Secondary Education Bill which is being discussed now by the Select Committee of the Lower House has also specifically provided for representation of the Scheduled Castes. Therefore, so far as the present Government is concerned, he no doubt will agree with me that all the sympathies that are necessary for protecting the Scheduled Castes have been and are being shown to them. The Mussalmans have a common case in certain institutions with the Scheduled Castes, namely, the Calcutta Corporation, the Calcutta University and such other bodies, and therefore whenever they think about their own case, the Scheduled Castes' just case is not forgotten. A misunderstanding has arisen in the minds of the caste Hindus that undue preference is being given to the Scheduled Castes, and therefore, it has become necessary for the Caste Hindus to speak out their own mind openly on the subject. But the Government of the province have got responsibility both for the protection of the rights of the Scheduled Castes and for the protection of the rights of the Caste Hindus. Therefore, it cannot be a one-sided decision. As regards the appeal which has been made jointly to the Government by the representatives of the caste Hindus and the Scheduled Castes to make a declaration on their behalf regarding this question, let the Caste Hindus make up their mind as to what proportion and what part of the present privileges which they are now in possession of, they want to give up in the interest of the Scheduled Castes. Once they have made up their minds, it becomes all the more easy for the Government of the day to decide, because we will then know what the two parties who are most intimately concerned are prepared for and we can then go forward. Let them declare what is their respective position. We, the Muslims, on this side of the House who are supporters of the present Government are quite sympathetic to the aspirations and legitimate claims of the Scheduled Castes and I hope Mr. Roy will be the first to admit that we have never stood in the way of his community getting the rights to which they are entitled. But if they think that they are entitled to more, let Dr. Roy turn to the members on his right and to his left and put the question to them and ask them to declare their intention. I would, therefore, request the Muslim members of the House after expressing their full sympathy for the resolution to remain neutral. Let the matter be decided solely by the Scheduled Caste members of this House and the caste Hindu members here. We for our part will remain neutral.

Dr. KUMUD SANKAR RAY: Sir, a statement was made by a previous speaker that last year the Council voted a sum of 5 lakhs of rupees for the improvement of educational facilities for the Scheduled Castes members. We would like to know what has happened to that money: has that money or any amount of it been expended?

Mr. PRESIDENT: I do not think the question arises at present. We are now discussing an altogether different resolution.

Mr. LALIT CHANDRA DAS: Sir, the question of sympathy was raised by Mr. Hamidul Huq Chowdhury. But we want to know whether that sympathy is mere paper sympathy or practical sympathy which can be translated into action.

Dr. KUMUD SANKAR RAY: As there is a misunderstanding in the minds of the public on this matter, to prevent the present Government policy in this behalf being misunderstood it would be wiser for them to declare on the floor of the House what has happened to that sum of money.

Mr. PRESIDENT: That point has been referred to in several speeches. I hope that Government realise their duty and will try to reply to that point, but it cannot be an independent point for discussion in connection with the resolution before the House.

Mr. BIREN ROY: Sir, when the resolution was moved last session by Mr. Roy, he introduced certain things which now help me in answering certain points in opposing the motion. Mr. Roy wants to secure representation of the Scheduled Castes by legislative measures, although he appeals practically to all sections of the House that it should be done by a Gentlemen's Agreement—

Mr. SACHINDRA NARAYAN SANYAL: Is the honourable member speaking for himself as a member of this Council or on behalf of Government?

Mr. BIREN ROY: No, Sir, I am speaking in my individual capacity.

Mr. SACHINDRA NARAYAN SANYAL: Then, why does he speak from the Treasury Bench and not from our side of the House?

Mr. BIREN ROY: Mr. Roy stated that when he put the question to the leader of the Congress, Mahatma Gandhi, whether the Congress Government would provide seats for the Scheduled Caste community on a population basis from the Board of Panchayets to the Council of State, he got no answer from him. Here Mr. Roy envisages that legislative measures should be so made that if the population figure fails, legislative measures should come in. Legislative measures cannot be so easily taken, Sir. It has already been pointed out by the honourable member, Mr. Nurul Amin, that once Mr. Roy states that in terms of the Poona Agreement the percentage should be fixed whereas in the main resolution he speaks of the Communal Award. Well, Sir, I do not know anything about the percentage of the population

of Scheduled Castes in relation to the caste Hindus as such figures are not yet available to us from the census of 1941. Mr. Roy belongs to a party which was at that time responsible——

Rai Bahadur KESHAB CHANDRA BANERJI: Why not relate to the census of 1931.

Mr. BIREN ROY: I am referring to the latest census. Our Government came into existence after that census——

Rai Bahadur KESHAB CHANDRA BANERJI: On a point of order, Sir. Mr. Roy says that this Government has been brought into being after 1942; but, Sir, it is a matter of common knowledge——

Mr. PRESIDENT: What is your point of order?

Rai Bahadur KESHAB CHANDRA BANERJI: I am coming to it. Has the honourable member any right to refer to anything which is absolutely not based on a correct foundation—which is incorrect and wrong. The new Act was passed in 1935 and this Government was brought into being in 1937. So reference to 1942 is absolutely wrong.

Mr. BIREN ROY: I did not refer either to 1942 or to 1937. I said this Government—the present Government—came into existence long after the latest census, which was completed in 1941.

Mr. PRESIDENT: It is not a point of order but a point of misunderstanding.

Mr. BIREN ROY: Now, Sir, Mr. Amulyadhone Roy belongs to that party which at that time or at the time of compilation of those census figures was carrying on a campaign that Hindus should be shown as Hindus only and not as caste Hindus and no mention of Scheduled Caste Hindus should be made in the census, so that there may not be any communal variety. It may be that the motive for this was to show the percentage between Hindus and Muslims as 45:55 or even 50:50. As a member belonging to the Swarajya Party, I am personally against Communal Award on principle——

Mr. PRESIDENT: Order, order, Mr. Roy, what did you say? As a member of the Swarajya Party?

Mr. BIREN ROY: Yes, Sir.

Mr. PRESIDENT: You belong to the Government Party—your name is shown as a member of the Coalition Party. So you cannot say that you are a member of the Swarajya Party.

Khan Sahib Maulvi WAHIDUZZAMAN: On a point of order, Sir. Is there any Swarajya Party in the Council?

Mr. PRESIDENT: Order order.

Mr. AMULYADHONE ROY: On a point of information, Sir. May I know if the Parliamentary Secretary is speaking on behalf of Government or as a member——

Mr. PRESIDENT: I have asked Mr. Roy not to refer to himself as a member of the Swarajya Party but as a member of the Coalition Party.

Mr. BIREN ROY: All right, Sir. As I was pointing out, the party to which Mr. Roy belongs was carrying on a campaign with regard to the percentage of Hindus and Scheduled Castes—they advocated that there should only be Hindus without any division as Scheduled Castes or backward community or anything like that. Mr. Roy here wanted communal representation of Scheduled Castes, although in his speech he made it clear that he wants representation not only for the Scheduled Castes but also for the remainder of the Hindus. He has not explained who are the people that want to deprive them. Whenever the question of the backward communities comes up not only before this Government but anywhere else, the caste Hindus give way and generously provide for adequate representation of these communities. Mr. Amulyadhone Roy has asked for seats through statutory provision on the University, Corporation, municipalities and district and local boards of the province and in a sweeping general remark he speaks that on the basis of the percentage of population and on communal lines they should be represented on these boards. In the case of the Council which represents the whole of the province, the percentage figure for the whole province may be taken for communal representation but in the case of the municipalities, district boards, the percentage figure for the province cannot be the percentage figure for each respective local area. For example, in the Howrah Municipality, the percentage figures of the Hindus and the Scheduled Castes will provide something like 2 seats for the Scheduled Castes but he will want that there should be at least 6 seats. Now, that cannot be. In the case of the Corporation, the figure of the Scheduled Castes will be very much less. But this Government, or this Ministry has already made provision for more nominations there. But if he wants this to be done by legislative measures in local bodies as well, it will be very unjust for the caste Hindus. Personally, I object that there should be anything like nominations from particular communities. I am always for getting these seats on the basis of other considerations such as educational attainments and certain other proficiency in some of the technical spheres of life. In the case of services, efficiency in administration will have to be maintained. If you want to take your own men without examining their merit, the efficiency of the department will be impaired. So, you continue to provide your own men who are not efficient and shout at the same time that the departments are being run by inefficient men.

I fully sympathise with Mr. Roy. The Scheduled Castes people should get proper representation but not on the line of the Communal Award. I shall be prepared to help him if he asks for more funds from the Finance Deparment for the provision of educational facilities and other things. He may give us a definite scheme as to how he proposes to utilize the money

that may be made available for the educational facilities of the Scheduled Castes. As a member of the Council and as one belonging to the Government party, we shall try to help Mr. Roy in every possible way.

With these few words, Sir, I would request Mr. Amulyadhone Roy to withdraw his resolution; otherwise we shall have to oppose it.

Mr. NUR AHMED: Sir, with your permission I wish to say a few words on the resolution which is under discussion in this House. I can assure the honourable mover that we the members on this side have every sympathy with the spirit in which he has moved the resolution. We stand for justice and fair play to the Scheduled Castes and to all other communities of Bengal. We stand for a democratic government in which the rights of all communities and all sections of the people should be preserved and every community should get a fair and proper share in the administration and in the services in the State. But, Sir, on going through the resolution I find that the resolution as framed is incapable of being given effect to. First, in the first line of the resolution Mr. Roy has asked Government to undertake Legislative measures to secure representation of the Scheduled Castes. Sir, it is a new thing, and I think nowhere in India such legislation securing percentage of services for certain classes has been undertaken. Some percentage of services for his community has already been fixed and this is being followed very strictly. Mr. Roy has come up before this House with a very novel and very wonderful idea. Sir, there is another thing. He has said that the legislation should be made on the line of the Communal Award. So far as the Scheduled Castes are concerned, the Communal Award has been modified by the Poona Pact. I ask Mr. Roy to think very seriously what will be the implications if a legislation is now made on the line of the Communal Award. Because, by the Poona Pact they get more representation whereas if representation is made strictly on the line of the Communal Award, they will get less than what they are getting now. So, Mr. Roy will do more harm to his community by moving this resolution. As regards the representation of the Scheduled Castes in the services of the University, the Corporation and all other autonomous bodies, there are already statutory provisions for such representations. Therefore, there is no necessity for such a legislation.

Sir, here I must say one thing. Mr. Roy has done one very good thing by bringing such a resolution. There is a saying that good cometh out of evil. Some of our Hindu friends have spoken in support of Mr. Roy's resolution thereby admitting the necessity of the Communal Award. Formerly, whenever the Muslims asked for communal representation, they said it was a taboo, but now they have themselves come forward to ask for a share in this thing.

Sir, as I have said at the very outset, we Muslims have every sympathy for the Scheduled Castes, and we will be very glad to give them their due share in the services in every department of this Government. With these words, I request Mr. Roy to withdraw his resolution.

Khan Bahadur M. SHAMSUZZOHA: Sir, I have every sympathy with the spirit of the resolution moved by Mr. Amulyadhone Roy but the

attitude that my friends of the Opposition have taken is contradictory. The history of the Congress, and the events that led up to the Communal Award after the Round Table Conference, will only show that my friends have not been consistent in their policy. Even in Bengal there was a difference amongst the Congressites on this matter of the Communal Award; there was a dissension even amongst the staunchest Congressites. Therefore, it is not understandable why my friends at this time when there is no clear-cut scheme on this subject propose to support this resolution. The resolution has great implications behind it. If you analyse the resolution, you will find that if we accept it, we shall be certainly landing ourselves into a great difficulty. For instance, so far as elections to local bodies, district boards, etc. are concerned, elections are held by means of joint electorate; but so far as the provincial elections, namely, elections to the Legislature are concerned, they are held on quite a different footing. So far as the elections of the Scheduled Castes are concerned, they take place by means of nomination as well as by separate electorate; but so far as elections to district boards and local bodies are concerned, they are entirely on the system of joint electorate; there is no nomination whatsoever. And there is a clear-cut distinction between them. So far as the municipalities are concerned, the same argument holds good. Therefore, there are so many difficulties in the way of the acceptance of the resolution that if we pass it, we shall find that we are in an impossible situation; it will be simply impossible to carry out by legislative measure the implications that are behind this resolution. As far as the Communal Award is concerned, we all know that even amongst the Hindus this matter has created the bitterest of feelings. We, Muslims, have never been communal in or out. We have always expressed our sympathy with the aspirations of all communities. Our leader, the Quaide-Azam Mr. Jinnah, has been preaching this very thing that there should be self-determination among all peoples. We, Moslem Leaguers, always stand for justice and we shall secure to all minorities in India that justice and those rights which they rightly deserve.

Mr. LALIT CHANDRA DAS: Let there be one electorate throughout the province or the country as a whole.

Khan Bahadur M. SHAMSUZZOHA: Yes, that will be done after these controversies are set at rest, when we shall be able to apply our minds to the whole problem in all its bearings in a calm atmosphere; then and not till then. Therefore, it is now only futile to pass a pious resolution like this in this Council. Therefore, before we arrive at a decision as hinted at by my friend, Mr. Hamidul Huq Chowdhury, it is for the Hindus in the Council to decide and give a decision in the matter. It is not for us, so far as the interest of the Hindus are concerned, to give our opinion. Therefore, we ought to remain neutral in this matter. But so far as our opinion and our wishes are concerned, we may give assurance that my friend has our whole-hearted sympathy with the spirit underlying his resolution: that we are alive to the real need and we do not minimise the importance of the resolution. Therefore, after considering all the *pros* and *cons*, I think it would be advisable and prudent for my friend to withdraw the resolution.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would like to congratulate my old friend Mr. Amulyadhone Roy for the manner in which he has placed his case before this House today. It is not in his old style. But his speech was full of moderation of language. It is also gratifying to find that Mr. Lalit Chandra Das has given his full and whole-hearted support to this resolution, though he has not backed it with a speech. Then, Sir, my friend Mr. Haridas Mazumdar has given his qualified support. (Mr. HARIDAS MAZUMDAR: I have given my whole-hearted support to the motion). I found it difficult to understand whether he actually supported the motion or opposed it. Another thing about this matter is that Mr. Humayun Kabir, who, whenever he is present, never misses an opportunity of voicing his sentiment on the subject——

Mr. HUMAYUN KABIR: On a point of information, Sir, May I take it that the Hon'ble Chief Minister has nothing to speak on the subject and is wandering about for materials to speak.

The Hon'ble Khwaja Sir NAZIMUDDIN: Then Sir, as for my friend Dr. K. S. Ray's remarks, after he has heard me he would be sorry that he put that question.

Now, Sir, the difficulty about this resolution is that it is vague and not very clear. As pointed out by Khan Sahib Nurul Amin, the real difficulty is to understand the intention of the mover. What does he mean by "Communal Award"? Does he mean representation by separate electorate for Sheduled Castes, or 30 per cent. according to the Poona Pact? This is the first point. The second point, as far as Government are concerned, is very difficult to accept and I think on principle Government cannot accept the proposition that the percentage should be fixed by legislation about the services of autonomous bodies. To begin with, there is no communal award as regards the services. This is the first point. The second point is that Government can only legislate with regard to communal ratio in the services, but I do not think it is right and proper on principle to legislate fixing the communal ratio in the services for autonomous bodies, such as, district boards, local boards, municipalities, Calcutta Corporation, the Calcutta University and so on. This is a matter which must be taken up and decided by the local bodies themselves. Thirdly, as regards representation of the Scheduled Castes in the local bodies, or in the Calcutta Corporation, as far as I remember there is provision for representation of the Scheduled Castes in the Corporation already. Government have already done that. As regards the representation in other bodies, this again is a matter which Government could seriously consider if they find that there is a certain amount of opinion behind this, particularly if a resolution of this kind or of a clearer nature is passed by the Legislature of the province, then I think it will give sufficient ground to Government to come forward with necessary legislation. I believe, it will be necessary to have a separate legislation for each of the autonomous bodies and I feel that before we could undertake a measure like that it would be necessary to find out how far there is support in the province for a demand like this and particularly how far the views

expressed by my honourable friend Mr. Lalit Chandra Das have the support of his co-religionists in the province. Therefore, Government as far as this question is concerned, have every sympathy with the aspiration of the Scheduled Castes and their demands. As has been pointed out by previous speakers, this Government and the previous Governments, specially the Government which were in power in 1937-41 took particular care to see that as far as possible the demands of the Scheduled Castes are met. As far as this Government are concerned, in the Cabinet itself they have given representation to the Scheduled Castes which so far no Government in India have done. I make bold to say that in no other province the representation to the Scheduled Castes has even been near to what has been given in the Bengal Government. Therefore, there can be no doubt as regards our sympathy and support for the aspiration of the Scheduled Castes.

Next I come to the query of Dr. Kumud Sankar Ray. Well, to begin with, I do not find any sum like Rs. 5 lakhs in the Budget provided for by the last Government for the education of the Scheduled Castes. This is a matter which can be verified from the Budget itself and as regards the future Budget for which we are going to be responsible, I would only ask Dr. Ray to wait and see.

Mr. AMULYADHONE ROY: Mr. President, Sir, I acknowledge my gratefulness to the honourable members of this House for expressing their deep sympathy with this resolution and specially so to the Hindu members of this House. But may I ask whether their sympathy will be followed by some action? That is my only question. If it is followed up by some action, kindly find out some active measures so that this matter might be agreed to.

Now, Sir, it is unfortunate that the resolution itself has not been understood in some quarters. What I have meant by the words "on the line of the Communal Award" is this. It is a general complaint amongst the Scheduled Castes and a cry has already been raised that the Poona Pact on the basis of joint electorate has thoroughly failed. This is not my complaint. It is the complaint of the Scheduled Castes of the whole of India, So far as the ratio is concerned, we always stick to the population basis. My friend Khan Sahib Nurul Amin has put a question to me and it is whether Mahatma Gandhi gave any reply to the questions put to him by some members of the Madras Legislative Assembly. Mahatma Gandhi's reply was that the Scheduled Castes were quite free to do anything in the interests of their community. Further he said that he would give a detailed reply in the Harijan, but I do not know whether Mahatmaji has been able to give this detailed reply in the Harijan or not. Then, Sir, Rai Bahadur Keshab Chandra Banerjee has said that Government should come forward to grant some concessions to the Scheduled Castes, but may I put to him whether the municipalities or such other self-governing institutions are ruled by our countrymen or by the British people? Are they not autonomous bodies? It is not for the Government to make any provision there. If you do not do it by legislation, do it by your own action. There are 117

municipalities in Bengal and the incidents that happen there has led me to put this resolution, otherwise I would not have come forward with such a resolution as this.

As regards the suggestions made by my honourable friend Mr. Hamidul Huq Choudhury, I must say for his information, as I have already suggested, that this is a domestic matter between the Scheduled Castes and the rest of the Hindu community. Therefore, this matter must be decided by us and not by any other; but if we fail to come to any decision, then and then only we will seek the help of others.

Sir, the Hon'ble the Chief Minister has said that the resolution is vague, but, Sir, I may submit that so far as the details are concerned it is for the Government to work them out. I have only submitted some matters of principle which should be followed. With these words, Sir, and as it has been suggested by some members of this House that the resolution should be withdrawn, I beg leave of the House to withdraw my resolution.

The Hon'ble Khwaja Sir NAZIMUDDIN: The supporters of Government will remain neutral.

Mr. MESBAHUDDIN AHMAD: But the honourable member has expressed a desire to withdraw the resolution.

The Hon'ble Khwaja Sir NAZIMUDDIN: Oh, I am sorry.

Mr. PRESIDENT: Leave has been asked by Mr. Amulyadhone Roy to withdraw his resolution. Is it the pleasure of the House to grant him permission to withdraw it?

The resolution was then, by leave of the House, withdrawn.

Mr. NUR AHMED: Sir, I beg to move that this Council is of opinion that the Government of Bengal be strongly urged upon to make a strong representation to the Government of India to provide for the payment of at least three-fourths of the revenues, accruing to the Central Government from the salt duty levied on and realised from the province of Bengal, by suitable legislation as contemplated in section 140 of the Government of India Act, 1935, or otherwise.

Sir, this is a resolution——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, with regard to this resolution that Mr. Nur Ahmed has moved, I would like to point out to him that the whole question of assistance to Bengal from the Government of India is under consideration at the present moment. It is a matter of negotiation between the Central Government and this Government. I will just explain what I mean. Suppsing we are to have the whole of Bengal's share of salt duty—the figure for 1942-43 for Bengal was Rs. 1,11,12,000 out of a total of Rs. 10,91,00,800 or something like that, which is the total amount of the salt duty, even if we got the whole of Bengal's contribution to this salt duty, it would be something like one crore and 11 lakhs and odds, whereas the measure of the assistance that is required for Bengal is in the order of two figures in crores. It would, therefore, be of no use

at this stage to have a resolution of this kind passed. As regards the allocation of revenues between the Centre and ourselves, the matter is under consideration, and as regards cash or other forms of assistance from the Government of India, that also is a matter of negotiation at the present moment. In this view of the present state of things, the Government would feel greatly obliged if Mr. Nur Ahmed would not press his motion. If I may take the House into confidence in this matter, I may assure my honourable friends that we are doing our best to get as much assistance from the Government of India as possible.

Mr. NUR AHMED: In that case, Sir, I do not move my resolution.

Mr. PRESIDEDNT: But you have already moved it.

Mr. NUR AHMED: Then I beg to withdraw it.

Mr. PRESIDENT: Leave has been asked my Mr. Nur Ahmed to withdraw his resolution. Is it the pleasure of the House to grant him permission to withdraw?

The resolution was, by leave of the House, withdrawn.

Mr. AMULYADHONE ROY: I beg to move that this Council is of opinion that a Committee consisting of not more than 5 persons be appointed to enquire into the question of observance or non-observance of the Communal Ratio Rules, relating to the recruitment of the Scheduled Castes.

Sir, it is our common knowledge that the Communal Ratio Rules are not working satisfactorily. On the other hand, when questions were put during the regime of the old as well as the present Government regarding the number of appointments from the Scheduled Castes, they were reluctant to give any reply whatsoever to the questions put by the members of the Council. In every department the Communal Ratio Rules provide that a return should be submitted to the Government periodically, but up till now we have not had the good fortune to know anything about it. Unless and until we know that the Communal Ratio Rules are being strictly followed either by the Public Service Commission or by the Government, we have a strong case for appointing a committee to enquire into this matter. There are departments of Government where the Communal Ratio Rules have been totally ignored. For example, in the Judicial Service recruitments, although there were many fully qualified candidates belonging to the Scheduled Castes, they were not appointed at all. Then, Sir, with regard to A.R.P. and the Civil Supplies Department where many appointments have been made, it has come to our knowledge that the Communal Ratio Rules have not been observed and it has so transpired that many candidates who do not really belong to the Scheduled Castes have been actually appointed as Scheduled Castes. This is a matter to which I specially draw the attention of the Treasury Bench. (Mr. SHRISH CHANDRA CHAKRAVARTY: Let us all become Scheduled Castes.) My friend Mr. Chakraverti is willing to become a member of the Scheduled Castes. I may say if he is so willing he is welcome. However, what I ask in the resolution is that a committee consisting of not more than 5 persons be appointed to enquire into the question of observance

or non-observance of the Communal Ratio Rules. I have not put any limitation on the power of the Treasury Bench or on that of the Government regarding the number of persons. The choice is left to them and I find no reason whatsoever for not accepting the resolution which I have moved just now. With these words, I commend my resolution to the acceptance of the House.

Mr. PRESIDENT: Resolution moved: That this Council is of opinion that a committee consisting of not more than 5 persons be appointed to enquire into the question of observance or non-observance of the Communal Ratio Rules, relating to the recruitment of the Scheduled Castes.

Khan Bahadur ABDUL HAMID CHOWDHURY: Sir, I do not propose to move my first amendment but I want to move the second one standing in my name.

Sir, I beg to move that the words "relating to the recruitment of the Scheduled Castes" occurring in lines 3 and 4 of the resolution be omitted.

Sir, the amendment which I have just moved indicates that I am in full agreement with the mover of the resolution so far as the spirit and principle underlying the resolution is concerned. I am fully convinced of the reasonableness of the enquiry as suggested in the resolution but I want that the scope of the proposed enquiry should not be confined to the case of the Scheduled Castes only. If a committee is constituted at all, it should be given a free hand to enquire into the cases of all concerned including the Muslims, caste Hindus and the Scheduled Castes.

With these words, I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: That the words "relating to the recruitment of the Scheduled Castes" occurring in lines 3 and 4 of the resolution be omitted.

Mr. HARIDAS MAZUMDAR: Sir, I beg to support the amendment moved by my hon'ble friend Khan Bahadur Abdul Hamid Chowdhury. Because when an examination of any action of the Government is going to be undertaken, I think the whole matter should be seen through and that is why a committee of 5 persons or more should be appointed to look into the observance of the Communal Ratio Rules.

With these few words, I support the amendment.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Govenment is aware that the Scheduled Castes have got grievances. They have complained from time to time that they were not getting their due share according to the Communal Ratio Rules in the services and I think this resolution could be accepted by Government as amended now. It is necessary that the whole thing should be enquired into and then we shall find in which cases the Communal Ratio Rules could not be given effect to. We find that in some cases it became difficult to give effect to the Communial Ratio Rules and it is only proper that the communities

concerned should know those particular cases. If an enquiry committee is appointed, I think they would be able to place before the House facts which will clearly show that having regard to the efficiency of the services they could not sometimes give effect to the rules. After the deliberation of the committee Government would be in a better position to see why, on what grounds and for what reasons the rules could not be rigidly enforced in all cases. I think the Government will have no objection to accept the resolution in its amended form.

Mr. PRESIDENT: Resolution moved: that this Council is of opinion that a committee consisting of not more than 5 persons be appointed to enquire into the question of observance or non-observance of the Communal Ratio Rules, relating to the recruitment of the Scheduled Castes.

To that an amendment has been moved: that the words "relating to the recruitment of the Scheduled Castes" occurring in lines 3 and 4 of the resolution be omitted.

Mr. AMULYADHONE ROY: Sir, I acept the amendment.

Mr. PRESIDENT: There is no question of your accepting the amendment. The House will decide it.

The question is that the amendment be moved.

(The amendment was agreed to.)

Mr. PRESIDENT: The motion as amended runs as follows:—

That this Council is of opinion that a Committee consisting of not more than 5 persons be appointed to enquire into the question of observance or non-observance of the Communal Ratio Rules.

Those who are in favour of the motion as amended will say ayes and those who are against it will say noes.

(The motion was agreed to.)

Mr. HARIDAS MAZUMDAR: Sir, I move the resolution that stands in my name and runs as follows:—

> "That this Council is of opinion that a census of the destitutes and unemployed particularly of the rural areas of Bengal should be taken in time to tackle the urgent problem of rehabilitation and future emergency."

Sir, the demand in this resolution is——

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, has the honourable member amended his resolution? I do not find the word "rehabilitation" in the resolution here.

Mr. PRESIDENT: No, no, Mr. Mukherjea, the word is there.

Mr. HARIDAS MAZUMDAR: Sir, the demand in this resolution is modest but its import is very great. This is a demand for co-operation and for constructive work. Sir, this is a test case for the Ministry. If they

really and genuinely want to save the country from deaths and depopulation, I hope they will readily accept my suggestions embodied in the resolution.

Now that the price of rice is again rising in differnt parts of Bengal in the midst of a bumper crop, famine seems to have obtained a fresh lease of life. Besides, for reconstructing Bengal a long-term planning is necessary. Sir Purushottomdas Thakurdas and others have presented the country with a 15-year post-war reconstruction plan for India. To repair even partially the injury that Bengal has sustained in this famine a 20-year plan will be necessary and collection of statistics of destitutes and the unemployed should be its first item.

This resolution, Sir, would never have been on the Order Paper of the Legislature of a country which is administered on scientific lines. There would have been no occasion to discuss a resolution of this nature if the Ministry were alert and watchful about their duties. They always wake up when the thief has already made good his escape. They always try to bolt the stable door when the horse has run away. Fire-brigade they try to rush when the house has already been burnt. By way of illustration, I may cite one recent case—they called a conference of the leaders of the parties of the legislature to discuss the procurement scheme of this year's *aman* crop towards the end of November when harvesting was fast going on. The Ministry came into office towards the end of April, so that they had wasted seven precious months before holding consultation on a subject of major importance. Sir, the control of the paddy crop of a vast province like Bengal requires months' labour and efforts with a definite idea and plan of work. Sir, almost everyday they come out with a press statement and next day with a modification thereof. If you open the pages of the "Calcutta Gazette", you will find numerous cases in which transfers of officers made in one issue of the Gazette are cancelled in the next issue. One is, therefore, tempted to cry out "Indecision! Thy name is Bengal Ministry." A normal man thinks twice before he acts but my honourable friends in the Ministry act thrice before they have any time to think. This is really a deplorable state of affairs and this is the main reason why I have tabled this resolution demanding a compilation of these useful statistics which every civilised country even in normal time possesses. Now, Sir, let me for a moment recall the woeful days of the last year. Those days will remain as dark days for Bengal for all time to come, and let us pray that we may by God's Grace be spared a repetition of the same. Sir, what did happen last year? Thousands of destitutes and hungry peasantry after prolonged starvation for months rushed in despair and desperation to the towns and cities of the province for a morsel of food. They found themselves without accommodation or lodging and without any arrangement for food or for easing themselves, and therefore they brought disease and death with them. We in Bengal are still reaping the fateful harvest of such an exodus. This would never have been the case if in normal times the Government were duly posted with the necessary statistics of the number of the destitute and unemployed in each locality and took precautionary measures to deal with this serious situation through the Subdivisional Officers, thana officers, presidents of

union boards, jute regulation officers now in charge of rural reconstruction work. Then they could have easily stemmed the tide of dying men, women and children seeking entrance into strange places by providing them with the necessary help and succour in their own localities near their own hearths and homes. Sir, we were caught napping. The lower middle class, the unemployed and under-employed middle class are the worst sufferers. As a very unsympathetic Government is arbitrating their fate, it is nobody's business to know who they are and what they are and how they carry along. They cannot beg, they cannot steal, they cannot borrow and when their capacity of borrowing—I mean the limited credit—comes to the vanishing point, their only alternative is death. These unfortunate people, these peace-loving people strain every nerve to secure employment but they are helpless. Our ideal Government never thinks of them, and they blame their own luck, their *karma* or *nasib*. Otherwise, it would be a very uneasy time for all of us who are capitalists, rich men or Ministers or Government. Let us, therefore, learn something from the experience of the past. Along with the useless food drive of the last year, the statistics of destitutes and unemployed could have been easily compiled. Let the Ministry this time be a bit far-sighted so that if any further emergency arises, immediate action may be feasible and possible. Unless the *karta* of a family knows how many months are to be fed, it is not possible for him to arrange for meals. The curse of unemployment must be removed from society and social life and to serve this end knowledge of the exact situation is absolutely necessary. As I have already said every civilised Government possesses such knowledge. It is not a very difficult task; it may take some time or it may cost a little expenditure but the game is worth the candle. I do hope, therefore, that good sense will at last dawn upon our Government and whip the majority party to accept this healthy and wholesome resolution without a single dissentient voice.

Mr. PRESIDENT: Resolution moved:

"That this Council is of opinion that a census of the destitutes and unemployed particularly of the rural areas of Bengal should be taken in time to tackle the urgent problem of rehabilitation and future emergency."

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to support the motion which has been moved by my friend Mr. Haridas Mazumdar I would point out a few facts for the information of this House, so that the importance of the question may be considered. Recently I had occasion to go to Mahisadal in the Midnapore district within the subdivision of Tamluk. I had also occasion to go to some parts of the Dacca district and I found that there are many people who have become destitutes, who have no means to purchase whatever the price of rice may be, who have no means to have anything on their bodies to keep themselves from the effects of the winter, who have no means to purchase medicines to cure diseases from which they are suffering. I have seen with my own eyes the sufferings of these destitute people who could not have a morsel of food and who are now suffering

from the after-effects of starvation. It is necessary, therefore, that a census of the destitutes should be taken immediately, so that proper provision could be made to meet their want and save the lives of so many people by adopting a suitable policy of rehabilitation. Now, the question is: whether we can afford to lose any time in taking a census of these destitutes and in advocating meausres for relieving the distress of the destitutes. I think it is very necessary that a census should be taken promptly and the only machinery we can employ for this purpose is the machinery which should be composed of all sections of the people including the Government. We on this side of the House are willing to give our whole-hearted co-operation in order to make an effective and a very complete census of the destitutes in order that the lives of the people may be saved. The word "destitute" has not been defined. The meaning of "destitute" as ordinarily understood is: those who have been deprived of their houses and have come out to the streets without any shelter and without anything to live upon. But we have to think of another class of unfortunate people who are on the verge being turned into destitute. These people, although they have their homes, have no means to purchase anything to maintain themselves and they will have to sell their hearths and homes—some are doing so already—the only shelter which they have and will thus be turned out on the streets and be complete destitutes thereby increasing the burden of the Government unless they are relieved now. If a census is taken in time and proper steps are taken for the purpose of rehabilitating and relieving all these people, we will be saving many valuable lives. As a matter of fact, I have known many families who would not be able to purchase foodgrains required for their maintenance even if the price of rice is reduced to Rs. 6 or Rs. 4. They have not the means to purchase. With these few words, I commend this resolution for the consideration of the House and I hope this resolution would be accepted without any opposition either from the Government or from any honourable member of this House.

Rai Bahadur KESHAB CHANDRA BANERJEE: Mr. President, Sir, I rise to support the resolution. Sir, in matters of administration it is very necessary that accurate statistics should be compiled in order to enable the Government properly to carry on the relief work of the sufferers. So far as this resolution is concerned, I think the demand made is a very modest one. Without statistics and figures, it would be very difficult for the Government to help the poor destitutes who have been thrown out of employment, or have lost their houses or are at the point of death due to starvation and disease. They are badly in need of financial assistance. We have seen with our own eyes in the mofussil the situation created by the famine. The position has not improved yet. I think there can be no two opinions with regard to the resolution. If the Government wish well of the people of this province, they should come forward to accept the resolution.

With these few words, I support the resolution.

Mr. NUR AHMED: Sir, I rise to oppose the resolution. The resolution asks the Government to take census of the destitutes and unemployed,

but I find that Government have already taken steps to take census of th destitutes and unemployed. They have asked the District Officers to tak census of the destitutes and unemployed, of those who are unable to pu chase their own foodstuffs. In every district this has been done. Moreove there is a Government Bill under consideration, namely, the Destitute Repatriation and Relief Bill. Government have already taken full respon sibility for maintaining and feeding the destitutes and in order to do tha they have started taking census of the destitutes. Speaking from persona experience, in Chittagong, the District Magistrate has taken the figures o the poor men in every village in order to provide some sort of ration fo those people. Sir, this is the first ground on which I oppose the resolu tion. Then there is the second ground, namely, what would be the hug expenditure if a census is required to be taken of the destitutes and th unemployed now? This is a very critical time and I would ask the move of the resolution to think over this matter again and not to press thi resolution. Without going in for census it would be wiser for Governmen if they spend that huge sum on relief work. Moreover, efficient staff would be required and now there is a very great dearth of efficient staff. So efforts should be made for relief and other urgently needed work now.

Sir, from that point of view, I think this resolution is unnecessary and it will entail unnecessary public cost. It is a known fact that Bengal's public finances have a very great deficit in every respect. In reply to my question No. 40 it has been elicited that Government's total net loan outstanding on 31st October, 1943, was Rs. 14,07,39,800. This is indeed a very heavy debt. If this resolution is given effect to, Government will have to take further loan which will cause dislocation of the relief work. In every village there is a Food Committee and there is organisation to look after the destitutes and unemployed. An Act of this Legislature sponsored by no less a person than the Hon'ble Minister Khan Bahadur Saiyed Muazzamuddin Hosain was passed so long ago as 1939. Under section 8 of that Rural Unemployed and Poor Relief Act there is a provision for census of destitute and unemployed persons to be taken by union boards; and if that Act is enforced—and Government can do that now without any additional cost—then the census of these unemployed and destitute persons may be taken. In that view of the case, no additional organisation would be required to be set up. Sir, in this view of the matter also this resolution is unnecessary. On these grounds, I am sorry to oppose the resolution. Though at the very first sight it seems very attractive and necessary, but going deeply into the matter and thinking that it will cost a heavy amount which is badly needed for the relief of the poor unemployed I oppose the resolution.

Mr. HUMAYUN KABIR: Mr. President, Sir, I confess that I had no desire to intervene in this debate. I had thought that this resolution is of a nature which would receive the unanimous support of the members from all sections of the House. I may confess, Sir, that the speech of the honourable member who has just sat down has astonished me not a little. I may also add, Sir, that there is neither any logic nor any reason in the statement

which he was pleased to make. My honourable friend said that the Government of Bengal have already taken steps to find out what is the number of destitutes in the different areas of the province. If that statement is correct, I fail to understand why he should get up and oppose a resolution which merely reiterates a demand which Government have already accepted. If Government have already made attempts or arrangements for proper census figures, there is no reason why a demand or an additional direction from the Council for such census figures should be opposed by any honourable member of this House. Besides, Sir, my honourable friend said that it is necessary that there should be reilef measures, but he forgot to tell us how there can be any relief measures unless we know who are the persons who require relief, unless we know what will be the total number of persons in different areas of Bengal who require relief, unless we know what will be the class of relief which each person or class of persons may require. How is my honourable friend going to render relief to the destitute people in Bengal, the unemployed persons in Bengal, without making any arrangements whatsoever for finding out what is the actual census——

Mr. PRESIDENT: Will you take a long time, Mr. Kabir, to finish?

Mr. HUMAYUN KABIR: Yes, Sir, I will take a few more minutes.

Mr. PRESIDENT: Then I adjourn the Council now. The Council stands adjourned till 1 p.m. on Tuesday, the 15th February, 1944.

Adjournment.

The Council then adjourned till 1 p.m. on Tuesday, the 15th February, 1944.

Members Absent.

The following members were absent from the meeting held on the 11th February, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Kader Baksh.
(3) Mr. Humayun Reza Chowdhury.
(4) Khan Bahadur Abdul Gofran.
(5) Mr. Mohamed Hossain.
(6) Mr. J. McFarlane.
(7) Mr. N. N. Mohalanabis.
(8) Mr. Naresh Nath Mookerjee.
(9) Mr. R. S. Purssell.
(10) Khan Bahadur Kazi Abdur Rashid.
(11) Dr. Kasiruddin Talukdar.

BGP-44/5-1383A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 6.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 15th February, 1944, at 1 p.m., being the sixth day of the First Session of 1944, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.), was in the Chair.

QUESTIONS AND ANSWERS

Bed of river Damodar.

49. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) if he is aware that the river Damodar, now a canal connecting the rivers Kaliganga and Baleswar within the Pirojpur Municipality, has practically silted up and communications even by boats during a low tide are not possible;

(*b*) if he is aware that Khulna-Bagerhat-Barisal Mail steamers used to ply across this Damodar;

(*c*) if he is aware that the silting up of the rivulet has prejudicially told upon the sanitation of the locality and that kala-azar, malaria and cholera very often break out there in epidemic form;

(*d*) if he is aware that the dredging on a small scale could not make it as useful as it was before, and that the public, specially those who live on agriculture and small industries, are experiencing great hardship in carrying their goods from one place to another, particularly during the winter season;

(*e*) if he is aware that there is no arrangement for bullock-cart conveyance in this locality; and

(*f*) whether the Government propose to take immediate steps to see that the canal is cut and dredged properly and the feeder khals (small canals), such as Chalisa-Raiskati Khals, are thoroughly re-excavated at an early date?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Barada Prosanna Pain): (*a*) Yes, navigation by boats does become difficult at neap tides in the winter.

(*b*) Yes, more than 50 years ago.

(*c*) The relationship between the silting up of the Damodar river and the local incidence of cholera, kala-azar and malaria has not been established by facts.

(*d*) It is doubtful whether dredging will restore the river to its original condition. It can be kept fairly navigable only to boat traffic by periodical silt clearance which is being done by the District Board, Bakarganj. It was last silt-cleared by them in 1940-41. Due to navigation difficulties in the winter the public experience transport difficulties by boats.

(*e*) Yes. There is, however, a bus service.

(*f*) As periodical silt clearance is being done by the District Board, it is not proposed to take up the scheme at present.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to place all the papers before this House with reference to the answer given to my question, part (*c*), that this silting up of the river has got nothing to do with cholera, kala-azar——

Mr. PRESIDENT: Mr. Mazumdar, it is very difficult to follow your question. Will you please put it more clearly?

Mr. HARIDAS MAZUMDAR: With reference to (*c*) of the question, the Hon'ble Minister has replied "the relationship between the silting up of the Damodar river and the local incidence of cholera, kala-azar and malaria has not been established by facts". Will the Hon'ble Minister be pleased to place all the papers before this House from which he came to that conclusion?

The Hon'ble Mr. BARADA PROSANNA PAIN: Sir, unless the papers indicate that position how can I place the papers?

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether there has been an increase in the incidence of cholera, kala-azar and malaria in the course of the last 50 years?

The Hon'ble Mr. BARADA PROSANNA PAIN: There may have been increase.

Mr. HUMAYUN KABIR: Sir, it is not a matter of opinion: it is a question of fact——

The Hon'ble Mr. BARADA PROSANNA PAIN: I said "may have been"——

Mr. HUMAYUN KABIR: There cannot be any "may have been" I am asking for answer to the question whether there has been an increase or not—it is a question of fact and there cannot be any "may have been".

The Hon'ble Mr. BARADA PROSANNA PAIN: This is a question relating to the Public Health Department.

Mr. PRESIDENT: Mr. Pain, when you have taken upon yourself the responsibility of answering this question, you should give an answer and if you have no facts in your possession you should ask for notice.

The Hon'ble Mr. BARADA PROSANNA PAIN: Sir, I have got no facts in my possession to show that there is relationship between the silting up of the river and incidence of cholera, kala-azar and malaria.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if it is not based on facts that in the last 50 years there has been an increase in the incidence of cholera, kala-azar and malaria in this area?

The Hon'ble Mr. BARADA PROSANNA PAIN: I ask for notice.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state if this matter, viz., the relationship between silting up of the river and the incidence of malaria, kala-azar diseases, has been investigated into by the Public Health Department of Bengal?

The Hon'ble Mr. BARADA PROSANNA PAIN: I am not in a position to answer a question which relates to the Public Health Department; but so far as my department is concerned, we have not been able to find any relationship between the two.

Mr. HARIDAS MAZUMDAR: Do I understand, Sir, that this investigation was made in the Secretariat without reference to any authority on this subject?

Mr. PRESIDENT: I do not think that question arises.

Mr. HARIDAS MAZUMDAR: All right, Sir. Am I to understand that the source of silting up of the river and the incidence of cholera, kala-azar and malaria are not inter-connected according to the judgment of the Hon'ble Minister himself——

Mr. PRESIDENT: Mr. Mazumdar, you are repeating the same question over and over again. The Hon'ble Minister has already replied that he finds no connection between the two.

Sale of agricultural holdings by the cultivators.

50. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if it is a fact that the sale of agricultural holdings by the cultivators has increased considerably during the present food distress in Bengal;

(*b*) if so, whether any measures have been taken by the Government to prevent such sales;

(*c*) if so, what are they; and

(*d*) if not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) Yes.

(*b*) and (*c*) The honourable member is referred to the Bengal Alienation of Agricultural Land (Temporary Provisions) Ordinance, 1943, published in the *Calcutta Gazette, Extraordinary*, of the 24th December, 1943.

(*d*) Does not arise.

Mr. NUR AHMED: Arising out of (*a*), will the Hon'ble Minister be pleased to state what is the percentage of increase in the sale of holdings?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the number of such sales from 1st January to 31st December, 1943?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Adjournment motion.

Mr. HARIDAS MAZUMDAR: Sir, I gave notice of an adjournment motion which reads as follows: "That this Council do now adjourn its business to discuss a definite matter of urgent public importance, namely, the serious situation created by the action of the Civil Supplies Department of the Government of Bengal in supplying the civil population of Calcutta and Greater Calcutta through ration shops set up by them with unhygienic and unwholesome foodstuff, particularly, bad and adulterated rice, mixed with saw and jute dust and whole paddy, absolutely unfit for human consumption resulting in the outbreak of beri beri, dysentery, diarrhœa and other diseases in the area and thus encouraging a black-market to continue its nefarious underhand activities."

Mr. PRESIDENT: With regard to this adjournment motion, I find there are also two short-notice questions on the same subject—one by Mr. Mazumdar and the other by Mr. Humayun Kabir. Both the questions have been admitted. Now, I would suggest that Government should consider whether they could reply to these questions on short-notice. If they reply to these questions on short-notice and if the mover is satisfied with the answer, I think there would be no further necessity of moving the adjournment motion. In that case the mover may or may not move it. But if he is not satisfied, then he can give notice of a fresh motion. Of course, its admissibility will have to be decided by me with reference to the rules and facts. So, Mr. Mazumdar, if Government decide to answer this question on short-notice, I would ask you to withdraw this motion today. May I enquire whether the Government are prepared to answer the short-notice question today?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Government are prepared to answer this short-notice question. But Mr. Suhrawardy is just now away from Calcutta. As soon as he comes back, he would answer these questions. I hope he would come back within the next two or three days.

Mr. HARIDAS MAZUMDAR: Sir, it is very deplorable that the Hon'ble Minister for Civil Supplies is not present here today.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But he is in Dacca.

Mr. HARIDAS MAZUMDAR: Then, Sir, I postpone moving my adjournment motion.

Mr. PRESIDENT: Mr. Mazumdar, there is no question of postponing the motion. If you want to move the motion, you will have to give a fresh notice and the Chair will have to decide whether the motion would be admissible or not.

Mr. HUMAYUN KABIR: Sir, in this connection I would only submit that the point regarding urgency may at that time be waived because the urgency in this matter would always remain.

Mr. PRESIDENT: Yes, the urgency will remain unless the cause is removed, because it is a continuing grievance.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I have the honour to give notice that I propose to move——

Mr. PRESIDENT: Mr. Goswami, would you please wait for a minute or two? A short-notice question is going to be replied to by the Hon'ble Minister for Commerce.

Short-notice question.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, shall I read out the questions also when answering them?

Mr. PRESIDENT: Yes; I think that will be better.

The Hon'ble Mr. Khwaja SHAHABUDDIN:

QUESTIONS:

Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state—

(*a*) whether he is aware that recently a hailstorm passed over a portion of the Bakarganj district;

(*b*) if it is a fact that a Bagerhat ferry steamer met with a serious accident near Bhandaria during that squall;

(*c*) if so, what is the reason for not publishing this news in the Press; and

(*d*) what is the number of sufferers in connection with the said accident?

ANSWERS:

(*a*) Yes;

(*b*) Yes;

(*c*) Sir, according to my information the report was submitted to the Associated Press by the steamer companies on the 3rd February, 1944. The steamer companies gave details of the incident to the Associated Press,

but if the Press did not publish it, it was most likely because of certain rules which prohibited the publication of such news which might be of use to the enemy.

(*d*) The total number of sufferers was 59—

Passengers	...	38
Mail Guard	...	1
Vendor	...	1
Crew (including the master and driver).	...	16
Steamer clerk	...	1
Steamer clerk's servant	...	1
Sub-agent, Parerhat	...	1
Total	...	59

The figure above is subject to alteration as further report of survivors might be coming in.

Mr. HARIDAS MAZUMDAR: Sir, the Hon'ble Minister did not answer as to what were the arrangements regarding the life-saving belts and appliances and whether they were sufficient for the purpose?

Mr. PRESIDENT: That did not appear in your original question.

Mr. HARIDAS MAZUMDAR: No, Sir; but day before yesterday I mentioned this in the House and the Government agreed to answer that also.

Mr. PRESIDENT: No, you have got to give written notice. But you may put supplementary questions in that connection.

Mr. HARIDAS MAZUMDAR: All right, Sir. Will the Hon'ble Minister be pleased to state what life-saving arrangements were there in the steamer at the time when it was sunk?

The Hon'ble Mr. Khwaja SHAHABUDDIN: The number of life-boats and the quality of life-saving gears were in accordance with the requirements of the Inland Steam Vessels Act, 1917 (I of 1917), and examined by the Ship Surveyor and certified by the Principal Officer, Mercantile Marine Department, Calcutta District.

Mr. HARIDAS MAZUMDAR: What was the number of passengers in the steamer at the time when it sank?

The Hon'ble Mr. Khwaja SHAHABUDDIN: I want notice.

Mr. HARIDAS MAZUMDAR: Sir, the Hon'ble Minister has said that under certain rules the life-boats and other life-saving arrangements were in the steamer. But, may we know how many life-boats and how many life-belts were there under the rules?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, I want notice.

Mr. HAMIDUL HUQ CHOUDHURY: Sir, are all these questions likely to come before the Marine Court for inquiry and for report?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, in accordance with the Act, the preliminary enquiry is held by the District Magistrate. Then the report comes up to Government who examine it, and after examination, if Government decide that it is necessary to send the report to the Marine Court, they do so.

Mr. HUMAYUN KABIR: Has the report of the District Magistrate been actually received by Government?

The Hon'ble Mr. Khwaja SHAHABUDDIN: The final report has not yet been received, but only the preliminary report.

Mr. RANAJIT PAL CHOWDHURY: Has the steamer been salvaged?

The Hon'ble Mr. Khwaja SHAHABUDDIN: I have no information as yet about this.

Mr. HUMAYUN KABIR: Does not the report of the District Magistrate give the actual number of life-belts and life-boats in the steamer?

The Hon'ble Mr. Khwaja SHAHABUDDIN: No, Sir, this has not been mentioned in the preliminary report.

Mr. HAMIDUL HUQ CHOWDHURY: Has the Government yet made up its mind as to whether it is going to send this matter up to the Marine Court for enquiry?

The Hon'ble Mr. Khwaja SHAHABUDDIN: How could Government do so without having received the District Magistrate's final report? We have only received his preliminary report so far.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister not aware that he is going to prejudice the merits of the question when he is giving these answers as categorical matters of fact?

The Hon'ble Mr. Khwaja SHAHABUDDIN: I am giving out these facts because these are facts which have already been reported by the District Magistrate; I am giving here only those facts; so, there is no question of prejudicing the case either way.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state when the final report of the District Magistrate in this respect may be expected?

The Hon'ble Mr. Khwaja SHAHABUDDIN: I think the District Magistrate will have to hold a public enquiry; perhaps he will report immediately after that.

Laying of Message from the Bengal Legislative Assembly regarding Bengal Finance (Sales Tax) Amendment Bill, 1944.

The SECRETARY: Sir, the following message has been received from the Bengal Legislative Assembly:—

"The Bengal Finance (Sales Tax) Amendment Bill, 1944, as passed by the Bengal Legislative Assembly at its meeting held on the 7th February, 1944, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

SYED NAUSHER ALI,

Speaker, Bengal Legislative Assembly."

Sir, I herewith lay on the Table the Bengal Finance (Sales Tax) Amendment Bill, 1944, as passed by the Bengal Legislative Assembly at its meeting held on the 7th February, 1944.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: With your permission, Mr. President, I beg to give notice that I propose to move that the Bengal Finance (Sales Tax) Amendment Bill, 1944, as passed by the Bengal Legislative Assembly, be taken into consideration and passed at this session of the Council.

The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

Mr. PRESIDENT: The House will now take up consideration of the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

Mr. HUMAYUN KABIR: Sir, before you take up this matter, may I know whether a date has yet been fixed for the discussion of the Finance (Sales Tax) Bill or whether the Hon'ble Minister is only giving notice that he will move for the consideration of the Bill?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is only a matter of giving notice that the Finance Bill will be taken up for consideration during this session and passed.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I would like to inform you that a very large number of amendments has been received, some of which are important. Government, therefore, would ask for some time to examine them carefully. So I submit that the Bill may be taken up for consideration at a subsequent date.

Mr. PRESIDENT: In that case, the chief item will be withdrawn from today's agenda.

The Hon'ble Mr. TARAK NATH MUKERJEA: We received the amendments only yesterday and had no time to go into their merits.

Mr. PRESIDENT: But that was the arrangement when you agreed to accept amendments at short-notice.

The Hon'ble Mr. TARAK NATH MUKERJEA: That is so, Sir, but we did not expect that so many amendments would be given notice of. We could not, therefore, come to any decision on the amendments.

Mr. W. B. C. LAIDLAW: Sir, do I understand that the proposal is to defer the consideration of this Bill? If so, I would object to that being done. This Bill is going to take the place of the Ordinance which expires, I think, in about four weeks' time. Government, I should have thought, had had plenty of time to consider the matter and it was actually put down to be dealt with in the agenda of today. I do not know why it should be withdrawn for the time being.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, the amendments have been received last night and some as late as this morning. So we could not get time to go through them.

Mr. PRESIDENT: Mr. Laidlaw, the position is that Government did not expect so many amendments and they were taken by surprise: so they want more time to consider the amendments. Of course, it is for the Government to decide what should be the business today. They can certainly take out any of the items of business on the agenda if they want to do so.

The Hon'ble Mr. TARAK NATH MUKERJEA: I may also point out, Sir, for the information of the honourable members, that there are provisions for giving retrospective effect. So delay of a few days will not affect the actual situation.

Mr. PRESIDENT: Government should always come prepared when they want to move for the consideration of a Bill at short-notice. But in this particular case, in view of the large number of amendments, you ask that the consideration of the clauses of the Bill be postponed. Is that your proposal?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes, Sir.

Mr. PRESIDENT: I think Government's difficulties in proceeding with the Bill today should be appreciated by the House, and when the Government suggest postponement of the Bill, I am not inclined to rule out the proposal.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister kindly state when he wants time for consideration of the amendments and place the Bill at a future date, if he will make it convenient to comply with the wishes of the members——

Mr. PRESIDENT: That is a matter you can discuss with the Hon'ble Minister outside this Chamber.

Mr. HUMAYUN KABIR: May I know when you propose to take up the consideration?

Mr. PRESIDENT: Mr. Mukerjea, what date do you suggest?

The Hon'ble Mr. TARAK NATH MUKERJEA: I am prepared to take it up on the first available date. According to our present programme, it is not possible to take it up before 2nd March. But if any earlier date is available, I shall be glad to take it up on that date.

Mr. HUMAYUN KABIR: In view of the fact that Government feel that many amendments have been tabled which require consideration and they are extending the date by about 15 or 16 days, may I suggest that we may also be given an opportunity of reconsidering our amendments and sending in fresh amendments? Because if the date is fixed for 2nd, Government will have 13 days to consider.

The Hon'ble Mr. TARAK NATH MUKERJEA: I have no objection, provided they are sent in time.

Mr. PRESIDENT: As regards Mr. Humayun Kabir's suggestions, I think they are very legitimate and I hope Government will not object to them.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I have already said that I have no objection.

Mr. PRESIDENT: Now, let us decide when the Bill will be taken up. Then we will fix up the last date for receiving amendments.

I have consulted the calendar. In view of the agenda already prepared, I think it cannot be taken up before 6th March. Are Government agreeable to that date? I suggest that 1st of March be fixed as the last date for sending in amendments.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, we want more days to consider the amendments. It will leave only three days.

Mr. PRESIDENT: I think three days ought to be sufficient. What about the next Bill, Mr. Mukerjea?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I have no objection to take up the next Bill.

Mr. PRESIDENT: Is there any objection to the next Bill being taken up today? I put this question in view of the fact that everybody expected that the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, would be taken up today and the amendments on the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, reached the honourable members only this morning. So, I want to know whether they had sufficient time to consider the amendments regarding that Bill.

Mr. LALIT CHANDRA DAS: Sir, we did not expect that the next Bill would be taken up today.

Mr. PRESIDENT: Then, we shall take up the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, tomorrow.

Mr. BANKIM CHANDRA MUKHERJEE: Moreover, we have not yet seen the amendments regarding the next Bill.

Mr. PRESIDENT: Well, you would be able to read the amendments in course of the day.

I now adjourn the House till 1 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1 p.m. on Wednesday, the 16th February, 1944.

Members Absent.

The following members were absent from the meeting held on the 15th February, 1944.

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Nurul Amin.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. K. K. Dutta.
(6) Khan Bahadur Abdul Gofran.
(7) Maulana Muhammad Akram Khan.
(8) Mr. J. McFarlane.
(9) Mr. N. N. Moholanabish.
(10) Mr. Naresh Nath Mookerjee.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur Kazi Abdur Rashid.
(13) Khan Bahadur M. Shamsuzzoha.
(14) Dr. Kasiruddin Talukdar.

BGP-4415-1445A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 7.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 16th February, 1944, at 1 p.m., being the seventh day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Reservation of seats of Muslim minorities in municipalities.

51. Khan Sahib ABDUL AZIZ: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state in how many municipalities of Bengal seats have been reserved for Muslim minorities and in how many such reservation has not been made?

(*b*) Has any Muslim commissioner been returned at the general elections held during the last five years in any of the municipalities wherein seats for Muslim minorities have not been reserved?

(*c*) If so, what are the names of those municipalities?

(*d*) Do the Government propose to reserve seats for the Muslim minorities in those municipalities wherefrom no Muslim have been elected at the general election during the last five years? If not, why not?

Mr. BIREN ROY, Parliamentary Secretary (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Seats have been reserved in 83 municipalities and not reserved in 23 municipalities.

(*b*) Yes.

(*c*) Bogra, Chandpur, Old Malda, Gaibandha, Narayanganj, Nator and Bajitpur.

(*d*) No; because seats have been reserved for Muslim minorities in all the municipalities where they are entitled to at least one seat in accordance with the provisions of section 19 of the Bengal Municipal Act.

Deaths from malaria, cholera and other diseases in Chittagong during the years 1936 to 1942.

52. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state what was the number of deaths from (*i*) malaria, (*ii*) cholera, and (*iii*) other diseases in Chittagong during the years 1936 to 1942, and what was the number of such deaths up to 31st July in 1943?

(*b*) How much quinine and anti-cholera vaccine was supplied to Chittagong during these years?

(*c*) Is it a fact that both cholera and malaria have broken out in epidemic form in Chittagong?

(*d*) Is it a fact that the epidemic has gone out of control?

(*e*) Have any special preventive and curative measures been adopted by the Government of Bengal to check cholera and malaria epidemics in Chittagong? If so, what are they?

(*f*) Is it a fact that the incidence of cholera and malaria has been increasing in Chittagong from year to year?

Mr. BIREN ROY, Parliamentary Secretary (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) and (*f*) A statement is laid in the Library.

(*b*) A statement is laid in the Library.

(*c*) Yes.

(*d*) The present epidemic of cholera in the Chittagong district commenced from the month of May, 1943, and reached the highest peak in July, 1943, and thereafter the condition gradually improved. The epidemic appeared to be subsiding since the week ending 1st January, 1944.

The malaria situation cannot be said to be out of control. Recent report from the District Health Officer, Chittagong, shows that malaria is distinctly declining in the district.

(*e*) Yes: extra doctors and health assistants were posted to Chittagong district from last July, and supplies of bleaching powder have been sent from time to time.

During 1943, 1,455 lbs. of quinine and 333 lbs. of cinchona febrifuge were sent to Chittagong district.

Mr. NUR AHMED: Arising out of (*e*), will the Parliamentary Secretary please state how many extra doctors and health assistants were posted to the Chittagong district from last July?

Mr. BIREN ROY: Seven doctors and five health assistants.

Mr. NUR AHMED: Will the Parliamentary Secretary kindly state how many persons have died from all diseases up to the 31st July, 1943, in Chittagong?

Mr. BIREN ROY: In January, deaths from cholera were 31, from malaria 1,019 and from other diseases 3,919. In February deaths from cholera were 39, from malaria 823 and from other diseases 3,154. In March deaths from cholera were 6, from malaria 849 and from other diseases 2,759. In April deaths from cholera were 25, from malaria 952 and from other diseases 3,331. In May as I have already said in my printed answer there was an epidemic of cholera and deaths from it numbered 201. In June it was 1,191 and in July which reached the highest peak it was 2,775; deaths from other diseases in May were 4,398; in June 763 and in July 10,951.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please state what percentage of the population of Chittagong was affected by malaria?

Mr. BIREN ROY: I want notice.

Dr. KUMUD SANKAR RAY: Is the Hon'ble Minister aware that there is great scarcity of doctors in Chittagong hospitals? That they have not got even the requisite number of demonstrators for the Medical School there?

Mr. BIREN ROY: As I have already replied, Sir, 7 doctors and 5 health assistants were requisitioned and sent to that area. Moreover, there were 16 military medical officers lent by the Army who were working along with 13 sub-assistant surgeons in that area.

Dr. KUMUD SANKAR RAY: Does the Hon'ble Minister consider this number adequate for the district, or does he think that this number should be supplemented; and if so, when?

Mr. BIREN ROY: The number may not be fully adequate, but Government will try to get as many doctors as possible and give relief to the people stricken with other diseases as also with cholera and malaria.

Dr. KUMUD SANKAR RAY: Has the Hon'ble Minister any information with regard to the Chittagong Hospital?

Mr. BIREN ROY: I want notice.

Mr. HARIDAS MAZUMDAR: Was the quinine supplied by Government sufficient for the purpose of Chittagong at the time?

Mr. BIREN ROY: At that time 1,455 lbs. of quinine were supplied and we thought that it was sufficient to tackle the number of persons affected.

Mr. KADER BAKSH: Will the Hon'ble Minister please state whether the quantity of quinine supplied was not only not enough but that the mode of distribution of the quinine was most defective?

Mr. BIREN ROY: Sir, I have already answered the question.

Mr. KADER BAKSH: Whether the mode of distribution was not defective also?

Mr. PRESIDENT: Please put your question more clearly. What is your question?

Mr. KADER BAKSH: The mode of distribution: from personal experience——

Mr. PRESIDENT: That is not the proper form of putting a question.

Mr. KADER BAKSH: Sir, I was going to make my position clear. My question is this: Whether any report has been received by Government that the mode of distribution was defective? That is my question.

Mr. BIREN ROY: Government have not received any such information.

Mr. KADER BAKSH: Is the fall in mortality from malaria due to the use of quinine or due to the change of season?

Mr. PRESIDENT: Mr. Kader Baksh, will you please repeat your question? The Parliamentary Secretary seems not to have understood it.

Mr. KADER BAKSH: It is this: Whether any report has been received by Government from the local authorities that the fall in the number of malaria cases is due not only to the distribution of quinine but also to the change in the weather, I mean, the season?

Mr. BIREN ROY: Certainly it may be due to change of the season: for malaria breaks out in some season and subsides in another season.

Mr. PRESIDENT: The question is whether Government have received any such information.

Mr. BIREN ROY: No, Sir, except that malaria is definitely on the decline.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state whether he has received any report from the District Health Officer of Chittagong that malaria is out of control there as there is no quinine in Chittagong for treatment?

Mr. BIREN ROY: Sir, the question has already been answered in answer (*c*); it is not out of control.

Mr. NUR AHMED: Sir, my question is if the Hon'ble Minister has received any report from the District Health Officer stating that he urgently requires quinine and that there is no quinine in Chittagong?

Mr. PRESIDENT: That question has been replied to. The Parliamentary Secretary has just mentioned it.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state if it is a fact that 50 grains of quinine is required per patient infected with malaria in order to have effective check on the disease?

Mr. BIREN ROY: It is a fact which Government do not dispute.

Mr. HARIDAS MAZUMDAR: May I know if it is not the information of Government that quinine was not available at that time?

Mr. PRESIDENT: That question does not arise out of this.

The Bengal Destitute Persons (Repatriation and Relief) Bill, 1944.

Mr. PRESIDENT: Order, order, we shall now proceed with the consideration of the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, clause by clause.

Clause 1.

Clause 1 stand part of the Bill.

Mr. NUR AHMED: I beg to move that at the end of sub-clause (*3*) of clause 1 of the Bill, the following be added, namely:--

"if no notification extending the operation of this Act for such further period as specified in the said notification is issued and published in the official Gazette by the Provincial Government".

Sir, sub-clause (*3*) of clause 1 says, "it shall not remain in force after the 31st day of January, 1946", viz., for two years. To that I want to add my amendment as unless the period of two years is extended by notification it will expire after two years. My purpose for doing so is this: This Bill is a very humane and useful Bill and nobody can say if this emergency will or will not continue after two years, although we do hope that there will be better time and there will be no need for this measure. But nobody is a Prophet and can say that this emergency condition will not remain after two years, so that Government may not have to come before this House for the extension of the time of this Bill. We have seen that for some necessary measures Government have come for extension once, twice or even four times and sometimes more frequently. If this proviso is added, it will save a lot of public money and time of the House. For this purpose I have moved this amendment and I commend it to the acceptance of this House.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I accept the principle of my friend Mr. Nur Ahmed's amendment. But it seems that there are some technical defects in the language of the amendment. So with your permission and the permission of the House may I put the amendment in a little amended form, viz., "But the Provincial Government may by notification in the official Gazette direct that it shall so remain in force for such period as may be specified".

Mr. PRESIDENT: Mr. Mukerjea, I think some one else should move the amendment on your behalf.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, do you allow at this stage to move the short-notice amendment?

Mr. PRESIDENT: That is exactly the point I was going to mention. Government wanted to move this Bill at short-notice and the Bill has been taken up today clause by clause. Now, if at this stage Government again move certain amendments it will be difficult for the honourable members to study the amendments, because they have not got copies of the amendments which Government propose to move. So, I am afraid, if there is any objection, the amendments cannot be moved and they must stand over at least till tomorrow, to enable the honourable members to study the amendments.

Mr. LALIT CHANDRA DAS: Sir, I object.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I have accepted the principle underlying the amendment, only I suggest some verbal changes.

Mr. PRESIDENT: If the Government want to move amendments, they should circulate the amendments to the honourable members today and the amendments may be taken up tomorrow. In the meantime, we may proceed with the other clauses of the Bill on which there are no new amendments.

The Hon'ble Mr. TARAK NATH MUKERJEA: Then, Sir, I accept the amendment moved by Mr. Nur Ahmed. We do not propose to move any other amendment.

Mr. PRESIDENT: Amendment moved: that at the end of sub-clause (*3*) of clause 1 of the Bill, the following be added, namely:—

"if no notification extending the operation of this Act for such further period as specified in the said notification is issued and published in the official Gazette by the Provincial Government".

Mr. LALIT CHANDRA DAS: Sir, I oppose this amendment. So far as this Bill is concerned, it is a temporary measure. We are according our support to it because we are under the conviction that the economic condition of Bengal necessitates some short relief. There is no gainsaying the fact that this Bill involves an encroachment upon the liberties of the people, but still we are supporting it because circumstances are such that certain steps must be taken both for the good of the destitutes as well as for the general public. Now, I may say how that could be done without encroaching upon the liberties of the people. Copy the method adopted in the case of the Non-Agricultural Temporary Provisions Bill. Government are not taking it up. They are extending the provisions of the Bill by one year. A similar Bill was lying with us. If the economic condition of Bengal does not improve, then the Government would be in a position to bring in a temporary provision extending Bill with respect to this; but so far as the present Bill is concerned, Government knew that it was an encroachment upon the liberties of the people. In our opinion, the Bill should not be extended beyond January, 1946.

Sir, the wordings that were used were "It shall not remain in force after 31st day of January, 1946". By this time the economic condition of Bengal will improve very much and there will be no necessity for this Bill to continue. The Objects and Reasons of the Bill will show that. There is no doubt whatsoever. Is is stated that "it is necessary to continue the arrangements for some time to come, as the economic situation has not yet come to normal. The Bill has been framed with this object in view". It is further stated that "it is expected that by January, 1946, the economic condition of Bengal will improve and that it will no longer be necessary to continue the Bill. So, I say, Sir, that if the economic condition of Bengal is not improved by that time, the Government will then be in a position to bring in a fresh Bill extending the provisions of this Bill for one year more.

Now, Sir, at the very inception of this Bill, for the Government to ask for power in the hands of the Executive to extend the provisions of the Bill for as many years as they like is no doubt an encroachment upon the individual liberties of the people. We are going to support the provisions of the Bill, because the time is extraordinary and the economic condition of the country is very bad and that a large number of destitutes have flocked to Calcutta and other urban areas endangering the health of the citizens. The Government have to take extraordinary steps. But the same Government have come to a definite conclusion that by January, 1946, the situation will be such that it will not be necessary to extend the provisions of the Bill beyond that period. I submit, Sir, that this motion of Mr. Nur Ahmed is encroaching upon the liberties of the people by arming the Executive with fresh powers in advance, namely, that they will have the right to extend the provisions of the Bill by a notification. This, Sir, I object to very strongly.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to oppose the amendment I would like to speak a few words. The amendment stands thus:—

> "if no notification extending the operation of this Act for such further period as specified in the said notification is issued and published in the official Gazette by the Provincial Government".

Now, Sir, if these words are added there, you will find that it practically means that the Act becomes a permanent measure instead of being a temporary one. But, Sir, the Statement of Objects and Reasons, is as follows "it is necessary to continue the arrangements for some time to come, as the economic situation has not yet come to normal." I would like to add in this connection that the preamble to the Act stands thus "Whereas it is expedient to make special provision for dealing with persons wandering about in a destitute condition as a result of the prevailing economic distress." Now, Sir, there are two things admitted in this Bill on behalf of Government, the economic distress that was noticed in 1943 is still prevailing. Government think that the economic situation has not yet come to normal and for that purpose this temporary Bill has been introduced. If this amendment is allowed to be passed, then it will make it a permanent provision which was never the intention of the framer of the Bill, nor the object as stated in the Bill itself. Now, Sir, we are trying to remove this economic distress immediately and for that purpose Government is bound to take proper steps so that this economic distress may not be a permanent feature of the life of Bengal. If we pass this amendment, we should be supporting a measure which would lead Government not to take any step for the purpose of preventing such economic distress and keep the Bill hanging over our heads almost as a permanent measure. I, therefore, submit that the amendment as it stands is highly objectionable and should not be allowed to find a place in the Statute Book so as to give this provision a permanent lease of life.

Mr. PRESIDENT: Yes, Dr. Ray.

Mr. NUR AHMED: In view of the——

Mr. PRESIDENT: I have called upon Dr. Ray already. But what is it that you want to say, Mr. Nur Ahmed?

Mr. NUR AHMED: I want the leave of the House to withdraw my amendment.

Mr. LALIT CHANDRA DAS: Thank you.

Mr. PRESIDENT: Is it the pleasure of the House that leave should be given to Mr. Nur Ahmed to withdraw his amendment?

HONOURABLE MEMBERS: We have no objection, Sir.

(The amendment was then by leave of the House withdrawn.)

Dr. KUMUD SANKAR RAY: May I know when the Preamble will come in for discussion?

Mr. PRESIDENT: Well, the Preamble comes last of all.

Dr. KUMUD SANKAR RAY: Then, why call it a Preamble?

Mr. PRESIDENT: The question before the House is: that clause 1 stand part of the Bill——

Khan Bahadur M. A. MOMIN: Sir, before you put the clause, Sir, may I make a submission? Is it permissible for me to move another amendment to clause 1 in place of the amendment just withdrawn by Mr. Nur Ahmed?

Mr. LALIT CHANDRA DAS: Have you given any notice of such an amendment?

Khan Bahadur M. A. MOMIN: No, but my amendment will probably be acceptable to both sides.

Mr. PRESIDENT: I would just explain the position, Khan Bahadur. Government wanted the consideration of the Bill, clause by clause, to be taken up at very short notice and a particular period was allotted for putting in amendments. Now, if you move an amendment on the floor of the House, it becomes difficult for the Chair as well as for honourable members to realise what the effect of that amendment would be on the Bill. So, if Government are really insistent on moving amendments to this clause, then they should agree to the clause standing over and not being put to vote today. Therefore, the amendment which you propose to move on behalf of Government, I believe, should be moved tomorrow.

Khan Bahadur M. A. MOMIN: No, Sir, not on behalf of Government.

Mr. PRESIDENT: Then as a member of the Government party, no doubt?

Khan Bahadur M. A. MOMIN: Yes, Sir, as a member of the Government party.

Mr. PRESIDENT: And you have also got Government support, I take it?

Khan Bahadur M. A. MOMIN: That I do not know, Sir.

Mr. HARIDAS MAZUMDAR: Now the position is clear!

Khan Bahadur M. A. MOMIN: No, the position is not clear, because Government had made a certain decision at the party meetings but that decision has apparently been changed; in this way our position becomes awkward.

Mr. PRESIDENT: Khan Bahadur Sahib, you should not mention anything about party meetings here. So, you will appreciate my difficulty in allowing you to move your amendment at short notice. As there has been an objection, I cannot allow you to do so under the rules.

The question that clause 1 stand part of the Bill was then put and agreed to.

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in sub-clause (*1*)(*a*) of clause 2 of the Bill, for the words "any person authorised by the Provincial Government" in lines 1 and 2, the words "the Chief Presidency Magistrate and includes any other Magistrate authorised by the Chief Presidency Magistrate" be substituted.

Sir, in moving my amendment I should like to refer the honourable members to the next sub-clause in the Bill where provision is made with regard to areas other than Calcutta. In other areas, the District Magistrate performs the functions of an authorised officer under this Act. The amendment stands exactly on the same lines: only I have suggested that the authority should be given to the Chief Presidency Magistrate in Calcutta and not left to the Provincial Government. We have bitter experience of how such Government authority was exercised during the time of the last economic distress prevailing in Calcutta. During the last distress the repatriation of the destitutes from Calcutta to outside areas was subject to severe comment from the public at large. I, therefore, submit that it should not be left to the discretion of the Provincial Government. The sub-clause should, therefore, stand as in the next clause, and that the Chief Presidency Magistrate should be the authorised person to function under this Act. The authority which is claimed by the Provincial Government to nominate people for this purpose, so far as Calcutta is concerned, is not safe. We do not know how the selection will be made. We also know that very often nominated persons abuse their position, and so it is safe to leave the authority to the Chief Presidency Magistrate himself or to his subordinate Magistrate, as I propose in the amendment. I submit that if my amendment is accepted, there will be no room for any comment. If we refer to clause 9(2) of the Bill, we find that it is the Chief Presidency Magistrate in Calcutta who is authorised to take cognizance of offences under the Act.

So instead of leaving it vague in the Act, the authority should be specifically allotted to the Chief Presidency Magistrate and he should be empowered to delegate it to his subordinate Magistrate. With these words I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*)(*a*) of clause 2 of the Bill, for the words "any person authorised by the Provincial Government" in lines 1 and 2, the words "the Chief Presidency Magistrate and includes any other Magistrate authorised by the Chief Presidency Magistrate" be substituted.

Dr. KUMUD SANKAR RAY: Mr. President, Sir, I would like to support this amendment for the simple reason that it brings the Bill into consonance with the subsequent sections and clauses which have been provided in this Bill. The mover has already pointed out that the object of the Bill is to prevent abuse of powers by persons who might be nominated by Government. Sir, in the districts the District Magistrates nominate persons. So, there is no reason why in Calcutta the Chief Presidency Magistrate should not be the appointing authority. I hope the Hon'ble Minister in charge will accept this amendment.

Mr. HARIDAS MAZUMDAR: Sir, I beg to support the amendment of my honourable friend Mr. Bankim Chandra Mukherjee. The demand is a very modest one and is very reasonable too, because in the rural areas the District Magistrates count and in Calcutta the Chief Presidency Magistrate practically rules the city. Therefore, it should be left to the discretion of the Magistrates to appoint persons in connection with the working of this Bill. It is a practical amendment and in the interest of the better administration of the Bill, this should be accepted. Further, this amendment, if accepted, will bring the Bill into line with the district administration too. With these few words, I support the amendment of Mr. Mukherjee.

Mr. SULTANUDDIN AHMED: Sir, I would like to oppose the amendment on the ground that in Calcutta the problem is likely to be very complicated and arrangements will have to be made on a very large scale which might require the whole-time attention either of the Chief Presidency Magistrate or of any other person who might be appointed to discharge this function in Calcutta. So, it will not be possible for the Chief Presidency Magistrate or any Magistrate of Calcutta to cope with the situation, as they are generally over-worked. Government have advisedly made this provision that the Provincial Government should nominate the person who might be able to tackle the problem fully and that he might not be a Magistrate of Calcutta and may not have to do any other work in his official capacity.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I may point out that the position of the District Magistrate in the district is not identical with the position of the Chief Presidency Magistrate in Calcutta. In the district the District Magistrate is also the executive head but in Calcutta

the Chief Presidency Magistrate is not the executive head. From our experience we have seen that in Calcutta the work is of greater magnitude and necessarily a whole-time officer should be entrusted with this work. During the last occasion Government had to appoint an officer of the status of a District Judge to take up this work. In these circumstances, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*)(*a*) of clause 2 of the Bill, for the words "any person authorised by the Provincial Government" in lines 1 and 2, the words "the Chief Presidency Magistrate and includes any other Magistrate authorised by the Chief Presidency Magistrate" be substituted.

(The amendment was negatived.)

Clause 3.

Mr. PRESIDENT: Clause 3 stand part of the Bill.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I beg to move that in clause 3 of the Bill, after sub-clause (*1*), the following new sub-clause be inserted, namely:—

> "(*1a*) An authorised officer in exercising powers under sub-section (*1*) shall ascertain if the detention of destitute person will in any way disintegrate his family and shall take all possible steps to restore a destitute person to his family in case this detention tends to segregate him from the rest of the members of the family."

Sir, I consider this to be a very important provision of the Bill. Several instances have been brought to light where the actions of the authorised persons in collecting the destitutes and removing them, were unnecessarily rash. Many families came down to Calcutta and settled on pavements and other places. While some member, in most cases the male one, was out to beg, or to bring water, or was temporarily away from the rest of the family, he was suddenly picked up and removed. Force was applied and deaf ears were turned to all his entreaties and appeals. The House will realise how his family felt stranded when the prop of their family never returned to them. It was not possible for such a family to trace the detained person from camps scattered all over a big place like Calcutta. Thus, the Government act of his removal definitely started the disintegration of this family and landed its members in utter helplessness, far from helping them. The purpose of the proposed legislation itself demands that all destitutes should be interrogated, at least in a preliminary way before they are detained and reasonable care should be taken to ensure that his removal does not cripple his family, even for a short while.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill after sub-clause (*1*), the following new sub-clause be inserted, namely:—

> "(*1a*) An authorised officer in exercising powers under sub-section (*1*) shall ascertain if the detention of destitute person will in any way

disintergrate his family and shall take all possible steps to restore a destitute person to his family in case this detention tends to segregate him from the rest of the members of the family."

Mr. SHRISH CHANDRA CHAKRAVERTY: Sir, I support this amendment very strongly, and I think Government should accept this amendment, especially in view of the fact that it should be the primary duty of the Government to restore to their own family whoever might be segregated from their family, either Hindus or Muslims. Specially a woman destitute, either Hinddu or Muhammadan, will feel much better off if she is kept among her family members. Therefore, I would request the Government to accept this amendment.

Mr. LALIT CHANDRA DAS: Sir, I support the amendment. Instances have been numerous that when destitutes were removed, wives were separated from their husbands, daughters were separated from their mothers and the streets were ringing with their cries. Instances were certainly known to the Hon'ble Ministers: the local papers were full of this story and leaders were giving their own versions in the papers. In fact, everybody knows that such instances were numerous. So it is a very salutary provision that has been suggested by my friend Mr. Birendra Kishore Roy Chowdhury, and it ought to find a place in the Bill. I hope that the Hon'ble Minister would gracefully accept the amendment and make it a part of the Act.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to support the amendment I would just like to draw the attention of the House to some facts which came to my personal knowledge. A boy of five was left in charge of one female destitute and the mother went out for the purpose of begging. In course of destitute removal, the female was taken away along with the small boy. When the mother came back, however, she found that the child was gone and she came weeping to us saying that she could not find her son, and that her son was taken away forcibly. Persons who were kept in charge of this young boy of five cried hoarse that this boy should be returned to his mother. The mother went immediately in search of the boy but to her utter distress she did not find her son. This instance was brought to the notice of the Government officers in charge of Repatriation and for 3 or 4 days the boy could not be found. I can cite another instance. I went to some Government Homes where some destitutes were removed and I found an old mother who said that her child had been removed but nobody knew where he had been taken. Therefore, I submit this amendment is a wholesome proposal. Government if it takes on itself the responsibility of removing the destitutes should also be humane in its dealings with them and see that the parents and children of one family are not separated so that they may find themselves landed in utter distress. With these words, I support the amendment.

Dr. KUMUD SANKAR RAY: I would like to cite another case of a somewhat different nature. In this instance, the mother was taken away and a child of 7 years was left in the streets and cried himself hoarse to find

his mother but could not. At 2 o'clock these cries attracted somebody's notice and the child was given shelter. It is to prevent such instances that I suppose my honourable friend has moved this amendment. I hope that at least this amendment will be acceptable to Government.

Mr. HARIDAS MAZUMDAR: I whole-heartedly support the amendment moved by my honourable friend and I hope that Government would be reasonable enough to accept the amendment and make it a part of the Act. I, too, want to cite one instance of a different nature altogether. I was in charge of a Destitute Committee, and in course of our investigations at one of the collecting centres at Lansdowne Road. I was present with an honourable member of the Lower house when a grocer came up, who told us that his mother had been taken away by the police as a destitute woman and he was running about in search of his mother at every collecting centre. After a little enquiry the old woman was found out; she was kept in a room of the collecting centre and she was given over to her son in our presence. She had already been booked to be taken away as a destitute and was going to be sent to a centre outside Calcutta. Unless her son happened to come in that afternoon the old woman would have been taken away elsewhere. Sir, this is an instance how sometimes even those who are not destitutes at all are collected and treated as such. Therefore, we should be very careful about the collection and distribution of destitutes. So in the belief that it is a very reasonable and modest amendment, I hope Government, will not be adamant and should come down a little and in a reasonable frame of mind accept it in the spirit in which this amendment has been moved.

Mr. K. C. ROY CHOWDHURY: Sir, I rise to support the amendment. Some of the officers are devoid of common sense and so powers should not be given to them and it is high time that there should be some check. I too have come across cases like that mentioned by the mover. I came across a case in which a mother was crying saying that his son was taken away in a lorry from her. I think Government should frame strict rules or pass executive orders to prevent such occurrences. If Government gives an assurance on the floor of this House that they will act as I suggested and see that such a thing does not take place, we shall be satisfied and the amendment might then be withdrawn.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I think the honourable members who have supported this amendment are under some misapprehension. The amendment, as it reads, provides that the destitutes who are apprehended should be returned to their families if by apprehension they are disintegrated from their families. Now, as regards returning of the destitutes, there is provision in clause 7 of the Bill which provides not only for repatriation but also for the proper housing and proper feeding of the apprehended person. Government does not want to detain the apprehended person to be a minute more than is absolutely necessary. As regards disintegration of members of the same family roaming about as destitutes, I think we are going to issue an executive order to

our officers to see that members of the same family apprehended as destitutes are put together in the same camp and not disintegrated.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I think I should not make any further observation in the matter. To my mind this amendment is not only frivolous but unnecessary. Unfortunately——

Mr. LALIT CHANDRA DAS: Sir, he says "frivolous". But what is the meaning of "frivolous"——

Mr. PRESIDENT: Mr. Mukerjea, I hope you will withdraw that expression.

The Hon'ble Mr. TARAK NATH MUKERJEA: I withdraw it. But I feel that the amendment is unnecessary as it is fully covered by clause 7. Unfortunately, the instances that have been given have no reference whatsoever to the object of this amendment. There are numerous cases where people repatriated have come back again to Calcutta and other towns from their places of repatriation. So simply by repatriation the situation cannot be improved and it is not the intention of Government to keep the people under detention longer than it is absolutely necessary. With this observation, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill after sub-clause (*1*), the following new sub-clause be inserted, namely:—

> "(*1a*) An authorised officer in exercising powers under sub-section (*1*) shall ascertain if the detention of destitute person will in any way disintegrate his family and shall take all possible steps to restore a destitute person to his family in case this detention tends to segregate him from the rest of the members of the family".

The motion being put a Division was challenged and taken with the following result:—

AYES—13.

Mr. Altaf Ali.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. B. C. Mukerji.
Mr. L. C. Das.	Rai Sahib J. N. Ray.
Mr. B. C. Datta.	Dr. K. S. Ray.
Mr. N. C. Datta.	Mr. B. K. Roy Choudhury.
Mr. M. R. Jaipuria.	Khan Sahib Maulvi Wahiduzzaman.
Rai Bahadur B. M. Maitra.	

NOES—23.

Khan Sahib Fariduddin Ahmad.	Mrs. Labanyaprobha Dutt.
Mr. Mosbahuddin Ahmed.	Mr. R. W. N. Fegusen.
Mr. Nur Ahmed.	The Hon'ble Khan Bahadur Saiyed Muzzammuddin Hosain.
Mr. Sultanuddin Ahmed.	Mr. Latafat Hossain.
Khan Sahib Abdul Aziz.	Maulana Muhammad Akram Khan.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. Moazzemali Chowdhury.	Mr. Abdul Latiff.
Mr. Hamidul Huq Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur Abdul Hamid Chowdh ..	Mr. T. B. Nimmo.
Mr. C. E. Clarke.	Khan Bahadur Muklesur Rahman.
Mr. D. J. Cohen.	Rai Bahadur Radhica Bhusan Roy.
Mrs. K. D'Rozario.	

Mr. PRESIDENT: Order, order. The House has divided.

Ayes being 13 and Noes being 23, the amendment is negatived.

Mr. Yakub Sattar, I believe, was not in the Chamber but he has recorded his vote. He should not have done that. His vote is, therefore, cancelled.

Mr. NUR AHMED: Sir, may I have your permission to move a short-notice amendment?

Mr. PRESIDENT: Mr. Nur Ahmed, I have decided that no short-notice amendment will be allowed to be moved if there is any objection——

Mr. NUR AHMED: Sir, I have not yet read it——

Mr. PRESIDENT: I have not yet seen the amendment; at least the Chair should be given a copy of it.

Mr. NUR AHMED: Sir, I had already sent notice of it yesterday to the Council office.

Mr. PRESIDENT: Well, let us see what it is.

Mr. NUR AHMED: My amendment is this: that to sub-clause (*2*) of clause 3 the following proviso be added, namely:—

"Provided that no force shall be used against a woman except by another woman empowered in this behalf by the authorised officer".

Mr. LALIT CHANDRA DAS: I object to this short-notice amendment.

Mr. PRESIDENT: In view of this objection, I am afraid, Mr. Nur Ahmed, you cannot move your amendment.

Mr. LALIT CHANDRA DAS: I object to this amendment, because we on the Opposition side have tabled an almost similar amendment and it is going to be moved. He does not like that the Opposition amendment should be carried. Therefore, he is moving this amendment.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that sub-clause (*3*) of clause 3 of the Bill be deleted.

Sir, sub-clause (*3*) reads thus: "for the avoidance of any doubt it is hereby declared that the power to take steps under sub-section (*2*) includes the power to enter upon any land or other property whatsoever." I fail to see what doubt there is, having regard to the provisions of the clause in the Bill and the Preamble. The Preamble stands thus: "whereas it is expedient to make special provision for dealing with persons wandering about in destitute condition as a result of the prevailing economic distress." I suppose that a person who is resting inside any property is not wandering about in a destitute condition. Then, if we refer to clause 2(3) of the Bill, we find that a destitute person means a person not being of European extraction wandering about or being apparently homeless and having no visible means of subsistence except begging. There is another objection to this clause and that is this: Government are being given the power to enter upon any land or any other property whatsoever. The land or property

has not been defined and it is left vague and as wide as possible. With regard to this amendment the authorised officer may enter into the dwelling house of a respectable gentleman and get hold of a person on the plea that he or she is a destitute. I have known of such instances and one instance I may give which took place during the last removal of destitutes from Calcutta. A maid-servant was apprehended in this way who was working in the house. She was forcibly taken away in a lorry as a destitute. Therefore, I submit that such wide power should not be given to a person whatever his status may be. We know what class of persons are employed to go with the lorries and buses for the purpose of removing the destitutes and if a clause like this is provided, it would mean authorising such persons to do anything and everything and it would be giving a very high-handed power to the authorised persons for removing the destitutes. As a matter of fact, the question for consideration is whether the person apprehended is actually a destitute. It cannot be decided until some time passes whether a person is really a destitute, but as the clause stands any and every person can be removed from inside the house on the plea that he or she is a destitute. I submit that this clause is totally unnecessary and inconsistent with the other provisions of the Bill which have been passed showing under what circumstances and what persons should be removed. With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: The question before the House is: that sub-clause (*3*) of clause 3 of the Bill be deleted.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I oppose the amendment, because it will give a good deal of trouble in collecting the destitutes. Government is prepared to accept the amendment, if the wording is changed as follows:—

"That to sub-clause (*3*) of clause 3 of the Bill, the following proviso be added, namely:—

"provided that nothing in this sub-section shall be deemed to confer any power to enter into any dwelling house—

(*a*) at any time after sunset and before sunrise,——

Mr. PRESIDENT: I think before you move your amendment, the Chair at least should be supplied with a copy of the amendment. (A copy of Hon'ble Minister's amendment was then handed over to the Chair). Now you move your amendment.

The Hon'ble Mr. TARAK NATH MUKERJEA: All right Sir. I beg to move: that to sub-clause (*3*) of clause 3 of the Bill, the following proviso be added, namely:—

"Provided that nothing in this sub-section shall be deemed to confer any power to enter into any dwelling house—

(*a*) at any time after sunset and before sunrise,

(*b*) at any other time without previously giving to the person in actual occupation thereof at least two hours' notice of his intention to do so".

Mr. PRESIDENT: I would just like to know if any honourable member has any objection to the moving of this amendment.

Mr. LALIT CHANDRA DAS: Sir, there is one difficulty to which I would draw your attention. Sir, the clause as it stands is certainly objectionable. Therefore, my honourable friend Mr. Bankim Chandra Mukherjee wants——

Mr. PRESIDENT: That is an argument. I just want to know, first of all, from you whether you object to the amendment being moved or not.

Mr. LALIT CHANDRA DAS: The amendment which has been moved by the Hon'ble Mr. Mukherjea is a better one but as I have already stated that many such amendments could not be moved by us for want of time.

Mr. PRESIDENT: Mr. Das, it is very difficult to know from your speech as to what attitude you take with regard to this amendment moved by Government. So, I would like to know whether you object to the amendment being moved.

Mr. LALIT CHANDRA DAS: The amendment moved by Government is a better one.

Mr. PRESIDENT: Then I take it that you have no objection to the amendment being moved.

Mr. HUMAYUN KABIR: Sir, cannot the amendment be moved in two parts, namely (1) nobody shall enter a dwelling house after sunset and before sunrise; and (2) that no person shall enter the premises without the owner's or actual occupier's permission? May I request you to put the amendment in two parts?

Mr. PRESIDENT: Are Government prepared to do that?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, in my amendment I have made it quite clear that nobody shall enter a house after sunset and before sunrise. So, the authorised person shall enter only at day time and after two hours' notice is given.

Mr. PRESIDENT: Will that satisfy the Opposition?

Mr. HUMAYUN KABIR: Sir, I would submit to you that this is certainly an improvement on the original amendment. But this idea of two hours' permission is not entirely acceptable to the Opposition. We certainly do not want anybody to enter into any dwelling place at night. We do not——

Mr. PRESIDENT: Mr. Kabir, you need not enter into the merits of the amendment at present. The Hon'ble Minister has just moved his amendment and we were uptil now following the principle that no short-notice amendment should be moved on the floor of the House and so I would like to ascertain from you whether you have any objection to the amendment being moved.

Mr. LALIT CHANDRA DAS: We have no objection.

Mr. PRESIDENT: Then may I take it that there is no objection?

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, you yourself observed a little while ago that no short-notice amendment should be allowed to be moved today. If there are any they would be moved tomorrow.

Mr. PRESIDENT: In that case, the amendments to which there are likely to be short-notice amendments should be moved tomorrow.

The Hon'ble Mr. TARAK NATH MUKERJEA: But, Sir, there are two other Bills tomorrow.

Mr. PRESIDENT: Today we may proceed with other clauses and finish them and then tomorrow we may come back again to clause 3. Government in the meantime may circulate the amendments among the honourable members.

Khan Bahadur M. A. MOMIN: Sir, I rise just to make the position clear. It was your ruling that no short-notice amendments should be accepted if the House has any objection. We had some short-notice amendments which the Opposition did not accept. Therefore, they could not be considered. Other amendments which were acceptable to them they have accepted and these could be moved. So far it is all right. But the difficulty is that this probably will leave the Bill in such a condition that it will be a sort of patch-work here, there and all over and the Bill will be full of lacunæ, and I am afraid the Bill will not be properly workable. There were some very useful amendments but they could not be moved because of short-notices and other side's objection. I do not question that ruling at all, but I only wish to draw your attention to the fact that some amendments were allowed to be moved and some very useful amendments were not allowed to be moved——

Mr. PRESIDENT: The principle which we have followed is quite consistent with the rules that no short-notice amendments will be allowed unless copies thereof have been circulated to the members of the House, because the members are expected to study the amendments before they oppose or support them. That is the point. Here in the case of the last amendment moved by Government there was no objection. That was why I suggested that it should be taken up, but even then it has been postponed for tomorrow. I quite appreciate what you say but as an important member of the Government Party it should have been your duty to advise Government to send the Bill to a Select Committee or to move such amendments in time. The matter stands before the public for nearly six weeks. There was ample time for suggesting amendments to the Bill. I quite appreciate what you say, but I am helpless in the matter.

I will not proceed with clause 3 today, and the amendments to clause 3 should also stand over.

Clause 4.

Mr. PRESIDENT: The question before the House is that clause 4 stand part of the Bill.

(The motion was agreed to.)

Clause 5.

Mr. PRESIDENT: The question before the House is that clause 5 stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Mr. PRESIDENT: Clause 6 stand part of the Bill.

Mr. Clarke, do not you propose to move your amendment?

Mr. C. E. CLARKE: No, Sir, I do not move.

Mr. PRESIDENT: The question before the House is that clause 6 stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Mr. PRESIDENT: Clause 7 stand part of the Bill.

Mr. C. E. CLARKE: Sir, I beg to move that for sub-clause (*1*) of clause 7 of the Bill, the following be substituted, namely:—

"(*1*) If the authorised officer is satisfied that adequate arrangements for the subsistence and rehabilitation of a destitute person detained under section 3 exist at the usual place of residence of such person, he may at any time repatriate such person to his usual place of residence as determined by such officer".

Sir, we suggest that it is most important that before an authorised officer repatriates a destitute person, he should be satisfied that adequate arrangements for the subsistence and rehabilitation of the destitute person exists at his usual place of residence; otherwise repatriation will not be effective and the destitute person may endeavour to return to the urban area seeking means of subsistence. We suggest that re-wording of clause 7(*1*) on these lines is both desirable and important.

The Hon'ble Mr. TARAK NATH MUKHERJEE: It seems to be a useful amendment and I am prepared to accept it.

Mr. PRESIDENT: The question before the House is: that for sub-clause (*1*) of clause 7 of the Bill, the following be substituted, namely:—

"(1) If the authorised officer is satisfied that adequate arrangements for the subsistence and rehabilitation of a destitute person detained under section 3 exist at the usual place of residence of such person, he may at any time repatriate such person to his usual place of residence as determined by such officer".

(The question was agreed to.)

Mr. C. E. CLARKE: I beg to move that in sub-clause (*4*) of clause 7 of the Bill, after the words and comma "repatriation of such person" in line 5, the words and comma "or if after repatriation a destitute person again returns to the area in which he was apprehended and detained under section 3 for the purpose of begging" be inserted.

This amendment is really contingent upon the existence of arrangements for the subsistence and repatriation of destitute persons in their village homes. If adequate arrangements do exist, then the return of the destitutes to urban areas should be prevented, or if effected, should be penalised. If we do not make this provision, we may find that attractions of the urban areas may prove too great to the destitute even though arrangements for their permanent rehabilitation in their own localities exist. It is in fact clear that there has been recently something in the nature of steady flow of destitutes to Calcutta and no doubt the ample provision of free clothing and free fooding in the City had been the attraction.

I would urge that this amendment constitutes a necessary safeguard against abuse of the advantages provided in this Bill.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*4*) of clause 7 of the Bill, after the words and comma "repatriation of such person", in line 5, the words and comma "or if after repatriation a destitute person again returns to the area in which he was apprehended and detained under section 3 for the purpose of begging," be inserted.

Mr. LALIT CHANDRA DAS: Sir, it is a most reactionary amendment that one can think of. So far as sub-clause (*4*) of clause 7 is concerned, it makes provision for punishment of destitutes under certain circumstances. What is this Bill for? This Bill is for the purpose of apprehending the destitutes under certain circumstances and then to send them to places of detention and then to make provision for repatriation to his home. Now, Sir, Government expects that bad economic condition will not prevail in January 1946 and that there will not be any further necessity for this Bill. We are now in 1944 and the economic condition may so deteriorate and destitutes in the mofussil may find their position so bad there that they may have to move to Calcutta or its neighbourhood, and they may have to flock to other urban areas also. What the mover of the amendment means to say is that they must not come to Calcutta or urban areas under any circumstances and remain where they are and they must die there. If the economic condition of Bengal deteriorates, they may have to come to Calcutta and they may have to flock in other urban areas in large numbers: they may be apprehended; but being apprehended they may be given relief also in the detention centres. If they fall sick, they will be given assistance and also they will be repatriated to their respective homes. These are the provisions of the Bill. But now if we accept this amendment, the position will be dangerous. The destitutes on return will be liable to imprisonment at once. So, I strongly oppose the amendment.

Mr. SIREN ROY: The amendment that is now proposed is merely a consequential one. Sub-clause (*1*) which was in part amended, has been accepted even by the Opposition, i.e., when there has been adequate arrangement for subsistence and rehabilitation of a destitute, only then he will be repatriated and not otherwise. The honourable members opposite think that this person will be in such a condition that he would not get any subsistence. If that is the position, then he is not going to be repatriated. So this amendment is consequential, the intention being that he should not be allowed to leave the place where he has been provided and rehabilitated.

Mr. HUMAYUN KABIR: Sir, I regret that I have to oppose this amendment, especially in view of the fact that the earlier amendment which was moved by my friend to my left was generally acceptable to the House. I think my honourable friend who has just now sat down has failed to distinguish between the two types of cases which are likely to arise. It is true that the amendment which has just now been carried provides that a person would not be repatriated unless the officer who repatriates him is satisfied that some arrangements for his subsistence have been made. That is one side of the picture. Even though arrangements for his rehabilitation are made, even though arrangements for his subsistence are made, what guarantee is there that the situation may not deteriorate again? He may find the conditions again deteriorating. It may be that a destitute person comes to Calcutta only for the sake of begging. The mover has suggested that facilities for begging are more in urban areas than in the rural areas. I agree with him. But there is also the fact that a person is forced to come to Calcutta out of dire necessity. Every honourable member of this House will bear me out when I say that last year a very large number of persons came to Calcutta out of dire necessity and because there was no other alternative for them but to come to Calcutta. It is true that the first sub-clause attempts at better rehabilitation; but, Sir, an attempt at rehabilitation is not a guarantee of rehabilitation. In any case, no guarantee is there that the conditions will improve. Mr. Clarke by his amendment proposes to make it criminal to come to Calcutta. He wants to punish the person who comes again to Calcutta. I think honourable members will bear me out when I say that in July and August last year, it was the hunger-marchers of Calcutta who saved thousands of persons from almost certain destruction. By coming to Calcutta, these persons were able to attract the notice of Government. By coming here they were able to attract the attention of foreigners who are here—the European soldiers as well as the Americans and other nationals. It was only because they came to Calcutta that they were able to attract the attention of the people of the whole world. There is no doubt whatsoever that it was due to these destitute persons that the Bengal Famine got world-wide publicity. By dying in the streets of Calcutta, they saved Bengal. If they had not come to Calcutta, relief measures would not have been taken. Nobody would have known of their conditions if they had remained in the villages. By coming to Calcutta, the second

city of the British Empire, they were able to attract the attention of all people here and abroad. Many honourable members on the other side would also agree with me that if the hunger-marchers had not come to Calcutta, then condition of Bengal would have been much worse. People would have died by many more thousands. Nobody wants to become a destitute if the circumstances are favourable. Nobody wants to tolerate the repetition of the circumstances of the last year. But Sir, it is one thing to hope and it is quite another thing to face the circumstances as they are. Can anybody deny that so long as war conditions continue, there will be no guarantee that the situation shall materially improve? There would be always during war time the risk of repetition of the dire conditions of last year. There is no doubt whatsoever that the difficulty and stress will continue in Bengal so long as there is war. Its afflictions will be felt by all, either openly or indirectly or in a covert manner. In such circumstances, I think this amendment should not be passed. Mr. Clarke might have brought this amendment in good faith, with a good intention; but actually this amendment may be the cause of a definite injury not only to the persons concerned who might have saved themselves by coming to Calcutta, but to the general public as well. I am at one with Mr. Clarke that begging should not be encouraged. But there are many people who are forced to beg and to do that they might have to come to Calcutta. There is no guarantee during the war whether the situation will sufficiently improve. In view of the present economic distress, I would request Mr. Clarke to withdraw his amendment.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, I carefully listened to the speeches of my honourable friends on my right. I think they are mixing up two things. The object of Mr. Clarke's amendment is to punish the people who return for the purpose of begging, for the specific and explicit purpose of begging. It cannot possibly affect people who are driven from their homes by want and have to return to Calcutta and other urban areas.

Therefore, I support the amendment which my friend Mr. Clarke has moved.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to oppose the amendment, and I would like to draw the attention of the House to the exact wordings of the amendment and to show how inconsistent the words are. The wordings of the amendment are "or if after repatriation a destitute person .....". Now, Sir, what are the implications of the words "after repatriation a destitute person"? Is it that after repatriation he has again turned a destitute? Unless he has turned a destitute again, how can he come to Calcutta or any urban areas? After he is repatriated and is in his home provided with sufficient food he would not be called a destitute. Therefore, the wordings seem to be inconsistent. The moment you admit that after repatriation a person has again turned to destitute condition, you must admit that he has not been provided with the means of subsistence in his home. What is the definition of the words "destitute person". A destitute is a man with no home and no means of subsistence and having nothing

to fall back upon. It is only in that condition that a man becomes destitute and comes to the urban areas for the purpose of maintaining himself by begging from the people of the urban areas, because he has lost all chances of being fed by the people of his locality. It is only when the people in the villages are unable to feed the destitute people that these men come from the villages and flock to the urban areas. Therefore, if Mr. Clarke had realised the effect of his amendment, he would not have moved it. So I think it will be better if the amendment is withdrawn, because I think the wordings of the amendment are inconsistent and should not be allowed to have any place on the Statute Book.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, the people even though they are once repatriated may come back to the urban areas; so I think such an amendment will be helpful. Therefore, I accept the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*4*) of clause 7 of the Bill, after the words and comma "repatriation of such person," in line 5, the words and comma "or if after repatriation a destitute person again returns to the area in which he was apprehended and detained under section 3 for the purpose of begging," be inserted.

The motion being put, a division was challenged and taken with the following result:—

AYES—22.

Khan Sahib Fariduddin Ahmad.	The Hon'ble Khan Bahadur Saiyed Muzzamuddin Hossain.
Mr. Mesbahuddin Ahmed.	Mr. Latafat Hossain.
Mr. Nur Ahmed.	Mr. W. B. G. Laidlaw.
Mr. Sultanuddin Ahmed.	Mr. Abdul Latiff.
Mr. D. L. Barua.	Khan Sahib Subid Ali Molla.
Khan Bahadur Abdul Hamid Chowdhury.	Khan Bahadur M. A. Momin.
Mr. Khorshed Alam Chowdhury.	Mr. T. B. Nimmo.
Mr. C. E. Clarke.	Khan Bahadur Muklesur Rahman.
Mr. D. J. Cohen.	Mr. Biren Roy.
Mrs. K. D'Rozario.	Mr. Yakub H. S. Sattar.
Mrs. Labanyaprobha Dutt.	
Mr. R. W. N. Ferguson.	

NOES—12.

Mr. S. C. Chakraverti.	Mr. H. D. Mojumdar.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. B. C. Datta.	Mr. R. Pal Chaudhuri
Mr. M. R. Jaipuria.	Rai Sahib J. N. Ray.
Mr. Humayun Z. A. Kabir.	Mr. B. K. Roy Chowdhury.
Rai Bahadur B. M. Maitra.	Mr. S. N. Sanyal.

Mr. PRESIDENT: Order, order. The House has divided. Ayes being 22 and Noes 12, the amendment is carried.

The question before the House is that clause 7, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. PRESIDENT: The question before the House is that clause 8 stand part of the Bill.

(The motion was agreed to.)

Clause 9.

Mr. PRESIDENT: The question before the House is that clause 9 stand part of the Bill.

(The motion was agreed to.)

Clause 10.

Mr. PRESIDENT: The question before the House is that clause 10 stand part of the Bill.

(The motion was agreed to.)

Clause 11.

Mr. PRESIDENT: The question before the House is that clause 11 stand part of the Bill.

(The motion was agreed to.)

Clause 12.

Mr. PRESIDENT: The question before the House is that clause 12 stand part of the Bill.

(The motion was agreed to.)

Clause 13.

Mr. PRESIDENT: Clause 13 stand part of the Bill.

Mr. C. E. CLARKE: Sir, I beg to move that after clause 13 of the Bill, the following new clause be added, namely:—

"14. The provisions of this Act shall be without prejudice to the provisions of the Bengal Vagrancy Act, 1943, and to the powers conferred by that Act for dealing with vagrants which shall remain in full force and effect."

Sir, it may be arguable that this Bill when passed into law will, to some extent, supersede the Vagrancy Act as being later in date than that Act. The Vagrancy Act, of course, deals with the permanent professional beggar population and I would suggest that it is important that the powers of the authorities to deal with the professional beggar population should not be prejudiced in any way by this Bill; otherwise we may find ourselves confronted with an increase in the permanent professional beggar population. I, therefore, suggest that an express provision should be made in the Bill along the lines of my amendment.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I accept the amendment.

Mr. PRESIDENT: The question before the House is: that after clause 13 of the Bill, the following new clause be added, namely:—

"14. The provisions of this Act shall be without prejudice to the provisions of the Bengal Vagrancy Act, 1943, and to the powers conferred by that Act for dealing with vagrants which shall remain in full force and effect."

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 13, as amended, stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The House now stands adjourned till 1 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1 p.m. on Thursday, the 17th February, 1944.

Members Absent.

The following members were absent from the meeting held on the 16th February, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Nurul Amin.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. K. K. Dutta.
(6) Khan Bahadur Abdul Gofran.
(7) Mr. Mohamed Hossain.
(8) Mr. J. McFarlane.
(9) Mr. N. N. Moholanabish.
(10) Mr. N. N. Mookerjee.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur Kazi Abdur Rashid.
(13) Khan Bahadur M. Shamsuzzoha.
(14) Dr. Kasiruddin Talukdar.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 8.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday the 17th February, 1944, at 1 p.m., being the eighth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Detenu Srijut Lalit Bandhu Chakravarty.

53. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if Srijut Lalit Bandhu Chakravarty of Tippera is a detenu; if so, how long he has been under detention;

(*b*) if the Government are aware that he has a wife and a widowed mother, without any male member to look after them and without any means of subsistence; and

(*c*) if he proposes to consider the question of providing a suitable allowance for his mother and wife and give necessary direction in the matter?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes, since 28th February, 1943.

(*b*) My information is that his widowed mother and wife are under the care of his cousins and the family has an annual income of Rs. 1,000 from landed properties.

(*c*) No.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state the source of his information as regards the income of the detenu?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, the District Magistrate.

Mr. HARIDAS MAZUMDAR: Is the annual income of Rs. 1,000, as noted in the reply, his net income or gross income?

The Hon'ble Khwaja Sir NAZIMUDDIN: I assume it must be the net income.

Mr. HARIDAS MAZUMDAR: I want the fact, Sir, and not the imagination or contemplation.

Mr. PRESIDENT: Mr. Mazumdar, what is your question? The Hon'ble Minister seems not to have understood your question.

Mr. HARIDAS MAZUMDAR: My question, Sir, is whether Rs. 1,000 is the detenu's net income or his gross income, and I want to know it definitely.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there is no sense in saying definitely what is his net income or gross income.

Mr. HARIDAS MAZUMDAR: Is the income of less than Rs. 90 a month sufficient for a family with so many members?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I ask, Sir, what is the income of average middle-class family in Bengal?

Mr. HARIDAS MAZUMDAR: That is no answer at all. The Hon'ble Chief Minister is replying to my question by another question.

Mr. PRESIDENT: I think that is one way of replying to your point.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please state if the detenu was living in joint family with these people?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot add anything to what I have already said. I have got no further information at my disposal now.

Recruitment of Rationing Inspectors and others.

54. Khan Sahib NURUL AMIN: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the number of—

(*i*) Rationing Inspectors,

(*ii*) Rationing Sub-Inspectors,

(*iii*) (1) upper division clerks, and (2) lower division clerks, as advertised in September last by the Deputy Controller of Rationing, Headquarters, Deputy Controller of Rationing, Factories and Licensed Shop Section, and the Under-Secretary, Civil Supplies, and recruited up to date;

(*b*) the number of Caste Hindus, Scheduled Castes and Muslims appointed in each of the services mentioned in (*a*) (*i*), (*ii*), (*iii*) (1) and (2) above to be shown separately for each class of appointments and for each community; and

(*c*) whether the Communal Ration Rules were followed and given effect to in making the appointments. If not, why not?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) (*i*) 138.

(*ii*) 297.

(*iii*) (1) 66, and (2) 482.

(*b*)	Muslims.	Caste Hindus including other minorities than Scheduled Castes.	Scheduled Castes.
(*i*)	69	59	10
(*ii*)	137	131	29
(*iii*)—			
(1)	32	29	5
(2)	209	207	66

(*c*) Attempts were and are being made to follow the Communal Ratio Rules as far as possible. The Public Service Commission is endeavouring to comply with the Communal Ratio Rules, but urgent appointments have had to be made from the Public Service Commission lists where there were not sufficient qualified candidates of the community concerned.

Notice of motion for consideration of the Bengal Hindu Women's Rights to Property Bill, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, may I have your permission to give notice that I intend to move that the Bengal Hindu Women's Rights to Property (Bengal Agricultural Land) Bill, 1944, be taken into consideration and passed, during the current session of the Council?

Point of Information.

Mr. HARIDAS MAZUMDAR: I want to mention one very important matter and that is with reference to my adjournment motion regarding the rationing of *bhog* and the ration for religious purposes——

Mr. PRESIDENT: I believe the Hon'ble Minister is going to reply to your question tomorrow. He came and mentioned it to me.

Mr. HARIDAS MAZUMDAR: In this connection, may I request that a Press note be issued on this subject at an early date?

Mr. PRESIDENT: You can make your suggestion when the reply is given tomorrow.

Ruling from Chair.

Mr. PRESIDENT: Order, order. Before we take up clause 3 of the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, I would just like to mention one fact to the honourable members. There were suggestions yesterday that amendments should be accepted at very short notice on the floor of the House. I would in this connection refer to rule 64 of the Procedure Rules of this House. The rule runs as follows: "On an oral request made by a member at a meeting of the Council, the President in his discretion, may admit an amendment to a Bill under the consideration of the Council at shorter notice than that prescribed elsewhere in these

rules, provided that the question to which such amendment relates shall not be taken into consideration on the day on which the amendment is admitted, unless the President directs otherwise."

The difficulty of allowing amendments to be taken up on oral notice on the floor of this House, as I explained yesterday, is that honourable members do not get sufficient opportunity to study the amendment which a particular member wants to move. Therefore, I would suggest that in case any honourable member wants to give oral notice of an amendment under the rules, he should come prepared with sufficient number of copies of his amendment to be distributed to the honourable members: that is one point. The second point is—the Chair has to use special discretion with reference to the facts as to whether the amendment is in order, whether some of the amendments require previous sanction—previous recommendation—of the Governor. It is not possible, as a matter of fact, to obtain the recommendation or sanction of the Governor at a short notice. The Chair must be satisfied about these points before allowing a short-notice amendment to be moved. I would request the honourable members to bear this in mind. As some of the members may not be familiar with the rules, so I impress these points on them. Important Government Bills are coming up to this House from the other place very soon. I understand there is a proposal to move the Bengal Finance (Sales Tax) Bill on the 13th and 14th of March—I think those are the dates suggested by Government. Up till now honourable members have not given notice of amendments and probably they will come up with amendments at the last moment so that there will not be sufficient time for the department to examine them, tabulate them and then circulate. (Mr. SHRISH CHANDRA CHAKRAVERTI: Has it been circulated?) Yes, it has been circulated. So I want to remind the honourable members that this is the time for sending in amendments if they want to do so——

Mr. AMULYADHONE ROY: What is the last date for sending in amendments?

Mr. PRESIDENT: There is no question of last date. If the consideration of the Bill is taken up on the 13th and 14th, there are more than 15 days. The rules require 15 days' notice unless the amendments are accepted on short-notice by the order of the Chair——

Mr. BIREN ROY: By what date amendments should reach the office?

Mr. PRESIDENT: I would suggest that at least clear 7 days' time should be given to the office to examine the amendments and to circulate them. So you can send your amendments from now. For the convenience of every one I would suggest that the amendments should be sent by 3rd or 4th of March.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, the usual procedure was that we used to get notice of the time by which amendments were to be sent. There are many members who are absent and who might like to have notice. So I think a notice ought to be sent in time.

Mr. LALIT CHANDRA DAS: Sir, may I suggest one thing? I want to suggest that the procedure which has been adopted in regard to the Finance Sales Tax Bill may be adopted in regard to this Bill also. I think this is the introduction stage and when the motion will come up for consideration and passing we shall send in amendments.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I say a few words in this connection? I think your point is this. Obviously Government want that this Bill should be passed before the end of the current financial year and Government would have to come up with short-notice amendments in regard to this Bill. So it is possible that the honourable members may not get sufficient time if they do not know that Government may move amendments at short notice. Therefore, the honourable members would get plenty of time if they are prepared from now. Because if ordinary course is followed in regard to the scheduled time for notice, then it may not be possible to finish the Bill before the end of the financial year. Therefore, I think the Hon'ble President has given warning that the honourable members might be prepared with their amendments from now, so that at that time if Government come forward and ask for acceptance of their amendments at short notice, there may not be any difficulty in accepting them. (Mr. LALIT CHANDRA DAS: Are you interpreting the Hon'ble President's wishes?) No question of interpretation. It is a two-clause Bill——

Mr. SHRISH CHANDRA CHAKRAVERTI: On a point of order, Sir. Before the actual notice is given regarding the introduction of a Bill, can the question of sending in amendments arise at all?

Mr. PRESIDENT: But the notice has already been given and you can send in your amendments. In this connection, I may draw your attention to rules 79 and 80 of the Council Procedure Rules. There is ample time yet and 10 days' notice is not required for you. As there would be congestion at the last moment, so the amendments may be sent from now. That is the first point. Then there is another point about oral notice being given at a very short notice on the floor of the House as it happened yesterday.

Mr. SHRISH CHANDRA CHAKRAVERTI: But, Sir, it will be very difficult for a private member to come with 70 copies of an amendment if he wants to move any short-notice amendment.

Mr. PRESIDENT: In that case no short-notice amendments should be allowed. If an honourable member wants the Chair to exercise his special discretion under rule 64 of the Rules, then he must come prepared with 70 copies of his amendments. It is for your convenience that I am making this suggestion. If some honourable member wants permission of the Chair to move an amendment at a very short notice and it is objected to on the ground that the members have got no copies of his amendment, then there will be difficulty, and that is why I am suggesting that if an honourable member wants to move an amendment at short-notice and wants the Chair to exercise his special discretion under rule 64 of the Rules, he must come prepared with copies of the amendment. Otherwise, it will be inconvenient.

Mr. LALIT CHANDRA DAS: Sir, with respect to rules 79 and 80 which you have just referred to, I would like to point out that 10 days' notice is given when the Bill comes up for consideration. But, so far as this Bill, I mean the Finance (Sales Tax) is concerned, notice has not been given before this House. Ten days' notice is given when the Bill comes up for consideration and not from the day it is introduced——

Mr. PRESIDENT: Mr. Das, I think I was right and you misunderstood me. The Bill came from the other House and notice for consideration of the Bill has already been given by the Hon'ble Minister. So, these two rules 79 and 80 do apply.

Mr. LALIT CHANDRA DAS: If notice for consideration is given, then it is the usual practice in this House to give us time fixing a particular day for the members to give notice of amendments either for circulation or for reference to the Select Committee. But we have got nothing of the sort here.

Mr. PRESIDENT: The notice was given for consideration and passing of this Bill by the Hon'ble Minister in charge some time ago. So there was ample time, and no fixing of a particular time was necessary.

Khan Bahadur M. A. MOMIN: Sir, this point about short-notice amendments was raised by me yesterday, and I pointed out the difficulties. I am grateful to you today for making an observation on this point and for reminding us about our duty. But in the rules you have quoted there is no such thing as the consent of the House being obtained for the acceptance by you of short-notice amendments. Yesterday, the amendments which were objected to by any member of the House were not taken into consideration, and you did not say anything about the consent of the House.

Mr. PRESIDENT: The question regarding consent of the House was obvious.

Khan Bahadur M. A. MOMIN: Obvious but not compulsory.

Mr. PRESIDENT: It is compulsory in this sense that unless you supply the members with copies of your amendments, it is impossible for the members either to support or oppose the amendments. Just place yourself in the position of a member not moving an amendment, and you yourself, I am sure, will draw the attention of the Chair to the fact that you cannot make up your mind as there is no copy of amendment before you. Therefore, if a member wants to move an amendment he should take upon himself the responsibility of supplying sufficient number of copies of his amendments, otherwise how can the Chair use the discretion under section 64 of the rules? It will be unfair to the House. This is how the question of consent arises. If there is any objection, then the amendments should not be considered, because the members have no copies of the amendments before them, and the Chair has necessarily to refuse permission.

Mr. SULTANUDDIN AHMAD: Sir, are we to understand then that if a member wants to move a short-notice amendment, he should have ready

as many copies of amendments as there are members of the House? If this is so, then there is no necessity for the consent of the House and the members thereof?

Mr. PRESIDENT: It depends on the nature of the amendment. Suppose it is a very long and very complex amendment then in that case, certainly the Chair can refuse permission.

GOVERNMENT BILLS.

Mr. PRESIDENT: Order, order. Let us now take clause 3 of the Bengal Destitute Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to a point of order with regard to the Bill itself. Yesterday, in placing amendment No. 10 before the House, it was read out as if it was an amendment to clause 13 and the motion was also put that clause 13 as amended be passed. Sir, looking at the agenda I find that there was no amendment to clause 13. What was proposed by Mr. Clarke was only that a new clause be added and when there is no amendment to a clause the new clause proposed to be added should be placed before the House as an independent amendment to the Bill itself and not as an amendment to a clause. I think, therefore, that the procedure has got to be regularised; otherwise it would be somewhat irregular and not in consonance with the rules of this House.

Mr. PRESIDENT: Thank you, Mr. Mukherjee. Yes, I agree that it is a separate clause and not an amendment to a clause. I remember that point. In fact, I was going to mention the matter. Therefore, just to regularise the position with reference to the point of order raised by Mr. Mukherjee, I would read out the new clause moved by Mr. Clarke yesterday. The question before the House is that after clause 13 of the Bill, the following new clause be added, namely;—

> "14. The provisions of this Act shall be without prejudice to the provisions of the Bengal Vagrancy Act, 1943, and to the powers conferred by that Act for dealing with vagrants which shall remain in full force and effect."

(The motion was agreed to.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, may I raise a point of order, again?

Mr. PRESIDENT: Yes, what is it?

Mr. BANKIM CHANDRA MUKHERJEE: Clause 13 will have to be read again.

Mr. PRESIDENT: Yes, I am doing so. The question before the House is that clause 13 stand part of the Bill.

(The motion was agreed to.)

Khan Sahib FARIDUDDIN AHMAD: It is a new clause that is being added; will it be numbered 13A, or 13B?

Mr. BANKIM CHANDRA MUKHERJEE: It will get a new number surely; or the whole thing will have to be re-numbered.

Mr. PRESIDENT: Yes. Now, Mr. Mukherjee you may move your motion.

The Hon'ble Mr. TARAK NATH MUKERJEA: I beg to move that to sub-clause (*3*) of clause 3 of the Bill, the following proviso be added, namely:—

Mr. PRESIDENT: Mr. Mukerjea, may I suggest that the amendment be moved by someone else and not by yourself?

Mr. BIREN ROY: I beg to move that to sub-clause (*3*) of clause 3 of the Bill, the following proviso be added, namely:—

"Provided that nothing in this sub-section shall be deemed to confer any power to enter into any dwelling house—

(*a*) at any time after sunset and before sunrise,

(*b*) at any other time without previously giving to the person in actual occupation thereof at least two hours' notice of his intention to do so."

Mr. PRESIDENT: Amendment moved that to sub-clause (*3*) of clause 3 of the Bill, the following proviso be added, namely:—

"provided that nothing in this sub-section shall be deemed to confer any power to enter into any dwelling—

(*a*) at any time after sunset and before sunrise,

(*b*) at any other time without previously giving to the person in actual occupation thereof at least two hours' notice of his intention to do so."

Dr. KUMUD SANKAR RAY: Sir, I do not understand the meaning of this amendment. The amendment gives two hours' notice but the culprit or the destitute may be running away in two hours——

Mr. PRESIDENT: Do you oppose it Dr. Ray?

Dr. KUMUD SANKAR RAY: I want some clarification on the point.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, honourable members may see that in the original clause we gave *carte blanche* to the officers concerned to enter any house and to remove the destitutes. But in obedience to popular wishes we have amended this clause, so that people may not be harassed in any way and the owner of the house may get sufficient notice before any officer enters his house for the purpose of trying to repatriate a destitute. So the question of running away does not arise, because if he runs away he does not get the benefit of repatriation.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, with regard to my amendment No. 4 "that sub-clause (*3*) of clause 3 of the Bill be deleted", I may say that this amendment was moved by me yesterday and then there was a proposal——

Mr. PRESIDENT: What is your point? Do you want to put it to vote?

Mr. BANKIM CHANDRA MUKHERJEE: It was not put yesterday and I thought you lost sight of it.

Mr. PRESIDENT: No, I have not lost sight of it. I will put it now.

The question before the House is that sub-clause (*3*) of clause 3 of the Bill be deleted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that to sub-clause (*3*) of clause 3 of the Bill, the following proviso be added, namely:—

"provided that nothing in this sub-section shall be deemed to confer any power to enter into any dwelling—

(*a*) at any time after sunset and before sunrise,

(*b*) at any other time without previously giving to the person in actual occupation thereof at least two hours' notice of his intention to do so."

(The amendment was agreed to.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in clause 3 of the Bill, the following proviso be added, namely:—

"provided that no female destitute be apprehended by the use of any force or without her consent."

Mr. PRESIDENT: Mr. Mukherjee, may I make a suggestion that in view of the recent Government amendment which has been carried in the shape of a proviso, will it not be better if you move "Provided further". You move your amendment again in the altered form.

Mr. BANKIM CHANDRA MUKHERJEE: All right, Sir. I beg to move that in clause 3 of the Bill, the following proviso be added, namely:—

"Provided further that no female destitute be apprehended by the use of any force or without her consent."

Sir, in moving this amendment I would like to place a few facts before the House for the consideration of the honourable members. On the last occasion when female destitutes were being removed, force were used by male persons while apprehending them. I have seen with my own eyes that in some cases the male persons caught hold of the hair of the female destitutes and in spite of their cries and protestations they were carried away in the lorries to distant places. In one instance a lady was removed who was a maid-servant in the house of a gentleman and she protested saying that she was not a destitute, but she was removed. Then there is

difference between a destitute and a vagrant. Vagrants are professional beggars. As regards the female destitute, we all know how they keep themselves within their huts in the villages. Their condition is so precarious that they are now forced to come away from their seclusion to look for shelter and food in the urban areas. Among the destitute females there might be some who at one time were respectable people, had their houses and means of their livelihood. We all know that in the villages even the ladies of the cultivating class do not come out of their houses, though there is some relaxation of this custom in the urban areas. Therefore, I would submit that the Hon'ble Minister should make a distinction between female and male destitutes. Females should never be handled in any event by the male persons and without their consent. Some female destitutes are being sheltered by residents of the towns who take pity at their condition. Those gentlemen give them shelter for some time to come, until they can provide themselves with better means of livelihood. So the female destitutes should not be removed without their consent. (Khan Bahadur M. A. MOMIN: Will they be left on the streets?) They may be left on the streets but I am not saying that. My point is that the female destitutes should never be taken away bodily without their consent. A civilized Government should not use physical force to remove a woman destitute and then place her in a place where she does not like to go. If she finds that she is absolutely helpless and is agreeable to go to a place where she can find shelter and food, then and then only she can be removed. She cannot remain in the street without food for days and days together. She must have the means of subsistence. If she is convinced that she will get food as well as shelter by being removed, then she will readily consent to the proposal of removal by Government. I, therefore, propose that in the case of a female destitute Government should make a distinction and decide that she should not be apprehended by use of any force or without her consent. With these words, I move the amendment for the consideration of the House.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, the following proviso be added, namely:—

"Provided that no female destitute be apprehended by the use of any force or without her consent."

Mr. BIREN ROY: Sir, may I say that the amendment just moved is practically out of order, but if——

Mr. PRESIDENT: I do not think you can say that.

Mr. BIREN ROY: Sir, I want to move that "provided further that no woman shall be removed except by another woman empowered in this behalf by the authorized officer". If that be accepted, then we are moving this amendment.

Mr. PRESIDENT: Order, order. What is the amendment? Will you let me have a copy of that?

Mr. BIREN ROY: All right, Sir, I am handing over a copy to you. I am reading out the amendment as it would be.

"Provided further that no woman shall be removed except by another woman empowered in this behalf by the authorized officer."

Mr. SHRISH CHANDRA CHAKRAVERTY: Sir, may I with your permission and leave of the House add "avoiding force as far as practicable".

Mr. PRESIDENT: What I would suggest is this. I would suggest an adjournment for 10 minutes to enable Government and the Opposition to come to an agreement on this point. We shall meet again at 2 o'clock.

After adjournment.

Mr. BIREN ROY: Sir, we have consulted and come to an agreement, as regards the wording of the amendment—

"that to sub-clause (2) of clause 3, the following proviso be added, viz.:—

'Provided that no woman shall be removed by the use of force except by another woman empowered in this behalf by the authorised officer.'"

Mr. PRESIDENT: Mr. Mukherjee, do you then in view of this amendment withdraw your amendment?

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir, I beg leave of the House to withdraw my amendment.

Mr. PRESIDENT: Leave has been asked by Mr. Bankim Chandra Mukherjee to withdraw his amendment. Is it the pleasure of the House to give him this permission?

Honourable Members: Yes, Sir.

The amendment was then, by leave of the House, withdrawn.

Mr. PRESIDENT: Amendment moved:

"that to sub-clause (2) of clause 3, the following proviso be added, namely:—

'Provided that no woman shall be removed by the use of force except by another woman empowered in this behalf by the authorised officer.'"

(The motion was agreed to.)

The motion that clause 3, as amended, stand part of the Bill was also agreed to.

Preamble.

Mr. PRESIDENT: The question before the House is that the Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Mr. TARAK NATH MUKERJEA: I beg to move that the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, as settled in the Council, be passed.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. So far as the third reading is concerned, it cannot be taken up on the same day as the amendments are passed. So the third reading may be taken up on some other official day.

Mr. PRESIDENT: The Chair can always allow it. I do not think it is such an important matter that it should be held up. So I allow Government to move the motion for the third reading of this Bill.

Motion moved that the Bill, as settled in the Council, be passed.

Mr. HARIDAS MAZUMDAR: Sir, this is an emergency measure—practically giving an Ordinance a lease of life for two more years. In view of the fact that it is an emergency measure we accorded our consent to the principle of the Bill. But by the subsequent amendments, particularly by the adoption of the amendment of Mr. Clarke, the Bill has practically changed its character. It has been metamorphosed to such an extent that it is as the Bengali proverb says, "ছিল ঢেঁকি হোলো তুল, কাট্‌তে কাট্‌তে নির্মূল্" and now it has become a punitive measure. From the point of view of the religion of India—I may say not only of the Hindus but also of the Muslims—the whole spirit underlying this Legislative measure is repugnant. Our religion confers on a destitute person the right to approach a householder for charity with the name of God on his lips and commands the latter to offer alms according to his mite. The time-honoured custom of মুষ্টি ভিক্ষা—giving a handful of foodgrain to the caller at the door has saved millions in a land where poor relief and the dole for the unemployed are not yet a State obligation. If there be adequate arrangements for the subsistence and rehabilitation of destitute persons at their usual places of residence as now assured by the Government, why should there be a flow of such persons into the city and its suburbs at all? They do not come here for sight-seeing but from the pangs of hunger. As a matter of fact, they did not come during 170 years before this famine. If there be an immigration of beggars into this area, Government officers can easily ascertain where they are coming from and arrange adequate relief measures in those localities so that, like water finding its own level, these men and women may instinctively return to their villages. The attachment of our rural population to village homes is proverbial and many western students of labour in this country have written volumes describing it as an impediment of the growth of industrial labour in India. The same complaint was heard the other day in connection with the recent decrease of raisings in collieries. It is a travesty of truth to say that Calcutta and suburbs offered ample facilities to the poor during those terrible months in regard to food and clothing. They died on the streets of Calcutta. If they still come, the reason is not that Calcutta is over-flowing with milk and honey for them but that there is sheer starvation in the countryside. This ancient land

has seen many famines but the use of force to beggars and shutting of the door against humanity are unheard of. A society is judged by the treatment it metes out to its poorest members. The Ministry supported by European votes may chop off one after another the various limbs of this hoary civilisation but all should remember that while Rome, Egypt, Assyria and Babylon perished, we are still not a negligible lot in world economy only because of our anxiety to live and let live.

From the clauses of the Bill, the House will find that there is no attempt to provide these people with permanent rehabilitation in their hearths and homes. In section 4(*1*), the Bill states "The Provincial Government may provide and maintain together with the necessary equipment." Then again it states, "The Provincial Government shall make necessary arrangements for the maintenance of destitute persons while such persons are detained. As soon as they are let off and brought to their own houses in the rural areas, they are left out uncared for, and who knows that at the end of this year there might not be another famine and what would be the effect of this Bill? The people would be dying and there might be necessity for them to come back to Calcutta where they might get shelter and food but they would not be allowed to come to Calcutta or to the suburban areas. They would be throttled to death in their own villages.

In these circumstances, I beg to say that though I accorded my consent to the principle of the Bill when it was moved first, I find it difficult for me to accord my consent to the Bill in its present form. With these words, I oppose the passing of this Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Mr. President, Sir, I would like to say a few words on the third reading of the Bill. Some inconsistencies have crept in in view of the recent amendments which have been accepted by Government, though those inconsistencies were pointed out by us. But Government could not see their way to accept the Opposition point of view. I would refer, Sir, particularly to the amendment of clause 7 which stands thus after the amendment has been passed: "If after repatriation a destitute person again returns to the area in which he was apprehended and detained under section 3, for the purpose of begging, he shall be liable to be convicted." This is how the Bill at present stands. Now, if we refer to the provision of clause 4 of the Bill, we find that "the Provincial Government shall make necessary arrangements.....etc." So, it is obligatory upon the Provincial Government to make provision for the maintenance of destitute persons. Under that clause it is mandatory upon Government to provide for the maintenance of these destitute persons. The Government take upon themselves the liability to maintain these destitutes. If that is so, then where is the room for saying again that persons who have been repatriated if they come back again will be convicted. I, therefore find, Sir, that these two clauses in the Bill seem inconsistent and clause 7 makes it a criminal offence. If it had been anything else, we could have ignored it. But here we are dealing with liberties of the people and talking of imprisonment. Sir, ordinarily all civilized governments are liable to maintain the people whom they govern. It is the primary liability of a government,

if it calls itself a civilized government. I am not saying of any other form of government. The clause says that after repatriation if a destitute person returns to the urban area he shall be liable to imprisonment. Therefore, Sir, this clause is inconsistent with other clauses of the Bill. So, I oppose the Bill as a whole, because this provision of the Bill as it stands cannot be allowed to be passed without any opposition.

Maulna MD. AKRAM KHAN : মাননীয় সভাপতি মহাশয়, আমার বন্ধু মজুমদার মহাশয় তাঁর বক্তৃতায় হিন্দু এবং মুসলমান ধর্ম্মের উল্লেখ কোরে তাঁর মতের সমর্থন করেছেন। হিন্দু ধর্ম্ম সম্বন্ধে আমার অভিজ্ঞতা বিশেষ কিছু নাই ; (Mr. SHRISH CHANDRA CHAKRAVARTY : সে কি মৌলানা সাহেব ?) তবু আমার মনে হয় হিন্দুর শ্রুতি এবং স্মৃতি মজুমদার মহাশয় দু' একটা সমর্থন করেন না। প্রত্যেক ভিক্ষুকের সকল প্রকার অবস্থায়ই অন্যের বাড়ীতে যে প্রবেশের অধিকার আছে সেটা আমি মনে করি না। অন্য কোন ধর্ম্মশাস্ত্র আমি জানি না, হিন্দশাস্ত্রেরও বিশেষ কিছু জানি না ; সেইজন্য সে সম্বন্ধে বিশেষ কিছু বল্‌তে চাই না, তবে মুসলমান ধর্ম্মশাস্ত্র সম্বন্ধে অনেক দিন ধরে নাড়াচাড়ার ফলে একথা বলার আমার অধিকার আছে যে মুসলমান ধর্ম্মে সকল অবস্থায় সকলের বাড়ীতে ভিক্ষা করবার ব্যবস্থা নাই। মুসলমান ধর্ম্মে ব্যবস্থা—যার শক্তি আছে সে ব্যক্তি যদি ভিক্ষা করে, তাহলে তাকে বল প্রয়োগে বিরত করতে হয় এবং তাকে কাজ দিতে হয়। (Mr. SHRISH CHANDRA CHAKRAVARTY : কাজ দিলে তো কথাই নাই।) মুসলমান ধর্ম্মে এমন কোন বিধান নাই যে প্রত্যেক ভিক্ষুকের অন্যের বাড়ীতে প্রবেশ করবার অধিকার আছে। আমি মুসলমান ধর্ম্মশাস্ত্র যতটুকু জানি তা থেকেই একথা বলছি। ধর্ম্মের কথাটা যখন উঠেছে, তখন আমার জ্ঞান ও বিশ্বাসমতে যেটা সত্য বোলে জানি সেটা না বোল্লে আমার কর্ত্তব্যের হানি হবে, সেই জন্যই আমি এই কথা কয়টি এখানে বল্লাম।

Mr. NUR AHMED: Sir, I rise to support the motion which has been moved by the Hon'ble the Revenue Minister who is piloting this Bill. I never expected any opposition from any side to a beneficial measure like this. Sir, I rubbed my eyes when I saw Messrs. Mazumdar and Mukherjee rise to oppose this motion for Third Reading of this Bill. The Ministry must be congratulated on piloting this most beneficial measure for the benefit of those unfortunate victims of famine. The Ministry have shown great courage and they have taken upon themselves the great responsibility of not only maintaining the destitutes but also repatriating them and also seeing that they are provided with the means of subsistence in their place of residence. An objection has been raised to the acceptance by the Government of an amendment regarding making the return of the destitute persons to their place of begging an offence. Sir, we must be grateful to the European Group for the two beneficial amendments sponsored by them. One of these is that before a destitute person is repatriated, it will be the duty of the authorized officer to see if there are sufficient arrangements for maintenance in his usual place of residence. That, I think, is a very great improvement made to the Bill. As regards the other amendment to which vehement objection has been taken, in my humble opinion, is that if a destitute returns to the place where he was apprehended, he may be hauled up before a court. Of course, at first sight it may appear to be a little harsh and reactionary; but on going through the

other amendments which have been added to clause 7, it would appear that the mover of the amendment assured the House that first of all arrangements should be made for maintaining and housing the destitutes and only if after that they come back again to the urban areas for begging they should be punished. There is a clear check too regarding punishment. Clause 9 says that no prosecution for an offence under this Act may be commenced except by, or with the permission of, such officer as may be empowered in this behalf by the Provincial Government. That I think is a great check on punishment. The Provincial Government is in the best position to decide whether any prosecution will be lodged or not. By this the apparent harshness of the amendment is mitigated and it will be for the provincial Government to take action or not in their discretion. Taking that view, I think the amendment is not so objectionable as at first sight it seems to be. I again congratulate the Hon'ble Minister in charge of the Bill for piloting this Bill for the good of the people. With these words, I support the motion.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, there were certain wholesome provisions in the Bill and I had a mind to extend a qualified support to them; but certain amendments have since been made to the Bill which have nullified these wholesome provisions. It will appear that under section 13 of the Bill anything done or any action taken or any proceedings commenced in exercise of any power conferred by or under the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1943, shall, on the said Ordinance ceasing to be in operation, be deemed to have been made, done, taken or commenced in exercise of the powers conferred by or under this Act, as if this Act had commenced on the twenty-sixth day of October, 1943. Sir, what is the effect of this section 13? The effect will be that several thousands of destitutes who have been detained and maintained and ultimately repatriated to their homes are to be considered as having been dealt with under this Bill when passed into Act. Sir, the economic distress in Bengal threw them into such a terrible condition that there was no other alternative for them but to come to Calcutta and the suburbs to maintain themselves. If a similar situation arises next year and they come to Calcutta again, that act itself will be an offence under section 7. The Bill as it was drawn up was meant to meet a situation like that already dealt with under the Ordinance. The Bill is a temporary Bill. Power was taken by Government for the purpose of apprehending and detaining the destitutes and also for maintaining and repatriating them. And it was only under certain conditions, namely, disobedience and breach of discipline, etc. that they were made liable for punishment or imprisonment. But when suggestion was made from the European Group that whenever they will come as a destitute next time in Calcutta or its suburbs or to the urban areas they will be liable to the same punishment as in the case of disobedience of orders or breach of discipline, the Government did not recognise it as a retrograde step but actually welcomed it is an improvement on the provisions of the Bill. We do not understand how it is an improvement on the provisions of the Bill. I say, the amended provision of punishment is illegal, because the Bill intends that should a serious situation recur a large number of destitutes

will have to come to Calcutta, its neighbourhood and other urban areas. In that event, these destitutes should be detained, maintained and fed and then repatriated to their homes—that is the purpose of the Bill. Now, Sir, provision has been made by certain amendments as a result of which these destitutes would come with Damocles' sword hanging on their heads. Government, in exercise of the powers conferred under rules 3, 4, 5 and 6, can detain, maintain, make arrangements for treatment in hospital when necessary and then repatriate them in good condition to their village home. But now by the amended provision, at the very outset, they can be arrested, prosecuted and sent to jail for three months. The whole purpose of the Bill has been made nugatory. Sir, things have come to such a sorry pass that under all circumstances the Ministry had to support this amendment brought by the European Group which had cast to the winds the main purpose of the Bill. Under the circumstances, Sir, I have been compelled to go against the motion for Third Reading of the Bill and oppose the Bill as a whole.

Mr. SACHINDRA NARAYAN SANYAL: Sir, I do not wish to take much time of the House. Simply I want to offer my suggestion that instead of hurrying through the Bill, in future Bills like this may be sent to Select Committee. But in this case I think the intention of the Government is to pass this Bill hurriedly only because it expires on the 13th March, 1944. But I think it is wise that Government should send such Bills to Select Committee as has been suggested by my friend Khan Bahadur Abdul Momin. In this case, I think it is too late to do so. But I hope Government will kindly consider the desirability of Bills like this being sent to the Select Committee in future as it will save a lot of time of the House.

Mr. KADER BAKSH: Sir, I fail to understand how objection could have been taken to the motion before the House by the members opposite. They have not been able to show to us that the provisions of the Bill are unwholesome or that the Bill is not at all necessary at the present moment. Look at the condition prevailing in the countryside. These destitutes who are coming from the interior to town areas are not only responsible for affecting the sanitary condition of the towns but they do many acts which are not at all desirable. So a Bill like this is very necessary. My friends opposite, Mr. Mazumdar, Mr. Mukherjee and Mr. Das made an attempt in their speeches to show that this Bill will adversely affect the people who will come to Calcutta. But they have not given their suggestions. Now, if the provisions of the Bill in its operation hereafter show in any way that they are not working properly or that there is any defect, certainly, Sir, the Government can bring up an amending Bill at any moment. Even during the present session of the Council, Government can do so if they find that the provisions are not salutary. (Mr. HARIDAS MAJUMDAR: Yes, after 9 years.) Why after 9 years? You may get it within the next three or four months, say in June this year. These defects can be remedied. Sir, nobody denies that there is a necessity of a Bill like this. There has been a loud cry from amongst us and from very responsible members in the country that some provisions should be made for these people who are called destitutes

and who are in distressed condition. In response to that, Government have taken this measure. There may be defects but they would be rectified as times pass. It is not possible to know the defects before the Bill is given effect to. Now, why should there be any cry in the House that this is not a salutary Bill, or that it has nullified the wholesome provisions of the Bill? I cannot understand that. Sir, I support the Bill as it stands now.

Mr. C. E. CLARKE: Mr. President, Sir, the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, is very definitely necessary, it is important and it is urgent. It is definitely one that should be applied with the fullest possible vigour contingent upon one or two points on which it is necessary that Government should be fully agreed. These points, Sir, formed the subject of the amendments moved by this party at our last sitting. We refer in particular to the desirability or otherwise of repatriating destitutes where conditions for rehabilitation do not exist or where the transport system has so deteriorated as to render it impossible to keep such areas properly supplied with food and other necessaries of life. In supporting this measure, it is our considered opinion that it should be incumbent upon the "authorised officer" referred to in clause 7 of sub-clause (*1*) fully to satisfy himself that destitutes so repatriated will, in fact, be able to remain in their homes and subsist. And if there is the slightest shadow of doubt, our opinion is that they should be kept in places of detention until necessary arrangements can be made for permanent re-settlement. We realise that it is a matter of extreme urgency that destitutes should be sent back to their own localities at the very earliest possible moment; but until this can be done to the fullest satisfaction of Government and also without the likelihood of repatriated persons again leaving their homes, relief that this Bill is intended to give will not have been achieved. It, therefore, follows that there is no alternative but to make use of places of detention as referred to in clause 4 of sub-clause (*1*), and in this respect we refer to camps that were said to have been formed during the autumn of 1943, and in particular, to the Homes at Mahalandi that have taken over two years to be completed. Sir, we are not satisfied that the anticipated progress has been made in connection with these Homes and if this measure is to be prosecuted with any degree of success, very much energy is required. We cannot express ourselves too strongly on the delay that must hamper the application of the Bill now in its third reading and also the Bengal Vagrancy Act passed by this Council in September, 1943. Particularly, we would ask if a recent inspection has been carried out to keep the Government informed as to the progress and to the present conditions of the camps and Homes to which reference has been made. The problem resulting from destitution is necessarily inter-related with that of begging and we seek information as to what steps have been taken to prevent homeless people—particularly professional beggars—coming to the city—indeed in many cases returning to the city, having already been evacuated—as the signs are not wanting that once again the main streets of the city are becoming populated by these unfortunate people. If our information is correct, Homes and Camps are in existence and, in our opinion, no reason exists why full control should not be exercised.

With the approach of the hot weather, Sir, we view with some alarm the possibilities of the spreading of epidemic diseases due to the presence of large numbers of disease-carriers included among destitutes and beggars. It has to be remembered that famine conditions and high living-costs must have resulted in reduced power of resistance and deterioration in stamina of a very large section of city workers, thus rendering them vulnerable to scourges that are likely to impair the highly organized conditions of service imposed upon all sections of the community by war-time necessities. For these reasons, it is absolutely essential that the city streets shall be made free from sources of infection that may more easily be brought under control by the proper administration of this Bill.

Sir, we consider the time opportune to draw attention to the apparent encouragement that is being extended to destitutes who habituate the precincts of military centres in the hope and perhaps knowledge that they will be fed. While we do not doubt the good intentions and generosity of our soldiers who are only too ready to assist those less fortunate than themselves, such actions are a disservice to Government and to the public in general. They should, therefore, be discontinued so that responsible officials can be given every assistance in successfully operating this very necessary measure.

Sir, an honourable member has returned to the subject of my amendment to clause 7. I need only tell the House that in one case a destitute was found to have collected six free blankets by returning repeatedly after repatriation. Government must have powers to deal with such cases and may I add that clause 7 is permissive?

I congratulate the Hon'ble Minister on his handling the Bill and I support the motion.

Mr. SHRISH CHANDRA CHAKRAVERTY: Mr. President, Sir, I had no intention to intervene in this debate but the observations of the previous speaker has induced me to say something. This measure is certainly a salutary measure with the principle of which all sections of this House agree fully. So, it was only meet and proper that this Bill should have been passed without a single division or without a single amendment. But this thing could be achieved if only Government had taken the Opposition into their confidence and asked for real co-operation which this side of the House is always prepared to give if Government looks to the public interest. But this has never been accorded by Government, though this procedure is being followed all over the world. Now practically in every part of the world Opposition has ceased to function, and Government and the Opposition are acting in close collaboration for the interests of the public at large. But, here the attitude of Government is to please a particular section of the House and treat the other section, namely, the Opposition with scant courtesy. I find that my friend Mr. Kader Baksh was very jealous and was feeling very much vexed because of the Opposition's express disapproval of certain amendments. But I may remind him that the leader of his party, I mean Khan Bahadur Abdul Momin,

also declared in the House that there was a lacuna in the Bill and if passed in its present form it would not serve the purpose properly. (Khan Bahadur M. A. MOMIN: Well, that has been removed.) Yes, removed, although not one of the amendments he had a mind to move was allowed. And even in spite of this fact my honourable friend Mr. Kader Baksh could not see any defect in the Bill. However, what has been done cannot be now undone. As Mr. Kader Baksh says the Act can be amended in three months' time if the Government like but I do not know whether this will ever be done. With these words, I do not support the motion of the Hon'ble Minister.

The Hon'ble Mr. TARAK NATH MUKERJEA: As I have already stated at the very initial stage this is an emergency measure meant to meet an emergent situation. During the last 5 months Government have repatriated about 45,000 destitutes from Calcutta alone and 25,000 from other cities. In removing these destitutes and repatriating them Government was perfectly aware of the serious responsibility it had to shoulder not only for their lodging but also for their food, clothing and medical treatment. I may inform the House that Government is now seriously considering a scheme of repatriation through which they propose to make adequate arrangements for a Workhouse and giving to these destitutes some kind of occupation. And we do hope that it will be possible for us to start such a workhouse very shortly and thereby provide occupation and afford a source of living to these destitute and also to other people whom we generally call landless labourers. I hope, Sir, that with the best co-operation of our countrymen, it will be possible for Government to achieve this end at no distant future. As regards the observation by Mr. Haridas Mazumdar I am thankful to him that in his eloquent address he has only supported our contention and has proved the urgency and absolute necessity for a Bill of the nature that has emerged out of this House. As regards the observations made by Mr. Bankim Chandra Mukherjee, I would only say that if he had kindly gone through all the clauses of the Bill separately he could have seen that all his points have been actually met. The only point, of course, that I cannot meet is his poropsal to impose a fine upon a destitute instead of sending him to imprisonment. I do not know, Sir, how it is possible for any Government or for any Administration to realise any fine from a destitute person. I am thankful to the Maulana Sahib and other honourable members of the House who have made many constructive and useful suggestions. It is true that no Bill can be perfect. I am also thankful to the honourable members that it is mainly through their kind efforts that the Bill which is just emerging from this House will be free from all objectionable features and lacunae about which mention has been made in this House. I can also assure the House that if practical difficulties are found out later on, Government will take the earliest possible opportunity to remove them. I only hope that strict enforcement of this Act will not be necessary and the situation in the country will change for the better. I expect that with the best co-operation of the honourable members of this House and the people at large and with the blessings of God the situation will immensely improve in the near future, and it will not be necessary to take recourse to this measure in the distant future.

Mr. PRESIDENT: The question before the House is: that the Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Non-agricultural Tenancy (Temporary Provisions) Extension Bill, 1944.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Bengal Non-Agricultural——

Mr. PRESIDENT: Before you move this motion Khan Bahadur Saheb, I should like to point out to you that in the printed copy of the Bill that has been circulated the Hon'ble Nawab Musharruff Hossain Khan Bahadur is mentioned as the member in charge, whereas you have given notice for moving this motion. This should have been corrected by Government.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: I beg to move that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extension Bill, 1944, be taken into consideration.

In moving the motion I may say shortly that the object of the Bill is merely to extend the time of the Bill by another year. A temporary Act for preventing enhancement of the rents of non-agricultural tenants pending the passing of a comprehensive Act dealing with *chandina* rights was passed some three years ago (Mr. HUMAYUN KABIR: Four years, this is the fifth extension.) No, I think it is the fourth extension. However, the comprehensive Bill is ready and is going to be introduced in this session. But the time of the present Bill will expire in May, 1944, and if the comprehensive Bill is not passed into law by that time, there will be trouble; that is why it becomes necessary for further extension of one year. I hope this Bill will be passed unopposed.

Mr. PRESIDENT: Motion moved: that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extension Bill, 1944, be taken into consideration.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I oppose the consideration of the Bill. The Bill seems to be an attempt to secure the support of the under-tenants of the province. In its zeal to be popular with this section of the population, the Government has classed them with the ordinary tenants which they are not. The Bill seems to supplement the obstinacy of the under-tenants who, after they could get an access into the premises of the permanent tenants or landlords, will not now move, and will not even try to pay some valuable consideration for portions acquired by them. People sometimes let out a portion of their premises to some needy persons on small annual rent out of sheer pity. Tenants so doing will be

highly prejudiced, if they lose their right of ejectment, even if the portions let out are wanted for charitable or religious purposes. And what will be the ultimate result?——

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: On a point of order, Sir. Is that all relevant? He is mentioning about the Act itself. The present Bill is only for extending the time of the Act and not the comprehensive Bill which is contemplated to be brought in.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, can I speak on the subject generally?

Mr. PRESIDENT: Yes; but you cannot refer to the Bill.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I am opposed to the extension of this Bill and as regards the principle of this Bill I want to say a few words.

Nobody will venture to let out his holdings for the simple apprehension that timid sub-tenants of today may be themselves the permanent co-sharers of the holdings tomorrow.

If one cannot let out portions of his premises for fear of ultimately losing it, he will think thrice before he buys any, because he cannot count upon it as a source of income, at least for some days. With plenty of holdings that could be let out being systematically left vacant, the really honest-intentioned people requiring accommodation will be faced with an artificial scarcity of the same.

Several Bar associations and a number of experts have sent memoranda to the Government criticising the Bill in its present form——

Mr. PRESIDENT: Mr. Roy Chowdhury, you are again referring to the coming Bill which has been mentioned in the Statement of Objects and Reasons. Government seeks to extend this measure pending the introduction of a permanent and more comprehensive legislation on the subject.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I have already said what I had to say in this matter. I have nothing further to say.

Mr. LALIT CHANDRA DAS: Sir, it is an irony of fate that it has been left to the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain, the Leader of the House, to move for the extension of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944, by one year. If I remember aright, and I speak subject to correction, it was from this side of the House, as the Leader of the Opposition at that time, he was vehemently opposing the extension of this Bill. Now, it has fallen to his lot to ask for the extension of time by one year more. I may adopt his own arguments which were used by him last year and tell him to his face that the consideration of the motion should be refused on his own grounds then advanced.

Mr. HUMAYUN KABIR: Mr. President, Sir, I also cannot but refer to the speech of the honourable mover of this motion, for last year it was he

who was most vehement in opposing further extension to this Bill. The arguments that were advanced by him last year in refusing further extension to this Bill have far greater validity today. The Bill was almost in shape last year—at least that was what we were given to understand. I would like to know from the Hon'ble Minister why he could not give the final touches to the Bill during the last 10 or 11 months. Why could this Bill not be brought to the House and passed during the course of these months? Besides, in the present Bill which is sought to be extended, there are very serious defects. I wish to point out to the honourable members that if these serious defects are not remedied, definite hardship would be caused to a class of poor persons of the *bustee* areas of Calcutta. In the Bill which he proposes to extend for another year, there is a provision by which an under-tenant in *bustee* areas cannot be ejected during the duration of war for non-payment of rents. This is a good provision no doubt, because if they are ejected great hardship would be caused to them. But what about the hut-owners who have taken the land on lease from the landlords and let out the tenants? No protection has been given to them.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: On a point of information, Sir, to which Bill he is referring?

Mr. HUMAYUN KABIR: I am referring to the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944. The Hon'ble Minister ought to know that as soon as he brought this extending Bill he is liable to criticism for the provision of the Bill which he seeks to continue. I am suggesting that some protection should be given to the hut-owners. In the Bill there is no protection whatsoever to this important section of the people of this town, namely, the owners of huts in the *bustee* areas. These hut-owners are people who are often poor persons and who have invested a few hundreds of rupees in taking land on lease from landlords for building *bustee* huts thereon. These *bustee* hut-owners who have improved the lands are subject to ejectment without notice and many of them have been actually ejected. Many cases are lying at the moment and attempts have been made to draw the attention of the Hon'ble Minister and his predecessor to the very serious nature of the case. That is why pressure has come continually from us on this side or the other side of the House. I would like to appeal to the Hon'ble Minister who has changed his opinions with the change of his geographical position in this House. I would also like to remind him that we have pressed that a permanent measure should be put on the Statute Book as early as possible, I think, Sir, that there is no reason whatever for further dilatory tactics of this nature in bringing about a measure which is needed and which is almost complete, as such delay is causing hardship to a large number of people. I think that if the House throws out this Bill today, it will be putting pressure upon the Government so that a permanent Bill may be put on the Statute Book. In the Statement of Objects and Reasons, you will find, Sir, that this Bill is to expire on the 29th of May, 1944. There is yet sufficient time, if the Government so desire, to pass a permanent Bill during this session. There is no reason why this temporary measure should be again brought before us to extend its term

by another year. This is simply postponing the Bill and refusing to legislate and refusing to redress the grievances of those who are suffering today. In view of these circumstances, I feel that we on this side have no option but to refuse consideration of this Bill.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Sir, I certainly admit that I opposed the extention of the Act last year, and I would not have moved this unless a comprehensive Bill was going to be introduced this session. As a matter of fact, it was put in for introduction even in the Order Paper, but on account of certain technical difficulty it is being delayed for a few days. But, I believe it will be placed before the House within a few weeks. Unless I were sure about it I would not have moved this Bill at all. So, when I give this assurance that the comprehensive Bill is going to be placed before the House this session, there should be no objection to the motion for consideration being accepted.

Mr. PRESIDENT: The question before the House is: that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944, be taken into consideration.

(The question was agreed to.)

Mr. HUMAYUN KABIR: Sir, may we know when amendments are to be sent? You fixed a day for the motion for consideration. But amendments to that motion are motion for circulation or for reference to the Select Committee. It is only after the consideration motion is agreed to that the question of amendments to the Bill clauses comes in.

Mr. PRESIDENT: Mr. Kabir, you are not exactly correct. 14th was the last date for putting in amendments to the motion for consideration and 15th was the last date for putting in amendments to the clauses of the Bill.

The question that clause 1 stand part of the Bill was then put and agreed to.

The question that clause 2 stand part of the Bill was then put and agreed to.

The question that the Preamble be added to the Bill was then put and agreed to.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944, as settled in the Council, be passed.

Mr. HUMAYUN KABIR: Sir, in view of the assurance which the Hon'ble Minister has given——

Mr. PRESIDENT: Order, order, Mr. Kabir. I have not yet placed the motion before the House. Motion moved: that the Bengal Non-Agricultural Tenancy (Temporary Provisions) Extending Bill, 1944, as settled in Council, be passed. Yes, Mr. Kabir.

Mr. HUMAYUN KABIR: Sir, in view of the assurance which the Hon'ble Minister has given that the comprehensive Bill will be introduced

this very session, it is not my intention to oppose the third reading of the Bill; but I would at the same time make certain suggestions to him. Since a comprehensive Bill is going to be introduced during this very session, I would re-emphasise and draw his attention to the point which I have already submitted, namely, that in the Bill as it now stands, one half of the picture only is visible and the other half is not complete. The case of the under-tenants has been dealt with but the case of the tenants, those who are directly under the landlords has not been considered at all in the Bill that was passed in 1940. When the Hon'ble Minister proposes to bring in a new comprehensive Bill, I take it that he will include a provision in it which will meet the case of the tenants also. I would also ask him to keep these points in mind. Many ejectment suits are actually lying with the High Court today and they too ought to be considered. He may probably be aware of the fact that the Minister holding the portfolio about a year and half ago, gave certain assurances to the hut-owners of Calcutta. He held out the hope that he would try his best to redress their grievances. After the unfortunate dissolution of the last Ministry and the sudden transference to power to the present Ministry through the agency of a certain personality who shall remain nameless, after that unfortunate event the present Ministry has been simply sleeping over this matter, and that in spite of many reminders. I would ask my honourable friend to consult his colleague Mr. Shahid Suhrawardy as to the assurance which he himself gave in this respect at the Muhammad Ali Park where he proclaimed before a large number of hut-owners in Calcutta that as soon as he was able to come back to power, he would try to redress their grievances. I may also ask the Honourable the Leader of the House to enquire of his colleague whether it is not a fact that reminders were sent to Mr. Suhrawardy and a deputation waited on him drawing attention to this matter after evasive replies from him, so much so that some of them who were vehement supporters of Mr. Shahid Suhrawardy have now submitted a representation to him that——

Mr. PRESIDENT: Mr. Kabir, you need not refer to these personal matters in connection with the provisions of this Bill, to what happened outside this Chamber. This House had no official knowledge of these affairs.

Mr. HUMAYUN KABIR: All right, Sir, I submit to your ruling. But I think, I am allowed to put it in this form. When the Government are bringing comprehensive legislation before the House, we expect that it will not contain any glaring defects. We would ask our friend accordingly to follow the advice given to him only yesterday by his leader, I refer to Khan Bahadur Momin, not to hurry the Bill through the House but to give it ample time to consider the provisions of the Bill. I can assure him that if he keeps these points in mind, and safeguards the interests of the hut-owners and other poor tenants and takes the Bill in hand with the co-operation of the different sections of the House, then we on this side of the House shall not be failing in that co-operation.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, may I say first of all that no assurance has been given——

Mr. HUMAYUN KABIR: Yes, Sir, an assurance has been given by the Honourable Leader of the House some moments ago that a comprehensive Bill will be introduced during this session.

Mr. PRESIDENT: Order, order. The question before the House is that the Bill as settled in the Council, be passed.

(The motion was agreed to.)

Mr. PRESIDENT: The House now stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 18th February, 1944.

Members Absent.

The following members were absent from the meeting held on the 17th February, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Nurul Amin.
(3) Rai Bahadur Keshab Chandra Banerjee.
(4) Mr. K. K. Dutta.
(5) Khan Bahadur Abdul Gofran.
(6) Mr. Mohamed Hossain.
(7) Mr. J. McFarlane.
(8) Mr. N. N. Moholanabish.
(9) Mr. Naresh Nath Mookerjee.
(10) Mr. R. S. Purssell.
(11) Khan Bahadur Kazi Abdur Rashid.
(12) Khan Bahadur M. Shamsuzzoha.
(13) Dr. Kasiruddin Talukdar.
(14) Mr. Humayun Reza Chowdhury.

BGP-44/5-1508A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 9.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 18th February, 1944, at 2-15 p.m., being the ninth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Paddy seeds for the *aman* crops in Noakhali.

55. Khan Bahadur ABDUL GOFRAN: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) what quantity of paddy seeds for the *aman* crops has been sanctioned for the district of Noakhali;

(*b*) what portion of it has already been distributed;

(*c*) what are the quantities received by respective unions and what are the dates of their distribution;

(*d*) from where and whom these seeds were purchased and what was the quantity purchased from each;

(*e*) if he has recevied any complaints against the method and agency of this distribution; and

(*f*) if he contemplates any change in the method and agency of future distribution?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) 30,000 maunds.

(*b*) 20,772 maunds (including 510 maunds from Government farms).

(*c*) Union figures are not readily available. Subdivisional and thana figures are given below:—

Subdivision.	Thana.	Quantity. Mds.
Sadar ...	(1) Sudharam	... 3,135
	(2) Lakshmipur	... 1,178
	(3) Begumganj	... 4,173
	(4) Senbag	... 2,021
	(5) Companyganj	... 707
	(6) Raipura	... 403
	(7) Ramganj	... 200
	(8) Sandwip Island	... 3,035
Feni ...	(9) Feni	... 1,057
	(10) Chhagalnaya	... 263
	(11) Parashuram	... 2,848
	(12) Sonagazi	... 1,752
		... 20,722

Dates of distribution—from May to August, 1943.

(*d*) Excepting a small quantity procured from Tippera district the bulk of the seeds was purchased from within the district.

(*e*) Yes.

(*f*) The question of distribution of seeds through a special staff is under consideration.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state the reason why Union figures are not yet available—even at a distant date like this—arising out of (*c*)?

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: It will involve considerable labour and cost to find out the figures.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state when this question was tabled?

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Of course, I cannot say exactly when the question was actually tabled. But I may say that it would have involved considerable labour and cost and it would not have been worthwhile to collect figures union by union.

Social Hygiene.

56. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if any measures have been adopted by the Government of Bengal to spread knowledge about social hygiene in Bengal? If so, what are they? If not, why not?

(*b*) Have the Government of Bengal made any arrangements for facilities of diagnosis and treatment of persons suffering from venereal diseases in Bengal and for the investigation into the sources of infections of these diseases? If so, what are they?

(*c*) Do the Government propose to carry on any propaganda for the spread of the knowledge about prevention and cure of venereal diseases in the municipal areas and to introduce elementary course of sex education in selected high schools and colleges of Bengal? If not, why not?

Mr. BIREN ROY, Parliamentary Secretary (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Nothing has hitherto been done to spread knowledge of social hygiene. A post of Director of Social Hygiene has, however, been recently created and an expert has been appointed. His duties are (*i*) to organise venereal diseases clinics in towns and rural areas, inspect them and to see that proper diagnosis and treatment are carried out, and (*ii*) to arrange for propaganda by posters, magic-lantern slides, etc., which may be considered necessary for educating the people with a view to reducing the incidents of venereal diseases among the civil population.

(*b*) Government of Bengal have recently established five clinics for men and two clinics for women for treatment of venereal diseases in Calcutta. There is also another clinic for the treatment of seamen suffering from such diseases. Government are considering the desirability of taking measures for compulsory medical examination and treatment of prostitutes suffering from venereal diseases.

(*c*) The first part of the question is disposed of by replies to questions (*a*) and (*b*).

As regards introducing a course for sex education in schools and colleges, Government have taken no steps yet and there are obvious difficulties in the way. Also before taking such a step, public opinion will have to be consulted. Government have, however, before them a scheme for appointment of medical men for teaching hygiene in high schools and for examination of health of school children where the return of normal times makes doctors available.

Mrs. LABANYAPROBHA DUTT: Arising out of (*a*) and (*b*), does the Hon'ble Minister think it advisable to open birth-control clinics with women health visitors in *bustee* areas and in industrial areas near the labourers' quarters, so that the spread of venereal diseases may be checked at its root?

Mr. BIREN ROY: Government have already taken some steps and will certainly consider the suggestion favourably specially in regard to the *bustee* areas people and industrial areas people.

Mrs. LABANYAPROBHA DUTT: Arising out of reply to (*b*), will the Hon'ble Minister consider the question of increasing the number of clinics for women to at least 5, as their need is more urgent?

Mr. BIREN ROY: If sufficient number of trained doctors are available and if instruments are also available, Government will certainly consider the suggestion favourably.

Mrs. LABANYAPROBHA DUTT: Will the Hon'ble Minister please state where these clinics for men and women are situated?

Mr. BIREN ROY: For men, Belgatchia Medical College Hospital, Medical College Hospital, Campbell Hospital, National Medical School Hospital and Sambhunath Pandit Hospital. For women, Dufferin Hospital and another hospital at Alipore.

Mrs. LABANYAPROBHA DUTT: Is it not possible to open annexes for women too in those hospitals where centres for males have been opened?

Mr. BIREN ROY: Sir, I have already answered that question saying that if sufficient number of trained doctors are available and instruments are available, they would open more centres for women. But Government would not consider at the present moment the question of attaching women centres with male centres.

Mrs. LABANYAPROBHA DUTT: Arising out of replies to (*a*) and (*c*), does the Hon'ble Minister think it advisable to make arrangements for elementary courses of lectures on Social and Sex Hygiene specially in classes IX and X of Girls' High Schools and in the 1st and 2nd year classes in Girls' Colleges?

Mr. BIREN ROY: Government have already got a scheme before them, as has already been stated by me in reply to the main question, for appointing medical men for teaching hygiene in high schools and for examination of the health of school children. In that reply it has also been stated that there are obvious difficulties in the way in that public opinion will have to be consulted and if opinion comes from progressive women Government would certainly consider this matter favourably.

Mr. HARIDAS MAZUMDAR: Will the Government inform the House the name of the gentleman who has been appointed Director of Social Hygiene to teach social hygiene and his qualifications?

Mr. PRESIDENT: Does that question arise?

Mr. HARIDAS MAZUMDAR: But in the answer it has been given that "A post of Director of Social Hygiene has, however, been recently created".

Mr. BIREN ROY: He has been appointed on Rs. 1,000 per month. He is trained abroad in venereal diseases.

Mrs. LABANYAPROBHA DUTT: May I have the name of that gentleman?

Mr. BIREN ROY: Dr. Sourin Ghose.

Mr. NUR AHMED: Will the Parliamentary Secretary please state if there is any scheme for starting of clinics in mofussil centres?

Mr. BIREN ROY: As has already been stated by me, more clinics will be opened in mofussil areas as soon as more instruments and doctors are available and also with the return of normal times.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, there are two short-notice questions, one by Mr. Haridas Mazumdar and the other by Mr. Humayun Kabir. Shall I read out the question first?

Mr. PRESIDENT: Yes, I think that will be better.

The Hon'ble Mr. H. S. SUHRAWARDY:

Short Notice Question by Mr. Haridas Mazumdar—

(*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if he is aware that the supply of the bad quality of rice is causing serious distress and the outbreak of diseases like beri-beri in the city?

(*b*) Is he aware that many persons are foregoing their whole quota of rice on account of the bad quality supplied?

(*c*) Does he propose to permit individuals to import from outside Calcutta the amount of rice which they have actually foregone from the sanctioned ration?

Answer—

(*a*) I have received complaints of the bad quality of rice in some shops and equally I have received reports that in certain other shops the quality has been very good. Steps are being taken to ensure that all rice issued from the ration *golas* are of good quality. I am not aware that the supply of this bad quality of rice has caused serious distress, as it has already been open to ration card-holders to purchase wheat products instead. I have no information regarding outbreak of diseases like beri-beri in the city due to any bad quality of rice which may have been supplied.

(*b*) It is possible that many persons have taken *atta* instead of rice. I am fully aware of the fact that many persons laid by large stocks of rice previous to the introduction of ration and are utilising these stocks instead of purchasing rice from the ration shops.

(*c*) No; it is proposed however to issue an order which will enable licenses to be given to persons to import into Calcutta rice or paddy from their own lands outside the rationed area up to a limit of 3 maunds ration per individual, the ration being computed at 30 seers per person per month. Equivalent quantities will be cancelled on the ration card at the time of granting licenses.

Mr. HUMAYUN KABIR: Out of one of the answers given by the Hon'ble Minister that he has received complaints of bad quality of rice in some shops, will he take steps to remedy the state of affairs immediately so that this rice is replaced by good quality rice?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, as I have already informed the House, we have been taking steps to see that the godown of the ration authorities are stocked with good quality rice which the public will get at the next issue.

Mr. HUMAYUN KABIR: May we then take it that from this week bad quality rice will not be available from any of these shops?

The Hon'ble Mr. H. S. SUHRAWARDY: We hope so.

Mr. HUMAYUN KABIR: With regard to the acceptance by the Hon'ble Minister of one part of the suggestion in the question, namely, that he will permit those who have lands of their own to indent rice into Calcutta, will he state the reason why he does not propose to extend the same facilities to those who have no lands of their own?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have made a statement here not in acceptance of any proposal of the honourable member. The honourable member who put the question had proposed that I should allow imports to the extent which a person in Calcutta had refrained from

taking from the ration shops. My proposals are totally irrespective of anything of that nature. I am permitting persons who have lands outside Calcutta and who grow their own paddy to import their own paddy from their own lands to Calcutta and not as a sort of general purchase.

Mr. HUMAYUN KABIR: Will it be confined only to paddy?

The Hon'ble Mr. H. S. SUHRAWARDY: No, rice comes out of paddy. The point is that they do not grow rice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state the reason why he finds it difficult to give the same facilities to those who have no lands of their own and who are prepared to indent good quality of rice to Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: The answer is obvious; because we do not want to flood the markets of Bengal with purchasers from Calcutta.

Mr. HUMAYUN KABIR: Does the Hon'ble Minister think that the amount of purchase by individuals or families will be such that it will lead to over-flooding of the markets of Bengal by purchasers from Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, I hold that view most definitely.

Mr. HARIDAS MAJUMDAR: Is the Hon'ble Minister aware that the supply of bad rice or paddy brings into existence black markets?

The Hon'ble Mr. H. S. SUHRAWARDY: I suppose it might, but it is rather a theoretical question.

Mr. PRESIDENT: You are asking for an expression of opinion.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister state if the persons who have already brought rice from their lands in the mofussil and which has been confiscated, that quantity will be released if they surrender their ration cards to the extent of the rice so bought?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, it could be done up to the limit of 30 seers per head.

Sir, there are two other questions asked by Mr. Humayun Kabir to which I would like to give an answer if you allow.

The following is the question by Mr. Humayun Kabir:—

(*a*) Is the Hon'ble Minister in charge of the Civil Supplies Department aware that the absence of any gradation is causing serious distress and disease to all classes of people?

(*b*) Does he propose to classify all Punjab *atap* rice, known as Dehra Dun Banasmati, as first quality rice, average Bengal rice of the type of *banktulsi*, *dadkhani*, etc., as second quality rice and the rest as inferior rice?

(*c*) If so, does he propose to fix the price per md. of inferior rice at Rs. 10, of second quality at Rs. 12 and the first quality at the present rate or at any other rate he may consider suitable?

Answer.—The matter is under consideration.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that such a system of gradation has actually been introduced in Bombay and is working there satisfactorily?

The Hon'ble Mr. H. S. SUHRAWARDY: A system of gradation has been introduced there and we are considering whether we shall not also introduce that system here; but I may tell the honourable member for his information that if he wants to have first quality rice of Bombay, he will have to pay Rs. 40 per md. and not Rs. 16-4 per md.

The next question of Mr. Kabir is as follows:—

Mr. Humayun Kabir.—Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) Whether any special provision has been made for the supply of better quality rice to Firpo's, Great Eastern Hotel, Grand Hotel and similar other hotels; and

(*b*) if the answer to part (*a*) is in the affirmative, if the Government propose to make similar provision for the supply of better quality of rice to such householders as desire it?

Answer.—

(*a*) No;

(*b*) does not arise.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that the quality of rice supplied to these hotels is of the finest?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. I have not taken rice at any of these hotels.

Mr. HUMAYUN KABIR: Does not the Hon'ble Minister wish to take some rice at any one of these hotels?

The Hon'ble Mr. H. S. SUHRAWARDY: I have given up taking rice ever since the rice shortage, Sir.

Issue of Ration Cards for "bhog" and other religious ceremonies of Hindus.

Mr. HARIDAS MAZUMDAR: Yesterday I mentioned about ration cards for *bhog* and for *sradh* and other ceremonies of the Hindus and the Hon'ble Minister was pleased to state that he would do something very soon. But up till now the promise has not been implemented by any issue of press-note. I would request the Hon'ble Minister to let this House know when he is going to issue a press note inviting the *sebaits* and trustees to apply for ration cards, in order to arrange *bhog* and for *sradh* and other religious ceremonies.

The Hon'ble Mr. H. S. SUHRAWARDY: I have been trying to gather opinion from official as well as non-official Hindus on this question and I must say that their advice as to what the Government should do in this behalf differs widely. For this purpose, I am going to appoint a committee of representative. Hindus with whom I propose to discuss the question of *bhog*-ration and then come to some sort of understanding with them regarding the issue of ration cards for *bhog*. I similarly propose to appoint a committee of the representatives of any other community if they come forward for the purpose of asking special privileges for their religious ceremonies.

Mr. LALIT CHANDRA DAS: When is it likely that this discussion and consultation will come to an end and ration cards will be issued for *bhog*?

The Hon'ble Mr. H. S. SUHRAWARDY: It is very difficult to say that. It depends so much on the reasonableness that may be shown by the parties concerned.

Mr. LALIT CHANDRA DAS: Will you please realise the urgency of issuing ration cards to the *sebaits* for *bhog*? It is a very urgent matter.

The Hon'ble Mr. H. S. SUHRAWARDY: No case has yet been brought to my notice to show that *bhogs* have been suspended owing to the non-issue of ration cards. I do not know where the supplies come from. But they seem to come from some sources for the performance of obligatory religious ceremonies.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister hinting that black-marketing is in operation in Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: I am suggesting that there is plenty of stocks.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that it is obligatory for the Hindus to offer *bhog* to their deities and if no ration card is issued the Hon'ble Minister presumes that supplies are made available through black market. Thus, he is encouraging black-marketing.

The Hon'ble Mr. H. S. SUHRAWARDY: I have just told you that there are large stocks with the persons concerned and they get their supplies from that for *bhog*.

Mr. LALIT CHANDRA DAS: Sir, the Hon'ble Minister is building his answers on stocks and therefore may I ask him again if his research in this subject is at an end?

The Hon'ble Mr. H. S. SUHRAWARDY: I have already answered that question.

Mr. HARIDAS MAZUMDAR: Sir, the difficulty is that the Hon'ble Minister wants to have some concrete example of non-availability of ration for *bhog*. However, I am prepared to read a letter to show that.

Mr. H. S. SUHRAWARDY: Give it to me in my chamber.

Mr. PRESIDENT: Mr. Mazumdar, you can hand over that slip to the Hon'ble Minister in his Chamber.

Mr. HARIDAS MAZUMDAR: All right, Sir. I was going to read the slip because the Hon'ble Minister was saying that he was prepared to receive any notice or letter regarding the difficulties experienced by a *shebait* in respect of *bhog*.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, nothing has been received by me yet. Nobody has brought it to my notice that the *shebaits* were experiencing difficulties in regard to *bhog*. However, if the honourable member wishes to bring anything to my notice, he is at liberty to do so. But I submit, Sir, that this handling over of letter does not arise here at all. Because this is not the forum to bring in a matter like that.

Mr. HARIDAS MAZUMDAR: Sir, in view of the urgency of the matter, —and there are no two opinions about its urgency,—we demand that a time-limit be given within which it will be possible for the Hon'ble Minister to bring about a solution of this problem (Mr. LALIT CHANDRA DAS: But why you are telling him that?). I have to——

Mr. PRESIDENT: Order, order. Mr. Mazumdar, you cannot go on talking to your neighbours in that way. If you have got to say anything, please address the Chair.

Mr. HARIDAS MAZUMDAR: Sir, I want an assurance that within a reasonable time the Hon'ble Minister will arrange the matter to the satisfaction of the Hindu population of Bengal, particularly of Calcutta. The proposal made by him amounts virtually to shelving the matter. He wants to appoint a committee. He knows perfectly well that the *shebaits* are experiencing much difficulty and their stocks, if they have or had any, as has been spoken of by the Hon'ble Minister, are well-nigh exhausted. This matter does not brook any further delay. I request the Hon'ble Minister to issue a press-note at once asking for applications from the *shebaits* to come forward with statements of their requirements.

The Hon'ble Mr. H. S. SUHRAWARDY: I could not exactly follow what the honourable member is wanting. I am going to appoint a committee which, I hope, will come to a conclusion soon but how long it will take is more than I can say just now.

Mr. LALIT CHANDRA DAS: Sir, last time the Hon'ble Minister promised to solve this question of *bhog*. Now he comes with the promise of appointing a committee.

Mr. PRESIDENT: You cannot say that now. He has given a definite promise that he hopes to solve this problem soon.

Mr. LALIT CHANDRA DAS: But he gave a definite promise before this. So, when will this long-drawn up affair come to an end?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I propose to appoint this committee in the course of today or tomorrow.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, may I request the Hon'ble Minister to pass orders to the *shebaits* so that they may get their *bhog*-rations pending the decision of the committee. Because, I have received definite information from the *shebaits* of the Kalighat temple that they have been experiencing considerable difficulties as regards the *bhog* every day.

The Hon'ble Mr. H. S. SUHRAWARDY: If the honourable member is referring to the applications from the *shebaits* of public temples, I think that could be done; because I do feel that they have a case. I hope the committee will consider this question of how much rice should be allotted to a temple specially in view of the fact that the *bhog* to the deities is sold to the public.

Mr. BANKIM CHANDRA MUKHERJEE: It may be known to all honourable members here that many people come to the Kalighat temple from distant places and it is, therefore, essential that they should be fed by the *shebaits* of the temple. It is their custom. So, I would request the Hon'ble Minister to come to a decision immediately.

Mr. PRESIDENT: That disposes of all the questions.

Amendment to rule 9 of the Bengal Legislative Council Procedure Rules.

Mr. PRESIDENT: Notice of a motion for leave to amend rule 9 of the Bengal Legislative Council Procedure Rules, has been received from Mr. Haridas Mazumdar.

As required under sub-rule (2) of rule 110 of the said Rules, I now read the draft amendment proposed by the member, namely:—

"9. If any member is unacquainted or not sufficiently acquainted with the English language he may speak in any other language."

Those members who are in favour of leave to move the motion being granted will please rise in their places.

As more than 13 members have risen, leave has been granted.

Mr. PRESIDENT: Mr. Nur Ahmed.

Mr. HARIDAS MAZUMDAR: Sir, should I not move this today?

Mr. PRESIDENT: No, not today. A date has to be fixed by Government.

Khan Bahadur ABDUL HAMID CHOWDHURY: Sir, first it should be allowed to be referred to a committee.

Mr. PRESIDENT: A date will have to be fixed for reference of this matter to a committee and that will be done on a non-official day. Nothing is to be done today.

The Bengal Public Gambling (Amendment) Bill, 1940.

Mr. PRESIDENT: Now I will take up unofficial Bills. Mr. Nur Ahmed.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Public Gambling (Amendment) Bill, 1940, as reported by the Select Committe, be taken into consideration.

Sir, this Bill was not considered, clause by clause, as Mr. Humayun Kabir wanted to put in some amendments. So time was taken.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there are some consequential amendments that have to be moved. Will you kindly accept a short-notice amendment? In accordance with your ruling, I ordered for 60 copies of amendments but they have not yet been received. But anyhow this is a consequential amendment which is sought to be moved. I am reading out the amendment, which runs as follows: "In clause 1, for figure 43, the figure 44 be substituted".

Mr. PRESIDENT: I do not think there can be any objection to your moving that.

Mr. HUMAYUN KABIR: Sir, I believe the Secretary has the power to make corrections of this type.

Mr. PRESIDENT: No, they are not corrections of a clerical nature. They are more than that.

NON-OFFICIAL BILLS.

The Bengal Public Gambling (Amendment) Bill, 1940.

Clause 1.

Mr. PRESIDENT: The question before the House is that clause 1 stand part of the Bill.

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to move that in clause 1, in place of the figures "1943", the figures "1944' be substituted.

(The amendment was agreed to.)

The question that clause 1, as amended, stand part of the Bill was then agreed to.

Clause 3.

Mr. PRESIDENT: The question before the House is that clause 3 stand part of the Bill.

I take it that the mover of the Bill has no further information to supply to the House.

(The motion was agreed to.)

Clause 5.

Mr. PRESIDENT: The question before the House is that clause 5 stand part of the Bill.

Mr. HUMAYUN KABIR: May I enquire what has happened to clause 4?

Mr. PRESIDENT: That clause has been deleted.

Mr. HUMAYUN KABIR: Then the clauses should perhaps be re-numbered!

Mr. PRESIDENT: Yes. I believe there are no speakers on clause 5.

The question that clause 5 stand part of the Bill was then agreed to.

Clause 6.

Mr. PRESIDENT: The question before the House is that clause 6 stand part of the Bill.

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to move that in clause 6, the figure 3 be omitted.

Mr. LALIT CHANDRA DAS: Sir, will the Hon'ble Minister please explain what is the implication of this omission?

Mr. PRESIDENT: I hope the Hon'ble Minister will please explain the purpose of his amendment; otherwise it becomes difficult for honourable members to follow the matter at times.

The question before the House is that in clause 6 the figure 3 be omitted.

(The question was agreed to.)

The question that clause 6, as amended, stand part of the Bill was then agreed to.

Clause 7.

Mr. PRESIDENT: The question before the House is that clause 7 stand part of the Bill.

(The question was agreed to.)

Clause 10.

Mr. PRESIDENT: The question before the House is that clause 10 stand part of the Bill.

(The question was agreed to.)

Clause 11.

Mr. PRESIDENT: The question before the House is that clause 11 stand part of the Bill.

(The question was agreed to.)

Mr. PRESIDENT: I think there should be an amendment to the Title to be consistent; because the figures "1943" should be "1944".

Mr. NUR AHMED: May I move a short-notice amendment that in the Preamble and Long Title of the Bill in place of "1943", the figures "1944" be substituted.

Mr. PRESIDENT: The question before the House is that in place of "1943", the figures "1944" be substituted.

(The motion was agreed to.)

Mr. PRESIDENT: The question before the House is that the Preamble and the Long Title of the Bill, as amended, stand part of the Bill.

(The motion was agreed to.)

Mr. NUR AHMED: I beg to move that the Bengal Public Gambling (Amendment) Bill, 1940, as settled in the Council, be passed.

Sir, in moving this motion I accord my hearty thanks to the honourable members of the House and also to the Hon'ble Minister in charge of the Department. I am grateful to them for according their whole-hearted support to this important piece of legislation. I first introduced the Bill in 1937 and as my first term of membership expired, it was again brought in in 1940. It was circulated several times for eliciting public opinion and a large volume of opinions was received in support of the clauses of the Bill. In this Bill very important changes are going to be made. There is one sort of gambling which is practiced in carnivals known as skill of the hand. This gambling has been made punishable under this Bill. Gambling has increased to a great extent and it is now found in every town in Bengal and also in the remote villages causing great suffering to the poor people. The definition has been thoroughly recast in the light of the present condition and has been made up-to-date. Now, according to the Bill, the instruments of gaming include any article used as a subject, means or appurtenance of or for the purpose of carrying on or facilitating or in connection with gaming and any books, lists, tickets, form or other document or documents intended to be used as a register or record or evidence of gaming. In the old Act the words used were "any article for gaming". I have added all these words in order to make the Bill comprehensive and wide enough. Also a definition of the term "common gaming" has been given. By all these changes many forms of gambling which used to go unpunished have been made punishable. Sir, gambling in a vessel has also been included. These are the most important changes and there is another change regarding punishment. There was only one sort of punishment in the old Act. Now, by this amendment, punishment for the first, second, third and subsequent offences has been provided. Another new thing has been added to the Bill and by that the scope of the Bill has been widened. Formerly, sections 7 and 11 were applied only to the city of Calcutta and section 13 was applied to the whole of Bengal. The other sections of the Act would have to be extended by notification to be published by the Provincial Government. Gambling increased in many districts as a result of these sections not being applied to the districts. Now, by this amendment all the provisions of the Gambling Act of 1867 have been extended

to the whole of Bengal except Calcutta, because in Calcutta the Police Act contains a similar provision.

Sir, I again thank the honourable members and the Hon'ble Minister for supporting this Bill.

Mr. PRESIDENT: Motion moved: That the Bengal Public Gambling (Amendment) Bill, 1940, as settled in the Council, be passed.

(The motion was agreed to.)

The Advocates' Robes Bill, 1941.

Rai Bahadur BROJENDRA MOHAN MAITRA: Sir, I beg to move that the Advocates' Robes Bill, 1941, as reported by the Select Committee, be taken into consideration.

Sir, on the consideration motion I do not wish to make a long speech, because I have said what I had to say. It is practically a one-clause Bill and its purpose has been fully explained to the honourable members in my previous speeches. It has now passed through the Select Committee and emerged with slight alteration by way of fixing the time for making the provisions compulsory. This was rendered necessary by the exigencies of the war which have made a new costume rather costly and it was therefore thought expedient to keep the new robe optional during the pendency of the war which might not terminate within six months. The Select Committee has therefore suggested in cluase 3 that the robe will be compulsory after six months of the cessation of the war or after six months of the publication of the Act whichever is later. The only other amendment made by the Committee is to provide an exception to the general rule in favour of the Advocates-General who wear a special robe by custom. Sir, I commend the Bill as modified by the Select Committee for the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Advocates' Robes Bill, 1941, as reported by the Select Committee, be taken into consideration.

Mr. BANKIM CHANDRA DUTTA: Sir, I want to speak on this motion.

Mr. PRESIDENT: Yes, you may speak.

Mr. BANKIM CHANDRA DUTTA: Sir, I am sorry I could not be present at the meetings of the Select Committee—owing to my absence from town for over 2 months for reasons over which I had no control. I signed the Report subject to my note of dissent where I have given expression to my views. I hope the honourable members have gone through it. Sir, this House as the House of Elders has earned the reputation of being a body which can dispassionately discuss and understand each other's views sympathetically and then come to a decision. They are the custodians of fair-play, equity and good conscience, and as such they will approach this particular Bill, weigh its usefulness, assess its equity and then decide the issue with a clean conscience. Sir, this is a Bill which wants to take away

the very ancient privileges of a particular section of lawyers, I mean, the Barristers, in the matter of their robes which have been given to them by the Inns of Court in London, and which they have been wearing, I think, for over five or six centuries, or even more. I think it dates from the 13th century. Sir, what is the grievance of my friend who wants to take away this robe from the Barristers? I am sure he will not contend that this robe by itself confers any preference in practice on the wearer or clothe the wearer with any additional merit. I had talk with distinguished members of the Vakil Bar, and they are quite unconcerned about the particular dress they wear when appearing before their Lordships in the High Court. They know that they can stand on their own merits and they value and honour the particular dress or costume they wear. Sir, in this connection may I have your leave to read out the discussions from the proceedings of the Central Legislature at the time when the Indian Bar Council Act was introduced there? Sir, Mr. Neogy, who was then the accredited representative of the Vakils' Association, said that "the Vakils of Calcutta are not ashamed of being called Vakils." Sir, I am quoting from his speech. He referred to such distinguished names as Sir Dwarkanath Mitter, Sir Ramesh Mitter, Sir Chandra Madhab Ghose, Sir Rash Behary Ghose and the last, though not the least, Sir Ashutosh Mookerji—names of which any legal institution of the world would be proud. In the same strain, Mr. Rangachariar from Madras also addressed the Assembly and said, "I do not wear a barrister's robe at all. I have got my own robe which I wear with dignity, honour and prestige". That was the feeling of such eminent popular representatives as Mr. Neogy and Mr. Rangachariar when they addressed the Assembly at the time when the Indian Bar Councils Act was introduced in that Legislature. I do not know, Sir, what has since happened to justify this agitation against this robe over here. The only reason which has been given in the Statement of Objects and Reasons is that the object is to create a self-contained Indian Bar. Sir, I think, the sponsor of the Bill meant an autonomous Indian Bar which was recommended by the Indian Bar Committee. If that really is his intention, then the only way to achieve that object is to introduce a comprehensive Bill in the Central Legislature and not here. The Indian Bar Councils Act has set at rest all differences in the status of gentlemen practising in the High Court, I mean between Advocates and Barristers. This question of robes should have been left to the Bar Council who could advise the learned Judges of the High Court in the matter or take such step as they might think fit. Sir, I started by appealing to the good sense of honourable members here to consider the matter dispassionately. It is certainly not a party question. It is a question which affects vitally a particular section of lawyers, and it is a disabling Bill so far as the Barristers are concerned. At the same time, it does not benefit the public in any way. Sir, as I have stated in my note of dissent, that if the object of the Bill was really to create a self-contained Bar, my friend ought to have taken the trouble of drafting the Bill in such a way as to leave no room for any distinction of robes whatsoever between the various classes of lawyers practising in Bengal. But he defeats his own object by creating a distinction between lawyers practising in the High

Court and those practising in other courts. It is well known that besides the Vakils and Advocates, there are the District Court pleaders, Small Cause Court pleaders, the Police Court pleaders, Revenue agents and Mukhtears who practise in the different courts of Bengal. Our friend Mr. Moitra is not anxious for one uniform robe for all these classes of lawyers. He leaves the other unfortunate classes of lawyers severely alone and would not allow them to wear the same gown to be prescribed for the High Court lawyers. This is his plan for a self-contained Indian Bar! I leave it to honourable members to draw their own conclusion. Is it founded on good conscience? Then, Sir, the Barristers from time immemorial have a distinct robe worn by them all over the world, and no reasons have been given in this Bill as to why this robe should be taken away from them. Why should they be deprived of it or why others should not be allowed to copy it? Apart from this, the matter of robes is, if I may submit respectfully, a domestic affair for the learned Chief Justice and the Judges of the Hon'ble High Court. The matter of robes did actually come before the learned Judges and after hearing all concerned they have directed that particular robes should be worn by a particular set of lawyers. By trying to legislate in this matter, are we not encroaching on the jurisdiction of the High Court in a way? After all, it is the discretion of the High Court. In this connection, I may also refer to section 9 of the Letters Patent, which gives power to the High Court to approve, admit and enrol such and so many Advocates, Vakils and Attorneys as to the said High Court shall seem meet. They also give power to the High Court to regulate such rules as it may think fit regarding the manner in which such Advocates, Vakils and Attorneys shall appear and plead. Now, Sir, if this Bill is passed, it would certainly interfere, if not take away the powers which have been conferred on Judges of the High Court by section 9 of the Letters Patent. Would it be fair-play to enact such a Statute? I would submit that this Bill is unique of its kind. It takes away the time-honoured privileges of Barristers and creates a disability. On the other hand, it does good to nobody and its own clause betrays want of uniformity; it has not yet been introduced in any of the other Provincial Legislatures. Lastly, Sir, a Bill which has not for its object the benefit of the general public should not be encouraged or passed by this House. Sir, in this connection, I would only refer you to the reply which was given by the Bar Council in England to a letter which was written by a junior member of the Calcutta Bar. I am giving the language of the letter: "The wearing of this costume (the Barristers' robe) is equivalent to the costume of the member of the English Bar. The Council are of opinion that a person should not be permitted to wear this costume unless he is a member of the Bar". Finally, I would submit that a legislation of this kind should not be placed on the Statute Book as it would interfere with the discretion of the learned Judges of the High Court and to that extent would be *ultra vires* the Statute. I would once again appeal to my honourable friend, the mover of the Bill, not to press this Bill but to leave it to the Bar Council to devise ways and means to achieve the object of the Bill, namely, the creation of an autonomous Indian Bar as recommended by the Indian Bar Committee.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, may I submit that this Bill cannot be introduced without the previous sanction of His Excellency the Governor?

Mr. PRESIDENT: Perhaps my predecessor in office thought that no sanction was necessary.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: But, Sir, if that ruling was wrong, can it not be righted now? Suppose your predecessor was wrong then, can it not be righted by his successor?

Mr. HUMAYUN KABIR: On a point of order, Sir. Is it open to the Hon'ble Minister to question the ruling of the President?

Mr. PRESIDENT: I was just going to impress that fact on the Nawab Sahib.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I find that a Bill which empowers any authority to impose by reference to any professional qualification, any disability, restriction or condition in regard to the practising of any profession, shall not be introduced or moved without the previous sanction of the Governor in his discretion. Section 81 and section 119 of the Government of India Act, 1935, clearly lay down that. Therefore, this disability is there. Suppose we pass the Bill and then the High Court does not accept the Bill, what will be the position? It did not receive the sanction of the Governor which sanction was necessary for introduction in the House. The matter whether the sanction should be obtained is to be decided by the President, as the late President, his predecessor in office, had made a mistake——

Mr. PRESIDENT: Order, order. I would request you not to refer to the late President's mistake. When a ruling is definitely given by the President, you have got to accept it and cannot question it. If you have got any case, please argue on its merit, and do not lay stress on the President's mistake.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I understand that the President's rulings, however wrong they may be, will have to be accepted, and I bow down to them; but I want to explain to the House the implications of them and the difficulty that has arisen now. Suppose, a Bill passed by this House——

Mr. PRESIDENT: Order, order. I would cut short your argument, and make the position clear. The position is this: that under section 119 of the Government of India Act, if any Bill or any amendment imposes any disability on the members of any profession, then the matter has to be referred to the Governor for his previous sanction. Now, as regards the Governor's previous sanction, he is the ultimate authority which should decide whether previous sanction is required or not. My predecessor in office was of opinion that it did not impose any disability on the members of any profession, and as such the matter was not referred to the Governor.

But if Government now raise the question and insist that the matter should be referred to the Governor, I have got to refer the matter to the Governor under the Bengal Legislative Council Procedure Rules.

Mr. SHRISH CHANDRA CHAKRAVERTI: What is your ruling, Sir?

Mr. PRESIDENT: I am not giving my opinion at the present moment. As it is, I hold the same opinion as my predecessor. If, however, the Hon'ble Minister insists that the matter should be referred to the Governor, in that case, we have got to stop here and refer the matter to the Governor, who is the ultimate authority for deciding whether previous sanction is necessary or not.

Mr. HUMAYUN KABIR: Sir, before you proceed further, may I point out that so far as the present case is concerned, we quite understand that the imposition of any disability on any person in the discharge of any profession should be considered by the Governor; but whether this Bill actually imposes any disability or not has to be considered by the Chair?

Mr. PRESIDENT: Certainly, but if it is insisted on by Government that the matter should be referred to the Governor, I have got to place the matter for the Governor's consideration, he being the ultimate authority for decision. Now, I would like to know from the Hon'ble Minister whether he insists on the matter being referred to the Governor or not.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I have expressed my desire for it, and I cannot withdraw it——

Mr. PRESIDENT: You have to make it clear, Nawab Sahib, whether you want me to refer the matter to the Governor or not.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do want that the matter should be referred to the Governor.

Mr. PRESIDENT: In that case, the matter should stand over till the next non-official Bill day. In the meantime, the matter should be referred to the Governor for his decision.

The Bengal Local Self-Government (Amendment) Bill, 1943.

Mr. HUMAYUN KABIR: Sir, I beg to move that the Bengal Local Self-Government (Amendment) Bill, 1943, be taken into consideration.

Sir, I may be permitted to recall very briefly the history of the Bill specially in view of the fact that an erstwhile very staunch supporter of the Bill, namely, my honourable friend, Khan Bahadur Saiyed Muazzamuddin Hossain, has seen it fit to table an amendment that the Bill should be circulated for the purpose of eliciting opinion thereon by the 31st August, 1944. I would like to remind my friend that this Bill which was introduced originally in 1937——

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Sir, may I say a word in this connection, as the honourable member has

referred to my motion? I find that my amendment of which I have given notice is out of order and I may not move it at all, because after a Bill has come out of the Select Committee it is definitely laid down that such a motion is out of order.

Mr. PRESIDENT: I believe this Bill was not referred to any Select Committee; it is a new Bill. The old Bill which lapsed during the re-election of the mover was referred to a Select Committee.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: I believe the Bill is being re-introduced as the original Bill was already referred to a Select Committee.

Mr. HUMAYUN KABIR: My honourable friend is in a sense right, because this Bill is actually the result of the deliberations of a Select Committee.

Mr. PRESIDENT: But in matters like this you cannot go by "in a sense"; you must be guided by things as they are.

Mr. HUMAYUN KABIR: I may say that it is only in a sense a new Bill, for the original Bill was introduced as early as 1937. It was circulated three or four times and after that some time in 1942 it was referred to a select committee and the select committee had taken the Bill into consideration and my honourable friend was perhaps also a member of that committee. (The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: No.) Very well, but representatives of my friend's party were members of the select committee; and after the report of the select committee had been presented, when it was going to be taken up for consideration by the House, my friend expressed approbation if not of each item of the Bill, at any rate, of the general principles of the Bill. In fact, I would like to point out to him that the main function of the Bill is the abolition of nomination. I take it that so far as the House is concerned, in the course of the last 7 years almost every member of this House has come to realise that nomination is an unmitigated evil. Many members of Government have publicly and also in private admitted that nominations are an unmitigated evil. Not only that, Sir. On the last occasion that I had an opportunity of speaking on this Bill, I referred to the opinions of District Officers and Divisional Commissioners. Official opinion is today almost unanimous that nominations have outlived their purpose and that they are not only unnecessary but a positive source of harm and a hindrance to the proper functioning of local self-government. It was in the light of these considerations that when it had been re-introduced, I thought that the Bill would be accepted by all sections of the House. My honourable friend would perhaps also remember that when I half laughingly taunted him with a possibility of changing his opinion with a change in his seat, he vehemently protested that whether he was on this side of the House or that, he would always stand for the abolition of nomination. I do not, therefore, understand why at this late stage it is necessary for Government to re-circulate a Bill which has already been circulated many times and which has been before

the public of Bengal for almost six or seven years and on which official opinion has been given not once or twice but on many occasions. Moreover, it is a Bill to the drafting of which the Legislative Department has given not a little time. I may tell the House, Sir, that the Bill as it stands today is not my drafting. It was actually drafted by the Legislative Department of the Government of Bengal and therefore I do not understand why Government should at this stage now suddenly awake to the fact that they want to circulate it and, worse still, try to kill the Bill by opposing it. I leave it to the consideration of the members of this honourable House. If my friends opposite do not consider that nominations have outlived their purpose, that nominations have proved more a hindrance than a help, then they are certainly welcome to oppose and throw out my Bill. But if they consider—and I have already said that even some officers of Government have admitted in public and also in private—that the time has come when an experiment on these lines should be made and the public should be given an opportunity of deciding local issues in their own interests, then I leave my honourable friends opposite to decide if they can vote against a Bill of this type. I challenge them that if they vote against this Bill, they would be voting against their own conscience.

Mr. PRESIDENT: Motion moved that the Bengal Local Self-Government (Amendment) Bill, 1943, be taken into consideration.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: I beg to move that the Bengal Local Self-Government Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 31st August, 1944.

Sir, in moving my amendment, I assert that I am still of opinion that nomination should not exist. But the question as to how the Bill should be drafted for removing the provision of nomination has to be very carefully examined. So it is neecssary to send it for circulation. The honourable members opposite want the Bill to be taken into consideration by the House at once without even being sent to the Select Committee. It is a very important matter which the Bill seeks to deal with and there has been sharp difference of opinion. Although I am always of the opinion that nomination should not exist, I think it requires very careful consideration as to how the interest of minorities should be safeguarded. If the honourable members had asked for a Select Committee, that would have been considered. As the Bill now stands, we cannot accept it. I think that public opinion should crystallise, before final action is taken; that is why I have moved my amendment. With these words, I move the amendment. I hope the Hon'ble Minister in charge of the Department will be able to throw more light on the subject.

Mr. PRESIDENT: Amendment moved: that the Bengal Local Self-Government (Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 31st August, 1944.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, it may be surprising to my friends opposite that I rise to support this motion. As one who is intimately——

Mr. PRESIDENT: Mr. Mukerjea, are you speaking as a member of the Government or in your individual capacity?

The Hon'ble Mr. TARAK NATH MUKERJEA: I am speaking in support of the amendment of the Hon'ble Khan Bahadur Muazzamuddin Hosain.

Mr. PRESIDENT: All right, then go on.

Mr. LALIT CHANDRA DAS: Is it permissible for him to speak again? The Leader of the House has spoken on behalf of Government.

Mr. PRESIDENT: Why not? If more than one member want to speak from the Government benches in support of a particular matter, they are perfectly entitled to do so.

Mr. LALIT CHANDRA DAS: Will you kindly consider that the Leader of the House has already spoken?

Mr. PRESIDENT: I have considered that point. You are one of the Opposition leaders; not only you have spoken but half a dozen members from your side have spoken. Then why should not members from the Government side speak?

Mr. LALIT CHANDRA DAS: My point is: we on this side have spoken as members of the House. But in his case he is encroaching upon the right of the House.

Mr. PRESIDENT: More than one member can speak on a particular motion on behalf of Government.

Khan Bahadur M. A. MOMIN: I submit, Sir, there is one point. I quite agree that as a member of the Cabinet Mr. Mukerjea can speak in support of the statement of his colleagues. But if he is speaking only as a member of this House, may I draw your attention that he is not a member of the House, and therefore the question arises whether he is entitled to do so?

Mr. PRESIDENT: In fact, that is why at the outset I asked whether Mr. Mukerjea was speaking in his individual capacity and he made it perfectly clear that he was speaking on behalf of Government and in support of his colleague's motion.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I feel and sincerely feel that I shall be failing in my duty if I do not place before the House my humble experience which I have gathered in the course of the last 22 years during which I have been closely associated with the workings of the union boards, local boards, district boards and municipalities. I respectfully remind the House and the honourable members

that great hardships have been caused to the suppressed minority communities inasmuch as there are no proper and adequate reserved seats for them on those boards. Abolition of nominations is certainly our ideal but before we attain that ideal we shall have to be prepared for the ideal. We should be fit and well-qualified for attaining that ideal. It will be a mistake to abolish nominations thereby leaving the minorities to their fate. There being no provision for reservation of seats for representatives of the minorities, what will be the position of the minorities in West Bengal as well as in East Bengal? I do claim that excepting in my own district, Hooghly, where we have adequate seats for the minorities, there is no other district where the minorities are properly and adequately represented. There are many instances where we had received complaints regarding inadequate representation of the minorities in those Boards. There is no reservation under the Village Self-Government Act. There are nominations also in municipalities. So the minorities will immensely suffer. I do not know what harm will be done if we wait for another 4 or 5 months. I appeal to the member in charge of this Bill to take up the matter for providing reserved seats for minorities simultaneously, if not earlier.

With these words, I support my honourable friend's proposal for circulating the Bill for eliciting opinion.

Khan Bahadur M. A. MOMIN: Sir, it is with a good deal of regret that I have to oppose the motion for circulation. I refrain at this stage from making any observation on the merits of the Bill altogether; but the question of circulation can only be supported if it is really to know what the people and the public have got to say in the matter or that we may get any new light on the subject. As a matter of fact, this question is a very old one, and people have discussed this matter in the Council as well as outside and have clamoured for the abolition of nomination. Of course, I know that there are certain sections,—some Muslims and also some Scheduled Castes—who prefer that nomination should continue. On the other hand, the majority advanced opinion is for the abolition of nomination on grounds which have been set forth by the mover of the Bill, but that is a different matter. Unless there are some really very good grounds on which the Bill can be postponed or delayed, I do not think that this motion for circulation is justified, because we have had all the opinion that it was possible to have on the Bill. But there is one point which has been raised by the Hon'ble Mr. Mukerjea, namely, that there are many things which have to be considered, for instance, reservation, the rights of every community, abolition of the local boards and so forth and these may need also many corollary and other corrections and amendments in this Bill. So, in that case, if Government would agree to bring in a more comprehensive Bill including these questions about nomination and put in the Bill various safeguards which have been suggested by Mr. Mukherjea, I think that it would be a good case for not considering the Bill at the present moment, because piecemeal legislation is never desirable. Therefore, if the Hon'ble Minister in charge of the Local Self-Government would assure the House that such a Bill is contemplated or he assures the House that he is really

going to bring a Bill in the near future, then it would be desirable to postpone consideration at this stage. But I must say that I personally, without reference to the Party or anybody, feel very strongly, in the same way as my honourable friend Khan Bahadur Saiyed Muazzamuddin Hosain, that nomination should go.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to oppose the amendment that has been moved by the Hon'ble Minister, I would like to say a few words. The amendment is that the Bill should be circulated for eliciting public opinion. I do not understand why this motion has been moved by the Government knowing fully well that since 1937, as the mover of the Bill clearly stated, the Bill has been circulated on several occasions for eliciting public opinion and for eliciting the opinion of the authorities concerned. Now, I think public opinions were received, and after the Bill was introduced in the previous Council, it was referred to a Select Committee. The Bill was considered by the members of the Select Committee and the Legislative Department and the Government took their time and the Bill was drafted by the Legislative Department and the Select Committee members considered the various provisions of the Bill. Thus the Bill as it now stands, is the outcome of the labours of the Select Committee after considering the public opinion which was elicited after the Bill was circulated for a long time. I do not understand why the Hon'ble Minister, Mr. Tarak Nath Mukerjea, is supporting the motion for circulation. In supporting the amendment he has made certain observations which show that he was not supporting the amendment for circulation but he was really asking that the provisions of the Bill itself as it now stands should be considered by another Select Committee. I think Government should have come straightway in that case with a motion for referring the Bill to a Select Committee so that the provisions of this Bill might be considered again by a Select Committee. Such a motion could be understood but the motion for circulation means only that the time of the public would be wasted, the time of the House would be wasted and the consideration of the Bill would be shelved for a long time. It really means that the present Government want that the power of nomination which it holds should continue for a little time more in order that it might consolidate its position. If that is the view, I can understand a motion for circulation; but the Hon'ble Minister in moving his motion clearly indicated that his personal opinion was against nomination. If that is so, then I do not understand why he has again raised the question of sending the Bill for circulation. He should have only asked for a Select Committee so that the provisions of the Bill might be considered, reservations might be provided for, if they have not already been provided for minority communities. I think that if Government comes to the House with such a proposal, then all sections of the House may combine and come to a settlement. But so far as the motion for circulation is concerned, we as members of the Opposition, will certainly strongly oppose it as a measure to shelve this very useful Bill. I, therefore, oppose the amendment of the Honourable the Leader of the House.

Mr. LALIT CHANDRA DAS: I rise to oppose the motion for circulation moved by the Honourable the Leader of the House. It is a motion practically for re-circulation of the Bill for eliciting public opinion. The Bill was circulated previously and opinions were gathered as to the desirability as to whether nomination should stand or go. The House was practically unanimous on this point that nomination should go. Now, Sir, in moving this motion, the Hon'ble Minister himself has admitted that nomination is a bad thing and he strongly holds the view that it should go. If so, then why circulate the Bill for eliciting public opinion thereon again? I, for one, do not understand the meaning of this unless it be that Government does not like that a Bill sponsored by the Opposition should be passed, and that a Bill however good if it comes from an Opposition member should be opposed. Otherwise, there is no rhyme or reason as to why this very necessary measure, admitted as necessary also by the Government party, should not be gone through but a clog must needs be placed in its way saying that public opinion must be elicited again. The Hon'ble Mr. Tarak Nath Mukerjea said that there were other improvements which should be incorporated in the Local Self-Government Act, namely, reservation of seats for those for whom seats should be reserved, minority communities, the Scheduled Caste people, etc. May I ask, Sir, who stood in the way of Government making those amendments in the Bill itself? Nobody stood in the way, surely! They can do it whenever they want and whenever they are pleased to do so. There is already reservation of seats in the district boards and municipalities with respect to minority communities. If further extension of privileges for the protection of the rights of minority or the weaker community including the Scheduled Castes are to be given, Government can do so at any time by bringing in an amended Bill to the Local Self-Government Act and add a clause therein reserving seats for minority and Scheduled Castes and others who they think should be represented on the local bodies. This Bill deals with the question of the abolition of nomination and there is no reason why it should be re-circulated for eliciting public opinion. My honourable friend, Khan Bahadur Momin, and the Leader of the House, in moving his motion, both admitted that such a Bill is necessary, that the thing is bad and that nomination should be abolished. Then why not do it immediately? Why should the Bill again be circulated and why should it again go to the Select Committee? When the Bill has gone through a Select Committee and when the Select Committee report is there, when the Bill is ready for being taken up for consideration, why should Government come forward now and say that it should be sent for circulation. There is no reason whatsoever behind this motion for circulation. Sir, I oppose the amendment.

Mr. HUMAYUN KABIR: Sir, in opposing the motion for circulation, I would like to add a few remarks to what I said at the time when I moved my original motion—

Mr. PRESIDENT: I think the Hon'ble Minister in charge must speak first.

Mr. HUMAYUN KABIR: All right, Sir.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Mr. President, Sir, there has been misconception regarding the amendment of my friend, the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain, for circulation of the Bill. There are many honourable members including my friend Khan Bahadur Momin who do not like the idea of this motion because the motion proposes to send the Bill for eliciting public opinion. Now, Sir, this Bill discusses only two points: one is abolition of nomination and the other is an attempt at adult franchise, though now it has been dropped.

Mr. HUMAYUN KABIR: Not now; it was taken out by the Select Committee.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I am aware of it.

Mr. LALIT CHANDRA DAS: The Hon'ble Minister is not aware that it had been taken away.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I am aware of it and the honourable member need not be so presumptuous that he is the only person who knows everything.

Mr. NUR AHMED: On a point of order, Sir. Is the honourable member entitled to put direct question?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: As I was saying, in clause 6 it is said, "In section 9 of the said Act———two-thirds of the members of each local board established in a district mentioned in the third schedule of this Act, the words 'elected members of a local board' shall be substituted"; and also clause 6(*b*) wants the proviso to be omitted. Now, this proviso declares the qualification how the members would be entitled to vote in the election to district board. Sir, I was submitting that there is an indication as to the mind of the author of the Bill in the Statement of Objects and Reasons of the Bill. He states in the Statement of Objects and Reasons, "The purpose of the Bill is to do away with nomination in local bodies and also to extend the franchise to include all adult persons within the area under the control of a local body." Even in the Legislative Council and Legislative Assembly there are nominations. It is very doubtful whether election in Bengal or in India at the present moment on the adult franchise basis will be fruitful, because 60 or 70 per cent. of our people are illiterate. I do not know whether they would be able to exercise their votes intelligently or whether the elections will return candidates with headless heads or persons with brainy heads. We all know how a few persons dominate in the villages over the whole population. So, it is really doubtful and controversial how far abolition of nomination or extension of franchise will be useful and there is really honest difference of opinion as regards its suitability in our province. I

may cite one example. From the Noakhali district one cartman was elected during the Non-Co-operation days. Now, will that be an ideal exercise of franchise? (MR. LALIT CHANDRA DAS: Why not? What is the harm!) (Khan Sahib FARIDUDDIN AHMED: Marshal Stalin was a cobbler.) However, Sir, we have copied our ideas from England and America and from other Western countries without any reference to the present condition in our province. For that reason Government have taken up the matter, and if adult franchise is suitable it would be introduced. But before that we shall have to ask for public opinion with regard to this Bill. So, we cannot accept this Bill. We want to bring a comprehensive Bill including abolition of the system of nomination. It has been found in the operation of delimitation that there are some defects in the working of this Bill. We want to remedy them. In view of the above circumstances, I request the honourable member to withdraw his motion.

Mr. HUMAYUN KABIR: Sir, I find that most of the remarks made by the honourable members of the Government benches have been made simply because they have not read the Bill. I am surprised so far as the Hon'ble Mr. Mukerjea is concerned that in spite of the fact—and strangely enough—that he is a Minister of the Province of Bengal and, as he has said he has adorned or mis-adorned the chair of a district board for 20 years, he is not conversant with the provinsions in regard to district boards in Bengal today. He has raised a great deal of haloo-baloo and unnecessary flurry with regard to the question of the minorities. I am surprised that an honourable gentleman who is occupying the position of a Minister of this province and, as he has said, he is also the Chairman of a District Board, does not know that in every district board in Bengal today there is a provision for the representation of minorities through special seats——

The Hon'ble Mr. TARAK NATH MUKERJEA: On a point of personal explanation, Sir. I am aware that there is a provision for representation of minority communities in the district boards and local boards. But I said that there is no such provision for representation in the municipalities and union boards and that there is room for improvement in the Local Self-Government Act.

Mr. HUMAYUN KABIR: In that case, Sir, I find that Mr. Mukerjea has doubly justified my remarks. This Bill does not deal with such provisions. The Cabinet of that time on the suggestion of the Legislative Department abolished certain clauses dealing with such questions and these clauses were taken away. Since there is no mention whatsoever in this Bill about union boards, I fail to understand why the Hon'ble Minister wasted the time of this House in attempting to point out the fallacy of the Local Self-Government Act which is not within the purview of our consideration. I think, Sir, that the explanation which the Hon'ble Minister has given further justifies my remark that he has not read the Bill. I regret also, Sir, that the Hon'ble Minister for Local Self-Government has not also proceeded beyond the Statement of Objects and Reasons, or he has not even read the clauses of the Bill, or if he has read he has read them in a most perfunctory manner. It is true that in the Statement of

Objects and Reasons there is a sentence that "to extend the franchise to include all adult persons within the area under the control of a local body". Sir, there were other sentences in the Statement of Objects and Reasons which have been taken out by the Government. These sentences were to the effect that in view of the fact and in spite of my conviction that adult franchise should be introduced, the Legislative Department and the Government felt that during war time it would involve too much labour and energy on the part of Government Department. The question of franchise should for the time being not be raised. Therefore, reluctantly I have omitted these clauses from the Bill. In the Bill as it stands, there is no reference to the adult franchise. Notwithstanding that, the Hon'ble Minister for Local Self-Government said that there is no doubt that there is reference to the adult franchise in the Statement of Objects and Reasons. Sir, if he had proceeded carefully to read the clauses of the Bill, he would have found that this argument is equally fallacious as the other arguments that he has advanced. Since he has raised the question, I would submit for his consideration whether it is not a fact that if we want to introduce adult franchise, local bodies are the place where adult franchise can be best introduced. If you have extended franchise in the Legislative Assembly and the Council, is it not far more necessary and proper that a training in self-government should start with small units where a person can interest himself in the affairs of local government and thereby acquire experience and administrative knowledge and also in this way develop his powers of self-government? It was for this reason that I suggested that adult franchise should make a beginning in the local self-government area. As I have made it clear and I suppose the Hon'ble Minister now understands that in spite of my intention in the matter and my conviction that adult franchise should be there it is not there in the Bill. It was only the perusal of the Statement of Objects and Reasons by the Hon'ble Minister which led him altogether astray. Therefore, Sir, the two main objections which have been raised, namely, that there is no question of protection of minorities and that this Bill wants to extend the franchise to cover all adults, I find that both of them are completely imaginary. Government have not applied their minds to this matter. Therefore, I agree with my honourable friend Mr. Bankim Chandra Mukherjee who said that if the Government had applied their minds and had put down any concrete proposals we could consider them. Sir, a *prima facie* and even a superficial analysis of the statements of the Hon'ble Minister made on the floor of the House today shows that Government have not applied their minds to this subject. With regard to the question of safeguarding the interests of the minorities, very detailed discussions took place in this connection and it was the opinion of the public bodies to whom that Bill was originally sent for opinion as well as the opinion of Government's own officers and administrators who had applied their minds to the study of the Bill, that nomination as it existed was no protection to minorities save and except in very rare cases. In many cases, it was said, nominations only strengthened the party position and nominations were given—there are records, Sir, in the Legislative Department and in your Department too, written opinions of responsible

administrators and public bodies who have given instances where Government have given nominations only to strengthen their party position—nominations are given irrespective of the suitability of the person or person nominated. Therefore, Sir, in this Bill at the suggestion of Government an innovation was introduced that Government officers would be associated in the administration of local boards but would be debarred from exercising their vote. Accordingly, a new clause was introduced in the Bill with a change in nomenclature introducing certain Government officers called "advisers" in local bodies, as suggested by Government itself. Therefore, the Hon'ble Mr. Tarak Nath Mukerjea when he says that different provisions of the Bill were not considered, the question of representation of minorities was not considered or the question of the repercussion of the abolition of nominations or other considerations were not taken into account, he was obviously speaking—if I may be excused for using almost a non-parliamentary expression—he was obviously speaking in a "Pickwickian" sense, and very often the Hon'ble Minister reminds me of Picwick when I look at him and listen to his speeches. It is, therefore, very surprising that a Minister who has not applied his mind or has not taken any trouble to study the Bill, in any case for any Hon'ble Member of the Cabinet to simply get up and talk on a problem without having read the Bill on the subject, seems very very improper—I will not use any stronger language than that. In any case, the argument which he has brought in respect of local boards also shows that he is living in his imagination; many of his friends think that today he is living in his imagination in his politcal life in many respects. One does not know what will happen when this imaginary world comes to be shattered one day and he will have to face the realities of public life.

But when he talks of representation on local boards if the Bill was passed, I cannot help feeling that he had not applied his mind to the Bill. Who does not know that local boards have been abolished except in a few districts where this abolition has not been given effect to. So that in most districts local boards do not exist. A resolution was passed at the instance of Khan Bahadur Ataur Rahman by which it was sought to fix a final date and by that date all local boards in the province were to cease to function in any part of Bengal. If an Honourable Minister of Government is not aware of this fact, it is very regrettable for the province as a whole and even more so for the Cabinet. The only reason that I have been able to think of for the opposition of my friend Khan Bahadur Saiyed Muazzamuddin Hosain since he has given no argument or reason whatsoever—is that he took his defence on a technical point, namely, that it was a new Bill. A new Bill it is indeed, I do not deny that. But he knows better than anybody else that it is a new Bill only technically. Actually it is a Bill to which the mind of the Council has been applied not once but on many occasions—and you, Sir, I hope, will give me this credit—I have been fairly persistent in this and I have not let the House rest and have pursued the matter to the best of my ability. After all, when he gets up——

Mr. PRESIDENT: Mr. Humayun Kabir, will you finish your speech now?

Mr. HUMAYUN KABIR: No, Sir, I will take a few minutes more.

Mr. PRESIDENT: Then I think you had better stop now.

Mr. BROJENDRA MOHAN MOITRA: May I know, Sir, at what stage my Bill—the Advocates' Robes Bill—stands?

Mr. PRESIDENT: I made it quite clear that in view of the objection taken by the Hon'ble Minister in charge of the Judicial Department, under rule 6, sub-clause (*2*), I have got to refer the matter to the Governor. The rule runs as follows:—"If in the opinion of the President any question arises whether a Bill or amendment thereto is or is not a Bill or amendment which cannot be introduced or moved save with previous sanction, he shall refer the question to the Governor, and the decision of the authority—(namely the Governor)—which would have the power to grant the previous sanction, if it were necessary, shall be final." So the matter has to be referred to the Governor as the question has been raised by the Hon'ble Minister in charge of Judicial Department and we shall have to await the Governor's decision. So nothing can be done before the next non-official day.

Mr. BANKIM CHANDRA MUKHERJEE: Under rule 6(*3*), we find that—

Mr. PRESIDENT: I know sub-rule (*3*); but what is your point?

Mr. BANKIM CHANDRA MUKHERJEE: It is said there "notwithstanding the fact that the President has made no reference to sub-rule (*2*) if in the opinion of the Governor acting in his discretion——he may intimate to the President the fact" but here in this case the Governor has not intimated anything to the President and I think it is not the business of the Hon'ble Minister to refer it——

Mr. PRESIDENT: Mr. Mukherjee, I think you have not followed what I have said. There are three procedures: first, sub-clause (*1*) where we find that a Bill should be referred to the Governor for his previous sanction before it is placed in the list of business: the second is—under sub-clause, (*2*) if in the opinion of the President any question arises whether a Bill or amendment thereto is or is not a Bill or amendment which cannot be introduced or moved save with previous sanction, he shall refer the question to the Governor, and thirdly, under sub-clause (*3*) the Governor can take action whether the matter is referred to by the President or not. These are the three different procedures. Here we find that under sub-rule (*2*) of rule 6 the question has been raised by the Hon'ble Minister today on the floor of the House: so the President shall refer the matter to the Governor for decision. As regards the question put by Mr. Moitra my reply is—the matter has to be referred to the Governor. I have no other alternative and we shall have to await His Excellency's decision. So nothing can be done before the next non-official day.

The House stands adjourned till 1 p.m. on Monday next.

Adjournment.

The Council then adjourned till 1 p.m. on Monday, the 21st February, 1944.

Members Absent.

The following members were absent from the meeting held on the 18th February, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Nurul Amin.
(3) Rai Bahadur K. C. Banerji.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. K. K. Dutta.
(6) Mr. R. W. N. Ferguson.
(7) Khan Bahadur Abdul Gofran.
(8) Mr. J. McFarlane.
(9) Mr. N. N. Mookerji.
(10) Mr. T. B. Nimmo.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur Kazi Abdur Rashid.
(13) Dr. K. S. Ray.
(14) Khan Bahadur M. Shamsuzzoha.
(15) Dr. Kasiruddin Talukdar.

BGP-44/5-1587A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 10.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 21st February, 1944, at 1 p.m., being the tenth day of the First Session of 1944, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Census of babies and expectant mothers.

58. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether any census of babies and expectant mothers has been taken in any district of Bengal;

(*b*) what are the names of such districts;

(*c*) whether any such census has been taken in the district of Chittagong; if not, why not;

(*d*) whether the Government propose to take such census in future;

(*e*) whether it is a fact that the death-roll among the destitute expectant mothers and small children for want of proper milk-supply is great; and

(*f*) if so, what measures have been taken by the Government of Bengal to supply free milk to such destitute children?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) No.

(*b*) Does not arise.

(*c*) Not after 1941.

(*d*) No. The 1941 Census figures calculated by random survey are recent enough to give us reasonably accurate picture regarding babies and children. The number of expectant mothers can be calculated from the annual birth rate.

(*e*) Government have no positive information. It is not unlikely that there have been cases of death among destitute expectant mothers and small children. But it is not possible to say if the deaths were due to want of proper supply of milk.

(*f*) Free milk canteens are being run in many places for distribution of milk to destitute children, nursing and expectant mothers, directly by

Government and through the Friend's Ambulance Unit and also by the Indian Red Cross Milk Distribution Sub-Committee. Arrangements have been made to obtain very large quantities of milk powder and other milk products from abroad in view of the shortage of local milk-supplies.

Mrs. LABANYAPROBHA DUTT: Arising out of (*e*), will the Hon'ble Minister kindly let us know whether there have been any deaths of women destitutes leaving their babies uncared for in Calcutta and whether Government intend to start orphanages for these destitute children and take over the charge of their education and maintenance?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is quite possible; Government have already taken charge of destitute children's maintenance and education.

Mr. LABANYAPROBHA DUTT: Arising out of (*f*), will the Hon'ble Minister let us know whether free milk canteens have been started?

The Hon'ble Mr. TARAK NATH MUKERJEA: Large number of milk canteens have been started not only in Calcutta but all over Bengal.

Mr. LABANYAPROBHA DUTT: Will the Hon'ble Minister kindly give the names of places where these canteens have been started?

The Hon'ble Mr. TARAK NATH MUKERJEA: Hundreds of such canteens have been started and if the honourable member wants the name of any in particular I shall be glad to supply the information.

Mr. SHRISH CHANDRA CHAKRAVERTI: How many have been started in Calcutta?

The Hon'ble Mr. TARAK NATH MUKERJEA: I cannot give the exact number, probably about 25.

Mr. LABANYAPROBHA DUTT: What is the amount of tinned milk received from overseas and how much have been supplied to the destitutes?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Mr. K. C. ROY CHOWDHURY: Was the Hon'ble Minister present in Calcutta when infants were dying in Calcutta at the rate of 30 a day?

Mr. PRESIDENT: That question does not arise.

Minimum price of jute.

59. Mr. HARIDAS MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state if the Government are aware that—

(*i*) the Indian Jute Mills Association of Bengal have been receiving orders for hessian to the tune of crores of yards from the United States of America; and

(*ii*) the prices fixed by the Indian Jute Mills Association compare very unfavourably with the price of hessian at which the Association usually secures orders?

(*b*) If so, what steps, if any, do the Government propose to take to fix a reasonable minimum price of jute for the year 1944?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Khwaja Shahabuddin): (*a*) (*i*) The Government are aware that in March and June, 1943, the Indian Jute Mills Association received large orders for hessians from the United States of America.

(*ii*) The prices fixed by the U. S. Government for the June order were in accordance with the U.S. Government ceiling prices which were lower than the prices of hessian then prevailing in the Calcutta market

(*b*) The steps taken by the Government to fix minimum prices for jute for the season 1944-45 have now been announced.

Mr. HARIDAS MAZUMDAR: Do the Government propose to take steps to fix the maximum price of hessian?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, it is expected that maximum price of hessian would also be fixed.

Mr. HARIDAS MAZUMDAR: Sir, may I rise on a point of order?

Mr. PRESIDENT: What is your point of order?

Mr. HARIDAS MAZUMDAR: I shall ask your permission to say that this budget cannot be presented unless it is——

Mr. PRESIDENT: Let me first ask the Hon'ble Minister to present the budget, and then you rise on your point of order.

Mr. HARIDAS MAZUMDAR: Sir, my point is this——

Mr. PRESIDENT: You cannot rise on a point of order. There must be some item before the House.

Mr. HARIDAS MAZUMDAR: I have got the agenda, and it is in connection with this agenda that I want to raise a point of order.

Mr. PRESIDENT: You have got the agenda, but I have not yet called the Hon'ble Minister to present the Budget. When I call him to present the Budget, then you get up.

Mr. HARIDAS MAZUMDAR: All right, Sir.

Presentation of the Budget.

Mr. PRESIDENT: The Hon'ble the Finance Minister.

Mr. HARIDAS MAZUMDAR: Sir, I raise the question of the constitution of a Public Accounts Committee of the Bengal Legislature. Sir, I

purposely use the word "Legislature", because section 169 of the Government of India Act, 1935, expressly provides as follows——

Mr. PRESIDENT: But what is your point of order?

Mr. HARIDAS MAZUMDAR: I am coming to that, Sir. The reports of the Auditor-General of India or of the province as the case may be——

Mr. PRESIDENT: No, no. You cannot go on like that. Please come to the point at once.

Mr. HARIDAS MAZUMDAR: My point is that by the presentation of this report practically the rules Nos. 108 and 109 of the Council Procedure Rules are violated.

Mr. PRESIDENT: The Hon'ble Minister is presenting the Budget and not a report.

Mr. HARIDAS MAZUMDAR: In that case, I shall have to rise on a point of order. The presentation of the Budget also comes in this way——

Mr. PRESIDENT: No, I am afraid, it is not a point of order.

Presentation of the Budget Estimates for 1944-45.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I rise to present to the Bengal Legislative Council the estimates for the year 1944-45. The estimates were presented to the other House on Friday last and in the statement which I made on that occasion I had reviewed in detail the financial results of the working of the current year as well as of the budget proposals of the coming year. In accordance with the usual practice copies of that statement have since been made available to the honourable members of this House for their convenience. With that statement before them honourable members will, I feel, desire me to confine my observations in this House to the principal features of the estimates. In September last when presenting the budget for the current year I anticipated a revenue deficit of 7 crores, 36 lakhs. The revised estimates indicate that inspite of an improvement of 3 crores in revenue the deficit will be nearly 4 crores higher. This is explained by the increase in expenditure to the extent of close upon 7 crores. The principal heads which are responsible for this growth in revenue are Income-tax—Rs. 50 lakhs, Excise—Rs. 46 lakhs, Stamps—Rs. 40 lakhs, Forests—Rs. 25 lakhs, Registration—Rs. 20 lakhs and Other Taxes and duties—Rs. 20 lakhs. About the improvement under Income-tax I need not say much now; I will come to that later. The increase under Excise is due to the post-budget enhancement of rates of duty which has resulted in a larger revenue from greatly reduced consumption of excisable articles. The improvement under Stamps is distributed evenly between Judicial and Non-judicial. The larger yield from Forests is due to the heavier orders for timber from the Supply Department. The growth

under Registration is accounted for by a large increase in the number of registrations partly as a result of the infavourable economic situation. Finally under Other Taxes and Duties receipts from the Entertainments Tax, the Motor Spirit Sales Tax and the Raw Jute Tax are expected to be well above the original estimate. On the expenditure side there is an increase of 2 crores under Famine, 2 crores under Extraordinary charges, three-fourths of a crore under Jail, and half a crore each under Agriculture, Public Health and Irrigation. The increase under Famine is due to the special measures undertaken for the relief of the destitute from starvation and disease. Apart from the larger expenditure on gratuitous relief in the form of cash doles and free kitchens, the more important items responsible for the increase are Rs. 33 lakhs for temporary poor-houses and destitute camps, Rs. 53 lakhs for emergency medical relief centres and Rs. 40 lakhs for the free distribution of cloth and blankets amongst the destitutes. Under Extraordinary Charges the budget contained a provision of 3½ crores, representing the loss on account of the sale of subsidised foodstuffs to the public and Government employees on a small pay. The corresponding provision in the revised is Rs. 5 crores—an increase of a crore and a half. The balance of the increase under Extraordinary Charges is due to the expansion of the Department of Civil Supplies, and to the introduction of rationing in Calcutta and certain industrial areas. The extra expenditure under "Jails" is due to a large increase in prison population coupled with greatly increased cost of foodstuff, clothing, medicine and other contingencies.

The increase under "Agriculture" is due to larger expenditure on "Grow More Food" schemes mainly as a result of buying seeds in the current year for the "Grow More Food" campaign of 1944-45.

Under "Public Health", the increase is due mainly to the following additional provisions, viz., 13 lakhs under "Rural Water Supply" for the repair and resinking of tube wells in areas affected by epidemics; 14 lakhs under "Epidemic charges" for the control of cholera and small-pox; and 12 lakhs for free distribution of quinine.

The increase under "Irrigation" is due to larger outlay on the repair of the Damodar Left Embankment and other embankments damaged by flood.

Let me now turn to the capital head "85A" which, as I explained in September last, accommodates both charges and receipts in connection with the large scale trading operations which have had to be undertaken by Government. It was assumed when the Budget was framed that the unadjusted capital outlay at the close of the year would be a sum of 50 lakhs laid out for the building up of a reserve stock of salt. It is now estimated that over and above this, capital to the value of over 29 crores is likely to remain invested in stocks of foodgrains and sugar at the close of the current year. The requisite capital has been obtained from three sources: loans from the Central Government, cash credit advances from the Imperial Bank of India and Treasury Bills.

We have also had to obtain loans for our general ways and means purposes. The main items of Provincial indebtedness at the close of the current year are estimated as follows:—

	Crores.
Treasury Bills	15
Cash credit advance from the Imperial Bank	18
Loans from the Central Government for—	
(1) Ways and Means purpose	5½
(2) Purchase of foodgrains	2½
(3) Civil Defence expenditure	2
(4) Closing the breach in the Damodar Embankment	1
(5) Grow More Food schemes	¾
Total ...	45

Against this, as already explained, we shall be holding stocks, worth 29½ crores and a closing balance of 2½ crores, that is to say 32 crores in all. Our net uncovered indebtedness at the close of the current year will therefore stand at 13 crores.

I may add that since the estimates which I have spoken of were sent to the Press, intimation has been received from the Government of India that the divisible pool of income-tax, both this year and the next year, will be some 5½ crores greater than was anticipated by them at the end of December last. This means that Bengal whose share in the pool is 20 per cent. will receive an extra crore and 10 lakhs in each of these two years and our indebtedness will be reduced to this extent.

Let me now summarise the Budget proposals for the coming year.

It is estimated that revenue receipts next year will be about half a crore higher than the Revised—the increase being due to larger receipts from Income-tax. As I have already explained the estimates do not take into account the further accretion of a crore and ten lakhs under Income-tax just intimated by India.

Revenue expenditure in the coming year has been estimated at 2 crores less than the Revised. This is the net effect of a reduction of 3 crores under "Famine" and an increase of 1 crore under "Extraordinary charges".

The "Famine" budget has been framed on the assumption that the need for test works and gratuitous relief will greatly abate though intensive medical relief will have to be continued for some months in the coming year and poor houses and orphanages maintained till a comprehensive scheme of rehabilitation can be given effect to.

The increase under "Extraordinary charges" is due mainly to larger loss on the sale of subsidised food to the public and to a full year's provision for the Rationing scheme which came into operation in the closing months of the current year.

There are two items of additional expenditure included in the Budget which call for individual mention. One is a contribution of 5 lakhs to the Scheduled Castes Education Fund. The other is a provision of 16 lakhs for payment of subsidies to sugar mills in this province in order to enable them to pay cane-growers a minimum economic price of Re. 1 per maund against 12 annas which is all that the mills can afford to pay in view of the price fixed for sugar by the Sugar Controller on an all-India basis.

Under the Capital Head "85A" the net result of trading transactions will be a surplus of 17 crores over the capital outlay during 1944-45 as a result of the sale of the greater part of the stocks worth 29½ crores carried over from the current year. The value of stocks in hand at the close of 1944-45 is estimated at 12½ crores.

According to the estimates in the hands of honourable members our indebtedness at the close of the coming year is expected to be close upon 21½ crores, and it is made up as follows:—

	Crores.
Cash credit advance from the Imperial Bank	12
Loans from the Central Government for—	
(1) Ways and Means purposes	5½
(2) Civil Defence expenditure	2¾
(3) Closing the breach in the Damodar Embankment	1
(4) "Grow More Food" schemes	¼
Total ...	21½

Against this we shall be holding stocks worth 12½ crores so that our net uncovered indebtedness would amount to 9 crores. This, however, does not take into account the fact that our closing balance according to these estimates is a *minus* figure of 10½ crores. With the additional receipts from the Income-tax pool to which I have already referred, the closing balance will stand at *minus* 8½ crores. A negative closing balance, is, of course, not a workable proposition and we shall certainly require further accommodation sufficient to give us a working balance of at 2½ crores. This would involve the securing of further finances to the extent of 11 crores. A part of this we may hope to obtain when the new taxation measures put forward by Government are assented to by the Legislature. For the rest, we have asked the Government of India for a subvention, and I earnestly hope that assistance so patently necessary and urgently required will not be withheld, and I hope on this subject honouable members will not expect me to speak at great length. The object of presenting a negative budget and, therefore, of taking an unprecedented step is that I might thereby make it clear to the honourable members and to the Government of India what the true financial position is. Sir, I have briefly outlined for you the financial position and prospects of the Government of Bengal. The Government of Bengal expects

that the honourable members will assist us in the very difficult task of discharging the duties of administration in these circumstances.

Mr. HAMIDUL HUQ CHOUDHURY: Sir, are we going to have copies of the statement which the Hon'ble Minister has just made for facility of discussion?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, last September, I found that the practice in the Upper House was not to supply a printed copy of the statement made by the Hon'ble Minister as in the other House but simply to make a statement, and in fact, the speech that I have just made is a summary of my statement in the other House.

Mr. HAMIDUL HUQ CHOUDHURY: Sir, I think that even that short statement should also be made available to the members, so that within the shorter compass of discussion they can focus attention upon it.

Mr. PRESIDENT: I must observe here that whatever might have been the practice in the past, I think we must have our own practice henceforward. The Hon'ble the Finance Minister's statement as made in this House should be circulated to the members of this House. I do not think that this House should take note of what happens elsewhere. That is a practice which we should discourage rather than encourage.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I quite appreciate it, and I shall take steps to have copies of my statement made available to the honourable members.

Mr. HAMIDUL HUQ CHOUDHURY: Sir, there is another point. During the general discussion of the Budget, the Hon'ble Minister in charge should be present in the House throughout to give replies to our points that are raised on the floor of the House.

Mr. PRESIDENT: I think that can be assumed. I am sure the Hon'ble Minister will take note of this request.

The Hon'ble Khwaja Sir NAZIMUDDIN: We will follow the parliamentary practice that we have been following since the last 15 years.

Mr. PRESIDENT: One point in reply to the Hon'ble the Chief Minister's statement is that there is not much similarity between 1921 and 1935. Our rights and responsibilities have much increased under the Government of India Act, 1935, and we cannot go beyond 1937.

The Hon'ble Khwaja Sir NAZIMUDDIN: You knew, Sir, of this practice when you were in office.

Mr. PRESIDENT: The House stands adjourned till 1 p.m. on Thursday, the 24th.

Adjournment.

The Council then adjourned till 1 p.m. on Thursday, the 24th February, 1944.

Members Absent.

The following members were absent from the meeting held on the 21st February, 1944:—

(1) Khan Bahadur Nazirıddin Ahmad.
(2) Khan Sahib Nurul Amin.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. K. K. Dutta.
(6) Khan Bahadur Abdul Gofran.
(7) Mr. Mahomed Hossain.
(8) Mr. Humayun Z. A. Kabir.
(9) Maulana Muhammad Akram Khan.
(10) Mr. J. McFarlane.
(11) Mr. N. N. Mohalanabis.
(12) Khan Bahadur M. A. Momin.
(13) Mr. N. N. Mookerjee.
(14) Mr. T. B. Nimmo.
(15) Mr. R. S. Purssell.
(16) Khan Bahadur Muklesur Rahman.
(17) Khan Bahadur Kazi Abdur Rashid.
(18) Dr. K. S. Ray.
(19) Khan Bahadur M. Shamsuzzoha.
(20) Dr. Kasiruddin Talukdar.

BGP-44/5-1588A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 11.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 24th February, 1944, at 1 p.m., being the eleventh day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble SIR BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Obituary Reference.

Mr. PRESIDENT: Order, order. Honourable members of Council, it is the melancholy duty of the Chair to refer to the death of Mrs. Kasturba Gandhi. Her death is being mourned today all over the civilized world and it is only proper that this universal expression of regret should find its echo in this House also. Throughout her long married life Mrs. Gandhi shared the joys and sorrows of her illustrious husband and she played her part nobly as a wife. I am sure her life will be a source of inspiration to womanhood not only in India but throughout the world. If sorrow shared is sorrow soothed, then Mahatma Gandhi will find that millions of his countrymen share his bereavement.

I believe it is the desire of the House that a message of condolence on its behalf should be conveyed to Mahatmaji.

Mr. LALIT CHANDRA DAS: Yes, Sir.

Mr. PRESIDENT: I request the honourable members to rise in their places.

(Honourable members rose.)

Mr. SHRISH CHANDRA CHAKRAVERTI: May I suggest that the House should adjourn as a mark of respect to the memory of the illustrious deceased?

Mr. HARIDAS MAJUMDAR: I support this proposal whole-heartedly.

Mr. PRESIDENT: May I have the views of the Honourable the Leader of the House?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the House may be suspended for half an hour as a mark of respect to the deceased.

Mr. PRESIDENT: I think that would be quite proper. I, therefore, adjourn the House till 1-30 p.m. today.

(After adjournment.)

[When the House re-assembled after the adjournment, the Deputy President occupied the Chair.]

QUESTIONS AND ANSWERS

Scarcity of fish in Bengal.

60. Mr. HARIDAS MAJUMDAR: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) if he is aware that scarcity of fish in different parts of Bengal is being keenly felt;

(*b*) if he is aware that immature and spawning fishes are sold in large quantities in the markets;

(*c*) if it is not a fact that the Government are spending a big amount for the Fishery Department; and

(*d*) if the reply to parts (*a*) to (*c*) be in the affirmative, what urgent steps the Government propose to take to put a stop to the indiscriminate and unscientific destruction of fish fries and spawning fishes in the rivers of Bengal?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) Yes.

(*b*) Yes, certain quantities of immature and spawning fish are sold in the markets of Bengal.

(*c*) The Department of Fisheries, Bengal, was established in May, 1942 at an estimated annual expenditure of about Rs.54,000.

(*d*) Certain measures for the protection of *Hilsa* and Carp fisheries are already under the consideration of Government, but it has to be realised that for any legislative measures regarding the sizes of meshes and harmful methods of catching fish to be effective, precise data on the life histories, migrations and bionomics of the principal food fishes of Bengal have to be collected and this will take time.

Fish culture in jute and paddy lands.

61. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state if any special steps have been taken by the Government of Bengal to encourage and help fish culture in jute and paddy fields of Bengal? If so, what are they?

(*b*) Is it a fact that Bengal peasants may earn an additional income of five crores of rupees a year if they cultivate fish in these paddy and jute fields along with paddy and jute cultivation?

(*c*) Is it a fact that fish culture in paddy fields help growth of paddy to some extent?

(*d*) Is it a fact that fish grow rapidly in paddy fields?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) In 1943, the Director of Fisheries, Bengal, invited attention of the Indian public to the immense possibilities of fish culture in paddy fields in two articles and raised this point for discussion at the Rice and Fish Committee Meetings of the Imperial Council of Agricultural Research. Both the Committees accorded approval to his idea and recommended submission of schemes to the Director of Agricultural Production (Food), Government of India.

The Director of Fisheries, Bengal, carried out experiments and investigations on fish culture in paddy fields during the last paddy season and the data so far available indicate that in the *Abad* areas of Sundarbans paddy cultivation and fish culture can be successfully undertaken as correlative industries.

The Director of Fisheries, Bengal, delivered lectures to the landholders of the Sundarbans and the members of the British Indian Associations so as to induce them to culture fishes in their paddy fields. Several landlords evinced great interest in the subject and it is hoped large areas in the Sundarbans will be brought under fish culture in paddy fields during the coming season.

The Department of Agriculture, Bengal, has issued a leaflet on the subject (copy laid on the Table) in which attention of the cultivators is directed to the beneficial results that can be obtained by undertaking this new development in cultural operations. A coloured poster on the subject is under preparation.

The Director of Fisheries, Bengal, has submitted schemes for increasing fish production in the Sundarban *Abads* in which he has laid special stress on carp farming in the paddy fields. The schemes are under the consideration of Government and if they are approved financial help and technical advice will be made available to the would-be fish farmers in terms of "Grow More Food" campaign.

(*b*) Yes. From the experiments carried out on a small scale, an additional income of five crores to the cultivators from a subsidiary crop of fish does not seem to be improbable.

(*c*) Yes. It is roughly estimated that in China by culturing fish in paddy fields the yield of paddy has been increased by 10 to 15 per cent.

Experiments conducted by the Department of Fisheries show similar results.

(*d*) Yes. Under experimental conditions in small plots, young of *pona* fish, about ½ inch in length, grew to a weight of 4 to 6 *chhataks* in five months, while in larger areas the growth was 10 to 12 *chhataks* in a period of about four months. From some places ever better results have been reported.

Department of Agriculture, Bengal

Leaflet No. 5 of 1943

Agriculture and Pisciculture as Correlative Industries.

There is no gainsaying that fish like rice constitutes an important article of diet of the people of Bengal. But due to various causes fish has been getting more and more expensive every day and there is, thus, fear of vitality of the nation being impaired through the deficiency of such a nourishing food as fish. It, therefore, behoves every well-wisher of the country and the nation to find ways and means to increase the supply of fish.

It is, perhaps, not known to many that transplanted *aman* paddy and fish can be cultured simultaneously in embanked paddy fields as a correlative industry without entailing any great labour, expenditure or elaborate preparation. Young of *pona* fish, such as Rohu, Catla, Mrigal, Calbasu, Bata, etc., can be cultured even by the poorest cultivator at a small cost as it should fetch him a handsome return. Though in paddy-*cum*-fish culture, the yield from individual plots may not be great, it should be remembered that paddy covers nearly 90 per cent. of the cultivated area in this Province, a fairly good proportion of which is such as is not flooded during the rains. If a number of cultivators were to take to this enterprise, the aggregate produce of fish as a by-product of paddy cultivation would run into several lakhs of rupees. The fish produced in the paddy fields would, at the same time, go a long way in solving the fish-food problem of the Province.

Experiments have shown that if one or two inches long fry of the selected types of fishes be stocked in the standing water of the *aman* paddy fields as soon as transplantation of seedlings is over in July they would grow to 9 or 10 inches in the course of 3 or 4 months when water in the paddy fields begins to dry up. Sold at that stage the fish would fetch a profit of about 15 times of the capital outlay. But if, instead of selling off at that stage, they be transferred to some big pond, the profit would easily amount to much more. The fry can also be reared for a month or so before transplantation in trenches dug around the paddy fields, if possible, and they can thence automatically spread to the paddy fields when the entire area goes under water or recede into them when waters fall low.

The movements and ground-feeding habits of certain fish, by preventing formation of crust on the surface of soil, promote tillering of paddy and thus ultimately increase its yield. The presence of fish also prevents excessive growth of aquatic weeds and algæ. Some of the insect pests of paddy form a delicious food for fish and thus their growth is kept in check. The paddy crop also benefits from the excrements of fishes which serve as manure.

It would thus appear that agriculture and pisciculture can be taken up as correlative industries and each benefits the other. If fish be cultured in suitable paddy fields, the entire area of the field would form an extensive grazing ground for the fish. Free running about over long distances greatly accelerates growth and development of fish.

It has already been stated that the fish should either be sold when the water in the paddy fields begins to dry up or preferably transferred to some other big reservoir. There is great advantage in rearing fry in shallow waters of paddy fields which can thus serve as nurseries.

As large tanks required for the further fattening of the fishes from paddy fields are not easily obtainable, trenches recommended above for the culture of young fishes before the transplantation of paddy can be used for rearing fishes when the fields dry up. The excavation of such trenches, indeed, entails some expenditure but their advantages far outweigh the cost. The advantages of the trenches are:—

(*i*) The earth of the trenches would form high embankments around the paddy fields thereby facilitating ingress and egress of water, as required, for the benefit of both paddy and fish. This will also make it possible to cultivate different seasonable vegetables or fruits like pineapple and banana, on the embankments, thus augmenting the income of the cultivator.

(*ii*) The water of the trenches can be used to irrigate crops grown in the fields or on embankments, as and when necessary.

(*iii*) The trenches and embankments would protect crop against thieves, grazing cattle and also rats.

(*iv*) Deep water *aus* or *aman* paddy can be cultivated in the trenches, thereby adding to the income of the cultivator.

(*v*) The high embankments would check erosion of soil, thereby preventing the loss of its fertility and also enriching it by arresting the washing from other areas.

(*vi*) By erecting *machans* over the trenches, it would be possible to grow some climbing vegetables, like gourd, pumpkin, sponge gourd, cucumber, bean, cowpea, etc., and this would increase the income of the grower.

It would thus appear that paddy-*cum*-fish culture, if conducted with a little bit of intelligence, is profitable in more than one ways. In Bengal besides *aman* paddy, low-land jute also grows in standing water. If the jute fields are properly embanked, fish can be cultured there as well. In these hard days when the Province is in the midst of an acute food crisis, if the agricultural community be alive to this new enterprise it would not only greatly add to the supply of a nourishing food like fish but also considerably better the rural economy of the country.

Mr. KADER BAKSH: Is it the opinion of the Hon'ble Minister that only the paddy lands near the Sundarbans are fit for fish cultivation and no other area in Bengal?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Experiments have been conducted in the Sundarban areas and in no other place. So it cannot be said that the other areas are unfit. I am unable to give a definite reply to the question.

Mr. KADER BAKSH: Is the Hon'ble Minister aware that fish is more scarce in the Rajshahi Division than in other parts of Bengal for want of

rivers and *dobas* and *bils*; and so it is desirable that more attention should be paid to the cultivation of fish in the Rajshahi Division than in other parts of Bengal?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May be, the Rajshahi Division is very bad in respect of fish; but we have got a very limited staff. We have to remember that the Department has been started with only 4 District Officers, 2 have been appointed and 2 yet to be appointed. If they have got to cover the whole province, they have to start from one place. If they roam about throughout the whole province, no substantial results can be obtained. We have a mind to spread the work in other areas as well.

Mr. KADER BAKSH: Is it in the contemplation of the Hon'ble Minister to make experiments in the Rajshahi Division in the nearest future? If so, how long after this experiment will be taken up?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Experiments in the Sundarbans have already been started. Experiments in other areas will be started: but how long it will take, I cannot say that definitely.

The Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944, be taken into consideration.

Mr. DEPUTY PRESIDENT: Motion moved: that the Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944, be taken into consideration.

(The motion was agreed to.)

Clause 1.

Mr. DEPUTY PRESIDENT: Clause 1 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. DEPUTY PRESIDENT: Clause 2 stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. DEPUTY PRESIDENT: Clause 3 stand part of the Bill.

(The motion was agreed to.)

Clause 4.

Mr. DEPUTY PRESIDENT: Clause 4 stand part of the Bill.

(The motion was agreed to.)

Preamble.

Mr. DEPUTY PRESIDENT: The title and Preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, this is a very simple Bill. There is a provision under section 8 of the Coroners Act, 1871, and under section 174 of the Code of Criminal Procedure, 1898, that in all cases of death by accident there should be an inquest by a Coroner and an investigation by a Police Officer. Sir, in cases of deaths from bombing by the enemy, it has been found that there have been so many deaths at a time that it has become impossible to hold an inquest and an investigation in time so as to dispose of the dead bodies quickly. Indeed, it is hardly necessary at all to have an inquest or investigation in these cases, because the real object of this inquest is to find whether there has been foul play or not. In these cases everybody knows that there has been no foul play and there is no necessity at all for an inquest or investigation. So this Bill seeks to provide that no inquest or investigation would be necessary in cases of deaths on account of enemy action. This is all that is provided for in this Bill, and I hope the House will accept it, and the Bill as settled in the House will be passed into law.

Mr. DEPUTY PRESIDENT: Motion moved: that the Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944, as settled in the Council, be passed.

Mr. DEPUTY PRESIDENT: The question before the House is: that the Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944, as settled in the Council, be passed.

(The motion was agreed to.)

Mr. DEPUTY PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 25th February, 1944.

Members Absent.

The following members were absent from the meeting held on the 24th February, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Fariduddin Ahmed.
(3) Khan Sahib Nurul Amin.
(4) Rai Bahadur K. C. Banerjee.
(5) Mr. Hamidul Huq Chowdhury.
(6) Mr. Humayun Reza Chowdhury.
(7) Khan Bahadur Abdul Gofran.
(8) Mr. M. R. Jaipuria.
(9) Mr. Humayun Z. A. Kabir.
(10) Maulana Muhammad Akrum Khan.
(11) Mr. J. McFarlane.
(12) Mr. N. N. Moholanabish.
(13) Mr. N. N. Mookerjee.
(14) Mr. T. B. Nimmo.
(15) Mr. R. S. Purssell.
(16) Khan Bahadur Kazi Abdur Rashid.
(17) Khan Bahadur M. Shamsuzzoha.
(18) Dr. Kasiruddin Talukdar.

BGP-44/5-1589A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 12.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 25th February, 1944, at 2-15 p.m., being the twelfth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Bengal Mining Settlements Act.

63. Mr. MOAZZEMALI CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state when he proposes to take up the amendment of the present Bengal Mining Settlements Act?

(*b*) Are there any provisions in the present Bengal Mining Settlements Act regarding the application of the fund of the Asansol Mines Board of Health? If not, why not?

(*c*) What are the functions of the Asansol Mines Board of Health?

(*d*) Is there any provision in the present Act of the Board for this purpose?

(*e*) Have the Government received any suggestion from the Asansol Mines Board of Health to convert the said Board into an Industrial Board and to impose taxes on other industries in the Asansol Mining Settlements? If so, how far do the Government propose to take up these matters?

Mr. BIREN ROY, Parliamentary Secretary (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) The question of amendment of the present Mining Settlements Act has already been taken up and views of different interests received in this connection are now under consideration of Government.

(*b*) No.

(*c*) The powers and functions are as specified in rules 41 to 60 of the Rules made under section 11 of the Bengal Mining Settlement Act, 1912 (*vide* notification No. 3591Com., dated the 11th September, 1916).

(*d*) The honourable member is referred to sections 6 to 8 of the Bengal Mining Settlements Act, 1912, and the rules framed under section 11 of the said Act and published with Notification No. 4100, dated the 19th August, 1913.

(*e*) No proposal from the Asansol Mines Board of Health for its conversion into an Industrial Board has been received by the Government. The Divisional Commissioner, however, forwarded a proposal of the Board, for imposition of taxes on certain industries within the mining settlement. This is under consideration of Government.

Mr. HARIDAS MAZUMDAR: Will the Parliamentary Secretary be pleased to state how long this proposal has been under the consideration of Government?

Mr. BIREN ROY: For the last one year.

Mr. HARIDAS MAZUMDAR: Will the Parliamentary Secretary please state why the answer to the latter portion of (*b*) of this question has not been given?

Mr. BIREN ROY: It has not been answered because an amendment to the Act is being drafted and as soon as that is done, there will be provision for such application.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Parliamentary Secretary please state whether Government think that an amendment of the Act is essential?

Mr. BIREN ROY: Because the Government think it to be essential that is why the amendment of the Act is being drafted. The question has I think been already answered.

Financial position of the Central Co-operative Bank in Bengal.

64. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state what measures have been adopted by the Government of Bengal to improve the financial conditions of the Central Co-operative Bank in Bengal?

(*b*) Have any Co-operative Commission shops on the lines of those started in the Punjab been established in Bengal? If so, what is their number?

(*c*) Have any consumers co-operative societies been started in Bengal for the sale and distribution of foodstuff and other necessaries of life? If so, what is their number and in what districts have they been started?

(*d*) Has any co-operative society for the manufacture of (*i*) salt, (*ii*) sugar, and (*iii*) hand-made paper been formed in Bengal? If so, where and how many have been formed? If not, why not?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Jogendra Nath Mondal): (*a*) Establishment of Central Bank Special Debt Settlement Boards for the liquefication of frozen assets; material reduction in the rate of or suspension of interest on deposits; reduction in the cost of management; and lately introduction of side-business in controlled commodities and standard cloth.

(*b*) No.

(*c*) Yes: 200 in all the districts of Bengal, including Calcutta. The majority of Central Banks and important Urban Banks and multi-purpose societies have also lately opened Stores Sections.

(*d*) (*i*) No. Manufacture of salt as a cottage industry has been permitted only from April last as an experimental measure. The possibilities of organising co-operative societies will be examined when the industry has worked for a sufficient period and definite results have been ascertained.

(*ii*) Three, one in each of the districts of Malda, 24-Parganas and Pabna.

The society in Malda only has got its sugar mill which, however, is not working now on account of certain disadvantages, the chief being the open pan system.

In Pabna and 24-Parganas no mill has been established yet.

(*iii*) No. In normal times hand-made paper cannot compete with mill-made paper and the industry is fast declining.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state whether due to the scarcity of mill-made paper now a days, hand-made paper is in great demand in the market?

The Hon'ble Mr. JOGENDRA NATH MONDAL: Yes, of course.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state then what steps Government have taken as war emergency measure to help the production of hand-made paper and the growth of that industry in Bengal?

The Hon'ble Mr. JOGENDRA NATH MONDAL: It does not relate to my department. But I may say that Government are taking every possible measure to facilitate the manufacture of hand-made paper.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state why no commission shops have been established in Bengal?

The Hon'ble Mr. JOGENDRA NATH MONDAL: The matter is under investigation and if it is considered fit and suitable the department will take up measures for establishing such commission shops.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state if such commission shops have been very successful in the Punjab?

The Hon'ble Mr. JOGENDRA NATH MONDAL: I have very scanty information about that. But so far as our information goes, there has been some amount of success in the Punjab; but in Bengal it is said that the possibility is not such as in the Punjab.

Mr. HARIDAS MAZUMDAR: Sir, under rule 18, Friday, is set apart for non-official business but from today's agenda we find that it has been taken up for Government business. So my request is that you will kindly see that we get an extra day for non-official business.

Mr. PRESIDENT: During the budget session it is usually taken for Government business. As many members want to express their views on the budget, it is the practice to appropriate a non-official day for the discussion of the budget.

Mr. HARIDAS MAZUMDAR: But during the last session we got an extra day as we had very little time for the discussion of non-official business. I submit, Sir, that if this facility of discussing non-official business is curtailed, it will cause a great hardship. So I would request that another day may kindly be allowed for the discussion of non-official business.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I think this will be a very long session and the number of non-official days is likely to be sufficient for discussion of non-official business. Even so, if at the end of the session, members want to have an extra day, that may be considered at that time.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, we have had practically no day for discussion of resolutions this session. I think we had only one day for resolutions so far. Therefore, I would request that sufficient days may be allotted for the discussion of non-official resolutions. In view of the fact that it relates to a valued privilege of the members, I hope the Hon'ble Leader of the House will consider this aspect when fixing days for the transaction of non-official business.

Mr. PRESIDENT: I hope in view of what has fallen from some members Government will consider this point.

Presentation of Supplementary Estimates of Expenditure for 1943-44.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I beg to present the Supplementary Estimates of expenditure for the current year.

Additional funds are required under as many as 22 different major heads and the total amount involved is 36 crores and a quarter.

The largest individual demand amounting to 29¼ crores is under the capital head "85A". As I have already explained in my Budget Statement before this House, it was originally anticipated that the unadjusted capital outlay on Government's procurement operations at the close of the current year would be a sum of 50 lakhs laid out for the building up of a reserve stock of salt. It is now estimated that over and above this, capital to the extent of 29½ crores will remain invested in stocks of food grains and sugar.

Under "Famine", the original budget provision of 3½ crores is likely to be exceeded by 2 crores 13 lakhs. Apart from larger expenditure on gratuitous relief the more important items responsible for the increase are 33 lakhs for temporary poor houses and destitute camps, 53 lakhs for emergency medical relief centres and 40 lakhs for the free distribution of cloths and blankets among destitutes.

Under "Extraordinary charges", the Budget contained a provision of 3½ crores representing the loss on account of sales of subsidised foodstuff. This loss is now estimated at 5 crores—an increase of a crore and a half. Some extra expenditure is also involved in the expansion of the Department of Civil Supplies and the introduction of rationing in Calcutta and certain industrial areas. The aggregate supplementary demand under "Extraordinary charges" amounts to a little over 2 crores.

The extra demand under "Jails" amounts to 78½ lakhs. It is due to a substantial increase in prison population coupled with the increased cost of foodstuffs, clothing, medicine and other contingencies.

Under "Agriculture", the original budget provision of a crore and 34 lakhs requires augmentation by 59⅓ lakhs. The increase is due mainly to larger expenditure on "Grow More Food" schemes as a result of advance purchase of seeds for distribution in the coming year.

Under "Public Health", the additional requirement amounts to 41¼ lakhs. This includes an extra 13 lakhs under rural water-supply for the provision of tube wells in areas affected by epidemics; 14 lakhs under epidemic charges for the control of cholera and small-pox; and 12 lakhs for the free distribution of quinine.

The extra demand under "Irrigation" is 32¾ lakhs. This is necessitated by larger outlay on the repair of the Damodar left embankment and other embankments damaged by flood.

It is not necessary for me to tax the patience of the House by a racital of the reasons for the demands under the remaining heads which are comparatively small.

Honourable members will find the reasons set forth fully in the Explanatory Memorandum under each demand.

Mr. HARIDAS MAZUMDAR: On a point of information, Sir. I find from the "Explanation of excesses", that the excess under the first item was due to a larger number of cases of obligatory commutation of pensions towards the close of the year——

Mr. PRESIDENT: Order, order. Mr. Majumdar, today is the Presentation of Supplementary Estimates, 1943-44. You may raise the matter when it will be actually discussed.

Mr. HARIDAS MAZUMDAR: Very well, Sir.

Presentation of Demand for Excess Expenditure.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I beg to present to the Bengal Legislative Council the demands in respect of expenditure incurred in excess of grants and appropriations in 1941-42.

The voted grant was exceeded under three heads, viz., (*a*) Forest; (*b*) Ports and Pilotage; and (*c*) Interest-free advances.

The charged appropriation was exceeded under two heads, viz., (*a*) Superannuation allowances and Pensions, etc., and (*b*) Extraordinary Charges.

The reasons for the excess expenditure have been set forth fully in the memorandum which has been placed in the hands of the honourable members.

General discussion on the budget.

Mr. HARIDAS MAZUMDAR: Sir, I do not really feel happy as I cannot congratulate the Hon'ble Finance Minister, Mr. Goswami, on the budget presented by him on the 21st instant. The budget as a whole is a budget of desperation,—a drowning man's budget,—clearly the product of a perplexed mind. If I am permitted to say so—it is a Ministry-saving budget instead of being a nation-saving one.

Before discussing the budget, I am under the painful necessity of asking the Government through you, Sir, whether the Government is really serious in having the view of this House on the annual financial statement. Sir, from experience in the past I find that criticisms and suggestions that have been offered in course of the annual discussion of the budget have never been seriously considered by the Government, as will appear from the fact that grievances of this House in particular have not yet been redressed though times without number such grievances are being placed before Government. Sir, credit must be given to Mr. S. C. Mitra, the late President, who by his persistent demand on behalf of the House got at least the principle of inclusion of one of the members of the Upper House in the Cabinet accepted. Sir, a Cabinet consisting of 13 Ministers and an equal number of Parliamentary Secretaries has got only one Minister and one Parliamentary Secretary from the Upper House.

To my mind it is callous neglect of the claims of the rights and privileges of this House in not being given due share in the Council of Ministers and in the appointment of the Parliamentary Secretaries. I cannot but impress on the Government and through you, Sir, on His Excellency the Governor to consider it seriously whether in the formation of the Cabinet at least one Hindu and one Muslim should not be taken from the Upper House. So long as it is not done, it will remain a perennial source of grievance to this House particularly to the Hindus for the present.

Sir, next I come to the question of the appointment of the Public Accounts Committee of this House. Sir, this question is hanging fire for the last several years before the Government and it appears that the Government for reasons best known to them are not prepared to comply with the demand of this House. Sir, the Government of India Act, 1935, and the rules made thereunder do not in any way preclude the appointment of a Public Accounts Committee consisting of members of this House.

I challenge the Government to quote any section of the Government of India Act, 1935, or the rules made thereunder, which directly or indirectly debar this House from appointing a Public Accounts Committee of its own.

A Public Accounts Committee is nothing but a select committee of the Legislature to examine whether money voted upon by the Legislature has

been spent for the purposes for which sums were granted to the Government. Sir, we are not demanding that we should vote on the demand for grants, a power which has not been given to us by the Constitution Act. We concede that this power of voting on demand rests in another place but once the sums are voted upon for a particular item of expenditure, I do not see that there can be any ban on this House to criticize the action of the Government in not spending such sums of money as were voted upon for particular purposes by the Legislature or diverting them to other purposes. Further, the rules and the procedure framed under section 84 of the Government of India Act, 1935, lay down clearly that the report of the Public Accounts Committee shall be placed before the Provincial Legislature and it clearly means that this House has got the right to discuss and criticise such reports.

Sir, the ordinary convention is that reports of Committees appointed by the other House even when placed before this House should not be criticised by this House as it will mean casting reflections on the members of the other House. There can never be any doubt that rules 108 and 109 were framed with the clear objective that this House shall have a Public Accounts Committee of its own and that the reports of such Committee shall be placed before the House for the purpose of criticism and discussion.

In this connection, I cannot but accuse the Government of a partiality for the other House and a bias against this House so far as this matter is concerned.

Sir, this House demanded the appointment of a Public Accounts Committee of its own. The Privilege Committee of this House in unmistakable terms recommended the appointment of such a Committee. Sir, the late Mr. S. C. Mitra who occupied the chair before you actually appointed a Public Accounts Committee of this House but that Committee was never allowed by Government to function. Later on, the question was being shelved by the Government but the alertness of the members of this House forced the Government again to bring back the question before the House. Sir, a Public Accounts Committee of the Upper House is not *ultra vires* of any section of the Government of India Act and any rules, as has been pointed out. As such, I hope and trust that the Finance Minister should come with a definite and concrete proposal laying down the procedure and manner in which a Public Accounts Committee of this House should function. If, however, no such concrete proposals are forthcoming from the Government, this House will then be forced to have recourse to steps which might not be very comfortable for the Government.

I am now going to deal with the budget which has been presented by the Hon'ble Finance Minister. Sir, its true character is realised only when it is remembered that out of a total expenditure of 30 crores 43 lakhs, 7 crores and 86 lakhs comprising the three items of Famine relief—2 crores 61 lakhs, increase under Public Health 25 lakhs, and losses on Civil Supplies Department's trading operations in selling rice cheaper than at the cost price—5 crores, represent actual expenses for relieving the famine-stricken. This is roughly 23 per cent. of the total Budget at a time when famine and its

horrible aftermath of diseases are estimated by the Anthropological Department of the Calcutta University to have carried away 35 lakhs of people; while the number of those who are still hovering between life and death and those who have been undernourished for months and have sold their all must be legion. It is this lack of a sense of proportion and a sense of reality more than any lack of resources which is in a large measure responsible for the failure of the Government to tackle the gigantic problem of last year's famine and prevent its continuance, though in a milder form, at present.

Unless we awake to the stern reality of the situation and make a supreme effort even now, the Bengalee race, save and except a small section of wealthy people, will be extinct. How long can the poor *Bhadralogs*, among whom our Vidyasagars and Gurudases are born, carry on with rice selling at Rs. 16 as against the pre-famine price of Rs. 4? How long can our non-agricultural labourers like weavers and *muchis*, ground down by machine-made products,—the former losing a small privilege under the uniform sale tax of an uninformed Finance Minister—remain in the land of the living with half ration and quarter ration? How long can our fishermen struggle—men from whom boats, the only means of their livelihood, were taken away by the over-zealous Government? Is there any item in this budget for their relief? Will not the vast army of precariously employed landless labourers whose ranks have now swelled inordinately by the sale of small plots of land fall dead even if the present rate of rice prevail, not to speak of a higher price? These people constitute 90 per cent. of the Bengalee population. How can we save them? What plan should we adopt as practical men meaning business? To achieve our purpose a re-orientation of outlook is necessary and many of our cherished ideas have to be discarded. The need of the hour is not tinkering with the problem of budget-making, patching up here and there or adding and subtracting a few thousands but a thorough recasting of the budget with the sole object of saving the nation. A potent cause of the famine is excessive provincial taxation carried on for decades. Romesh Chandra Dutt, who with Ranade and Gokhale forms the trio of pioneers in economic investigations in this country, wrote in his essay on "Famines in India" published in 1897 in the Fortnightly Review of England: "But more important administrative measures are needed to rescue the agriculturists of India from their chronic state of poverty and indebtedness. The first and the most obvious means of improving their material conditions is a reduction of the public expenditure, and a corresponding reduction of the taxes which press heavily on those classes. All Indian administrators within the last quarter of a century have contemplated with something akin to alarm the steady growth of taxation". In Lieutenant Governors' days our annual budget was below 7 crores. The actual figure for 1910-11 is 6 crores 45 lakhs and 46 thousands. Even so late as 1930-31, 1931-32, 1932-33, 1933-34, it was roughly 9 crores. Do we live in a better Bengal than in the past? Most of our departments are do-nothing and are kept up to provide people with jobs. For example, the Agriculture Department which now accounts for an expenditure of 1 crore 30 lakhs and 26 thousand has

added to its heritage of supine inactivity the present record of spending colossal sums of money on the "Grow More Food" campaign with results not very tangible. This Department, in spite of strong agitation in the Press for years, has been unable to restore cultivation of mustard seeds in Bengal to its former position of 40 years ago when the province was self-contained in respect of this article and we had not to export annually a fabulous sum of money to other provinces for mustard oil coming here. In consequence a prosperous oil-mill industry consisting of 80 mills in Calcutta and 30 in Howrah, almost all owned by Bengalees, has been ruined. The competition of mustard oil from Cawnpore and Bihar has stopped the village 'ghani' and has thrown out of employment our *Kalus* and *Telis* whose number, according to the census of 1931, was 3 lakhs 65 thousand. A very large number of Muhammadans did this work of working 'ghanis' in East Bengal. I may be permitted to point out here that in 1938, I, as the Honorary General Secretary of the United Bengal Association of which Sir P. C. Ray is the Chairman, had occasion to draw pointed attention of the Government to this matter but in vain. Wagon scarcity has occurred since the beginning of the present war which is now 4½ years old, and if the Agriculture Department took a little care in this long period, mustard seeds would have been cultivated in plenty and we would not have to buy mustard oil at Rs. 1-8 per seer now. The Jute Regulation scheme employed an army of men in the past but the jute acreage has generally been fixed at such a figure as would not have been exceeded even if there were no scheme at all. This year the acreage has been fixed at the same figure and this has been described by Sir Shafaat Ahmad Khan, Indian High Commissioner in the Union of South Africa, to be one of the causes of this famine. The whole thing is a huge fraud upon the public to show that something is being done in response to the popular demand: that jute cultivation should be so restricted as to ensure a fair price to the grower. The proof of the pudding lies in the eating. The result is that in regard to 1942 crop 35 seers of jute sold at Rs. 14-10 while 100 yards of hessian requiring the same quantity of jute for manufacture sold at Rs. 26. The present rates fixed by the Government are Rs. 15 to Rs. 17 for raw jute while the ruling price of hessian is Rs. 28-8: so that, quantity for quantity, the grower is getting in Calcutta Rs. 14 and the mills Rs. 28-8. The Finlow Committee of Jute Enquiry compiled a table showing the disparity between the prices of raw and manufactured jute over the years 1920-21 to 1931-32 and the ratio was the same then as now. If the lot of the jute growers, 90 per cent. of whom are Muhammadans, cannot be improved on account of the opposition of mainly British Jute interests on either side of the Hooghly though successive Muslim League Ministries have been in power, why this expenditure for carrying out a jute restriction scheme signifying nothing? This is provincial autonomy with vengeance! The Agriculture Department, with "sweet records and promises as sweet", was given 1 crore 35 lakhs last year and is given 50 lakhs this year for the "Grow More Food" campaign. The result has been a big zero in the past and will not be commensurate with the heavy expenditure in future. Rather, instead of more food, political weeds will be grown throughout the province by offering State-aid to those

voters who support the M. L. As. and M. L. Cs. of the party of the present Cabinet. In Bengal land has for some time been accumulating in a few hands of agriculturists. The famine has accelerated the process. This new development has to be recognised by all well-wishers of the province and the sympathy which we formerly felt for the agriculturist has now to be transferred to the landless labourer. It was found during the terrible famine months that in Barisal while people died by thousands, a class of land-owning agriculturists was selling hoarded rice at fancy prices and buying *sandesh* and *rasagolla* and hilsa fish in every *hat* in an unprecedented measure. It is this class which, along with others, is now hoarding rice and does not allow the price-level to come within easy reach of the poor and middle-classes. The seeds distributed under the "Grow More Food" scheme will in most cases go to benefit the prosperous agriculturist who can very well take care of himself.

The Co-operative Department takes Rs. 17 lakhs 19 thousand this year. The past record of this department is dismal. Co-operative credit system, so full of promise in a poor country, has failed completely in Bengal on account of the inefficiency of the administrative machinery. Most of the Co-operative Societies and banks are in a frozen condition. In the past the Department got large sums of money from the Imperial Government for improvement of the hand-loom weaving industry. The result, however, was so marvellous that Bengal before famine was flooded by Cauvery *sarees* of Madras where weavers have been taught new designs for borders and new methods of dyeing. Cannot the hereditary Bengali weaver, the *zola* and the 'tanti' whose products once carried favour with the ladies of ancient Rome and the daughter of the Emperor Aurangzeb, learn what his Madrasi brother can? Here, in appointing organising officers in connection with the Central Government's project meticulous care was taken to maintain the Muhammadan ratio with the result that weavers of whom more than 50 per cent. are Muhammadans have been languishing for years before the famine.

Education, which is our second largest item of expenditure of normal times, is being carried on on the principle of robbing Peter to pay Paul. By far the major portion of the provincial revenue comes from the toiling millions. All avenues of taxing the rich, such as the Income-tax and Super-tax, fall within the territory of the Central Government. What right have we to spend a disproportionately large amount on Secondary and Higher education which are not partaken of by poor masses while primary education is sadly neglected? The result of spending the hard-earned money of the tiller of the soil, the fisherman, the potter, the blacksmith and the shoe-maker, is the none too inspiring spectacle of the educated unemployed described by Sir Tej Bahadur Sapru as "learned beggars". The amount budgeted for the education of the Scheduled Castes, however insufficient it may be, should be spent. The plan is beautiful but if the building be not raised no useful purpose will be served. Education of tribes, 19¼ crores in number, according to the 1941 census, should be specially provided for.

The Industries Department sometime ago claimed to have trained a number of youths in handicrafts and made them bread-winners. The *Ananda Bazar Patrika* proved to the hilt that the claim was a myth.

The Civil Supplies Department takes one crore and 48 lakhs exclusive of 5 crores on account of rice selling at a loss. Of all culprits, this Department is the most guilty. Why has it evolved the system of appointing contractors with heavy commission bills and godown charges and valuable stocks spoilt for bad storage? I would never tire of pointing out to this House that only 150 miles from here the Government of Bihar is securing immense quantities of rice through the instrumentality of Government officers with Government money keeping the stocks in the godowns of the merchants at their risks. Last year in all towns it maintained an adequate number of controlled shops which were under the supervision of the local gentry and were the very model of efficiency and honest management where buyers had not to wait for more than half an hour, while in Calcutta poor buyers had to wait sometimes for eight hours at night in the midst of a downpour of rain. Sir Thomas Rutherford said on the 7th September, in regard to Calcutta controlled shops:—

> "Retailers in controlled shops played a dirty game of keeping back a portion of their supply received from Government for sale at the back door at enhanced prices."

It is a farce of control right through. The late Mr. David Yule of Messrs. Andrew Yule & Co., whose sympathy for the children of the soil is still famous and one of whose relatives George Yule was one of the founders of the Indian National Congress, said to an Indian friend at a time when not a single Indian-owned jute mill existed, that Indians would prove their fitness for Self-Government if they could manage a jute mill. If that gentleman were alive to-day, he would be glad to find that Indians managed a number of jute mills and some with machinery manufactured by themselves. Now, judged by this standard what will be the estimate of a Government which could not for months and months manage controlled shops of which the number in those days never exceeded 200 in Calcutta? And this department comes here and asks unabashed for the modest sum of Rs. 6 crores and 48 lakhs! There is a saying among jail birds that if one wanted to send 2 annas to a prisoner in jail one must send a rupee, the 14 annas being meant for 7 intermediaries within the prison through whom the money must pass. I have just a suspicion that of every rupee spent by the Civil Supplies Department, the famine-stricken for whose benefit 5 crores have been set apart by the present budget to cover loss on account of trading operations will not get more than 2 annas in the rupee.

The Police Department takes Rs. 3 crores 2 lakhs and 8 thousand During Lieutenant Governors' days in 1910-11, it was Rs. 84 lakhs 75 thousand. Has the efficiency of the department been such as to warrant this increase? As soon as the maximum prices of rice were fixed last year rice stocks disappeared in Calcutta the second city of the Empire which has to pay a heavy police bill. Our guardians of Law and Order could not track the hoarder and profiteer and could not unearth the stocks that went underground. The example was followed by other towns and people died by thousands. One cannot imagine how things could be worse if there were no police or only half the present strength of the police. Now spoilt rice is

reappearing at Dacca and elsewhere to the tune of lakhs and lakhs of maunds to be sold for the consumption of animals and worse than that the landless beggars.

The administrative machinery in Bengal has been so defective for some time and specially during the famine that to place large sums of money in the hands of the present executive is not only to waste hard-earned money of the poor but to let loose those forces of corruption which will make bad situation worse. The "Statesman" wrote on the 23rd September last, "We say with deliberation that the present famine constitutes the worst and most reprehensible breakdown in India since the political disorders of 1930-31". It again wrote on the 13th January last, "The local civilian shows up badly in comparison" with the military in bringing succour to the distressed. The Governor of the Central Provinces recently referred in clear and unambiguous language to the administrative inefficiency in Bengal. So, why bleed the poor tax-payer on the ostensible plea of relieving him? This is something like drawing blood out of the veins of a weak, diseased man, dropping a considerable quantity outside and then injecting the remainder into the body of the same person.

The present famine is to a considerable extent due to the heavy and ever-increasing burden of provincial taxation carried for decades chiefly by the poor and middle classes and in this process——

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Is it not necessary that the Hon'ble the Finance Minister should be present in the House to listen to our remarks?

Mr. PRESIDENT: He has left the House and will come back soon.

Mr. AMULYADHONE ROY: Did he take your permission?

Mr. PRESIDENT: Yes.

Mr. HARIDAS MAZUMDAR: ——of augmentation the time has definitely arrived for crying a "Halt". Revenue in the budget is estimated at 21 crores 97 lakhs, a record in the history of the province. Dr. Bentley said sometime ago that the Bengali cultivator lived on a diet on which a rat could not live for any length of time. This is the inevitable consequence of heavy taxation. Unless we be prepared to exercise brutal economy in our provincial budget and reduce it to the size at which a hundred per cent. British rule under an able and honest band of British members of the I.C.S. left, this province will become the land of chronic famine. This is only the beginning of the end.

Mr. PRESIDENT: Mr. Mazumdar, you have spoken nearly for half an hour.

Mr. HARIDAS MAZUMDAR: I would like to have a little more time, Sir.

Mr. PRESIDENT: How long?

Mr. HARIDAS MAZUMDAR: About ten minutes.

Mr. PRESIDENT: In that case, I should have to give 40 minutes to each speaker!

Mr. HARIDAS MAZUMDAR: I believe there are not many speakers for today, Sir.

Mr. PRESIDENT: But that would not be fair to others.

Mr. HARIDAS MAZUMDAR: ——Reduce all items of provincial taxation except the amusement tax which may be doubled and even quadrupled. Even in that case not a single seat of our cinemas and theatres will remain vacant. The sale tax should be so designed as to exclude completely all articles used by poor and middle classes, say for example, coarse mill-made cloth and other articles of every day necessity and text books. To attain this purpose not doubling but quadrupling of the tax on luxury articles is desirable.

As soon as the burden that falls inequitably on the poor is relieved, the countryside will brighten up and famine conditions cease. Our rural people are not barbarians. As soon as money is left in their hands, they of themselves will send their boys and girls to schools and send for doctors during illness. Now with their money costly hospitals are maintained where the practising physicians with some honourable exceptions have established the practice of admitting only those patients who can call them and pay "visit" to the amount of Rs. 16 to Rs. 64. A substantial part of the money spent on relief should be used in re-purchasing land sold during the time of distress with Government money and restoring it to the original owners. The Bengali proverb says that it is very difficult to steal a tank. This work of restoring land does not lend itself easily to corruption. Besides, it will be done by the Judicial Department which in this holocaust of corruption all around is the only branch of the administration that appears in bright colours.

Now, Sir, I come to one of the most important constitutional questions. Sir, it is the constitutional convention in all civilised Parliaments that budgets are divided into two parts: one consists of voting of demand for the grant of sums by the representatives in the Popular House for expenditure during the course of the year for the administration of the different departments of the Government; and the other of voting of supplies, i.e., the proposal by which money required is to be raised, and it is always done by means of annual Finance Bills. But, Sir, what do we find today? We find that demands for grants are voted upon by the other House, i.e., the sum required for expenditure on the administration of the different department of the Government. So far so good. But in order to raise the fund required for such expenditure, the Government come out at random with taxation proposals whenever they think they cannot balance the budget. Sir, taxation proposals are always brought before the legislature in the form of separate legislative measures and as soon such legislative measures are passed, they are incorporated permanently in the Statute Book of the province. In all other civilised Governments, even under the Central Government, a Finance Bill is brought before the Legislature annually

containing all taxation proposals required for meeting the expenditure of the year under review and such taxation proposals remain in force only during the year under review and are never passed in the form of separate legislations. If they find that taxation proposals held in force are not sufficient to meet their needs, they bring in fresh proposals for taxation and such temporary taxation proposals remain in force only for one year. At the end of the year if the Government find that such taxation proposals are to be continued even in the next year, they ask the legislature to allow them to raise the same taxation for the coming year. On the other hand, if they find that revenue of the Government shows a surplus, they immediately rule out such a taxation. Sir, if such legislations for taxation are made to exist only for one year, Government remain always in an anxious mood to see that the expenses are cut down to the minimum as they can never be certain whether the said taxation will be continued during the coming year or not. But under the existing arrangements in Bengal, whenever Government find that there is deficit they bring in taxation proposals; as soon as taxation proposals are accepted by the Legislature Government know for certain that the said taxation proposals will continue for ever and so they go on increasing the expenditure sometimes unnecessarily, with the result that the question of economy is always lost sight of. I, therefore, demand that all taxation proposals required for meeting the deficit in a particular year must be brought forward in the form of a legislative measure to be enforced during the year under review and at the end of the year, i.e., with the introduction of the next budget, the whole question should be reviewed by the Legislature in order to decide whether such taxation should be continued or not. This procedure will work more or less as a check on the executive Government from raising the limit of expenditure.

Before I conclude, Sir, I cannot but refer strongly to the pledges broken so many times in this House. Still I insist that before they ask the Legislature to pass their taxation proposals this year, they should give a definite undertaking to this House that whatever money is being raised by the increased taxation from the people would be kept apart in separate accounts only to be spent for the purposes of developing the nation-building departments, namely, improvement of agriculture, improvement of village sanitation, improvement in medical relief and improvement in local self-government. These are departments which need the utmost succour if the province is to advance at all. Last but not the least, comes the question of the extension of compulsory primary education. To my mind if sufficient money had been spent all these years for the expansion of education, all the communal squabbles which we find today would have been a thing of the past. Sir, it is the darkness of the minds of the people specially of the masses which is being taken advantage of by the communalist leaders not for the amelioration of the condition of the masses but for the purposes of aggrandising their selfish motives.

Sir, neither the question of music before mosque nor the slaughter of cows would have been a matter of communal squabble, if the Hindu and

Muslim masses had been literate. Therefore, I do not blame one community or the other for such communal strife but I blame the system of Government in vogue which is responsible for all our miseries. Had compulsory education been in force all these years and illiteracy removed, any lack of knowledge of self-government and of village sanitation would also have been removed.

With these words, Sir, once again I say that the budget which has been presented by the Hon'ble Finance Minister is a budget which it will not be practicable to give effect to: it is a Ministry-saving budget.

Mr. DHIRENDRA LAL BARUA: Mr. President, Sir, the budget for the year 1944-45, together with the statement of the Hon'ble Finance Minister, is now before this House for its scrutiny. Even a cursory glance through it will suffice to realise the magnitude of the task the Government of Bengal has got to face in coping with a most trying situation created in the province by famine conditions, transport difficulties and pestilences prevailing all over the province. To tide over the various difficulties that are mentioned by the Hon'ble Finance Minister in course of his review of the financial position, it is as much necessary that there should be a whole-hearted co-operation between the Provincial and the Central Governments as there should be a whole-hearted co-operation among all the leaders in and outside the House, as well as between the Government and the people at large.

It is gratifying indeed to notice that Government have been concerned with the question of the welfare of the orphans having no friends and relations. But in my opinion the expression "orphan" should be taken in the widest sense of the term so as to include all destitute children of the land. Not only that, it should also be the bounden duty of Government to see that our women are taken proper care of, for they are either the actual or future mothers of the nation. Coming as I do from the district of Chittagong which is very hard hit not only being within the war zone but also for its being a deficit area as regards the produce of rice, I can tell the House that the condition of our women in several areas is worse than that of the orphans and destitute children. The free supply of medicines and diet must go hand in hand with the supply of food and clothing. I cannot but observe also with satisfaction that the Government of Bengal has not neglected education in all branches. The Civil Budget estimate is shown to be higher than the Revised by Rs. 7,75,000, including a contribution of Rs. 5,00,000 to the Scheduled Caste Education Fund and also increased provision over the Revised in respect, *inter alia*, of grants to Madrasahs and Sanskrit *tols*, to the extent of Rs. 1,10,000; but in the case of Buddhist *tols* there is no such provision made. On the contrary, the actuals of 1942-43 go to show out that of the statutory grant of Rs. 5,900, only Rs. 4,834 was spent. When the Buddhist *tols* were first started and were fewer in number, the budgeted amount could be disbursed but not when their number has increased and the necessity is most pressing in the present circumstances. I should like to draw the attention of the Hon'ble Finance Minister as well as the attention of the Minister-in-charge of Education to this fact with a request

to see that it is not interpreted, for the fault apparently of the officers concerned, as an instance of invidious distinction.

As for special provision of a reasonable sum for the higher, general and technical education of Buddhist boys and girls, I have been crying in the wilderness for the last four years. The need for such a special provision can be felt all the more keenly now from the fact that all the four districts of the Chittagong Division where the Buddhists are concentrated are placed in the war zone and are seriously affected by the famine conditions. The Buddhists are the people who did most in the past to promote the cause of education and culture in this province and also in other parts of India. They are now a small minority. Though the British Government as well as the popular Ministry of Bengal swear by the protection of minority interests, from the fact that they have turned deaf ear to my pitiful cries for a reasonable special budget provision for Buddhist secular education, I am compelled to think as if in the present world-order the number alone counts, and not the cultural heritage nor any other historical importance of a community such as mine. I sincerely hope and trust that Government no longer would neglect the cause of the education of the Buddhist boys and girls.

Mr. NUR AHMED: Mr. President, Sir, with your permission I wish to make a few remarks on the Budget Estimates presented in this House by the Hon'ble the Finance Minister. Sir, the previous speaker has styled this budget as a drowning man's desperate budget; but I think the Hon'ble the Finance Minister should be complimented on presenting a unique budget following a novel method. Sir, this budget cannot be said to be a drowning man's budget. Of course, Bengal was in a very pitiable condition, in a very desperate condition but the Ministry rose equal to the occasion. They did not hesitate to spend money to save the vast population of Bengal from starvation. It was for the timely step, it was for the bold and courageous measures which were taken by the Ministry that Bengal's population could be saved; otherwise they would have gone to the graves in larger numbers. Sir, if the Hon'ble Finance Minister had cared for the finances and had only thought as to how to repay the huge loans, he could not have done so much. Sir, this budget presents a novel way of thinking as to how measures were taken and how money was obtained to save the nation. Sir, nobody can prophesy whether the famine condition will again prevail in Bengal, but we fervently hope that it will not recur. I have compared the present budget figures with the figures of other budget-estimates presented to this House from 1937. One glaring feature in this budget differs from its predecessors. This budget can be called a nation-building budget rather than a nation-saving budget. In the budget-estimates a big rise of 7 crores of rupees in the revenue of the Province is shown as compared with the budget of the year 1937-38, but in spite of this there is a deficit of about 18 crores and 75 lakhs, because Government had to provide for numerous beneficial measures and other nation-building schemes besides repaying its debts.

Sir, Bengal has not been treated very fairly and justly by the Centre. During the last budget discussion I pointed out the injustice done to Bengal.

Bengal always protested that out of its income of 28½ crores, it was given only 7 crores according to the Meston Award. This is only 25 per cent. of its income. Out of the income of Rs. 20 crores of Madras, it was given 8 crores which is about 40 per cent. The U. P. was given 8 crores out of 13 crores, i.e., 60 per cent. of its income. The increased spending power of Bengal as compared with other provinces is very low, as it was given only 77 lakhs by the Meston Award while Madras was given 228 lakhs, the Punjab 1 crore 82 lakhs and U. P. 1 crore 57 lakhs. Bengal protested very rightly pointing out that on account of its increase in population, its industrial development, its monopoly of jute cultivation, its income from the ports of Calcutta, its larger contribution from duties on Customs and Excise, it should have been treated differently from the other provinces. With these crippling resources, Bengal was carrying on and on the top of that there was a serious depression in 1930-31. There was a deficit of 2 crores in that year in the finances of Bengal. Then came the great reforms of 1935 and under the Government of India Act, 1935, according to the Neimeyer Award Bengal's share of the jute duty was raised from 52 per cent. to 62½ per cent. and 20 per cent. of the divisible pool of income-tax was given to Bengal. Sir, at that time Sir Otto Neimeyer recommended a sum of three crores per year as subvention to the provinces by the Centre but Bengal was not given a single pie out of this sum. With this difficulty Bengal tried her utmost to augment its finances to meet its needs. It appears, therefore, from a comparison of the budget figures of 1937-38 up to 1943-44 that Bengal's income from new taxation had exceeded 2 crores and 20 lakhs and if we take the proposed enhancement of revenue from the Sales Tax and from the Agricultural Income-tax, it will exceed 3 crores. That is, it has taxed itself to the extent of about half of the income originally given to Bengal. Since Bengal has still a huge deficit of 18 crores 65 lakhs, the Centre must come to its help and do justice to it. The Hon'ble Finance Minister in his statement said that he has gone up to the Government of India for subvention and I strongly support Bengal's case for a subvention. Sir, this inadequacy of Bengal's finance was realised by the Parliamentary Committee which recommended that Bengal should be treated differently. In the White Paper there was a recommendation made to treat Bengal on a special basis, and as a result of that, provisions were inserted in the Government of India Act, 1935, to allot under the provisions of sections 140 and 142 of the Government of India Act certain sums from the Central Excise and Customs to the provinces to repair the injustice done to Bengal. Today, Bengal on account of the war emergency stands in a very difficult position. The Finance Minister has said that practically there is no closing balance and this is certainly not a sound position. Then I must refer to the proposal that has been made by the Centre that Bengal should take a loan and pay it off in the course of the year. Sir, I dread the idea of taking loan for this purpose and having to pay it off within so short a time. For in that case Bengal's progress would be retarded and Bengal could not go ahead along with the other provinces. Sir, what is the position of Bengal today? I am quoting from the figure of expenditure of the province in 1930-31. From this, I find that in 1930-31 the

expenditure on nation-building departments was 18 per cent. in Bengal as compared with 82 per cent. in Madras and 86 per cent. in the Punjab. Even in normal time Bengal's finance is such that it cannot spend more than that on nation-building departments. Then, Sir, this war has entailed a huge expenditure and placed Bengal in such a position that its deficit has increased. So I think it is the business of the Centre and it is the business of His Majesty's Government to see that Bengal is lifted from her present position and her debts are written off. With these words, Sir, I strongly support the Hon'ble Finance Minister for a subvention for Bengal.

Then, Sir, there is another matter which is very near to my heart and that is the question of education. Education in Bengal, specially Muslim education, has not received as much attention as it ought to have received. With a heavy heart, Sir, I submit that although the portfolio of Education has been in charge of the Muslims for the last 20 years, yet Muslim education has not received its proper share. I do not ask for any undue favour at the cost of the other communities. I want justice to be done to the Muslims so far as their education is concerned. Muslim education should be given a fair deal so that it may progress and the community may eradicate its backwardness. As compared with the other provinces, I find that Bengal is lagging behind. I find that the percentage of Muslim girls in primary schools in Bengal is 55·5: but it dropped down to 14 per cent. in the middle school stage, i.e., it dropped down by 3/4 in the middle school stage. It was 8·9 per cent. in the high school stage; it dropped down to 6 per cent. in the college stage and in the post-graduate stage it is 4 per cent. In the professional education stage, it is 1·9 and in the case of technical education 10·3. Sir, that was the state of things regarding Muslim girl education in 1943. As regards the education of boys also it has not improved very much. We find that in 1940-41, in class I, there were 897,483 boys against 593,915 non-Muslim boys, i.e., 61 per cent.; in class II it dropped to 236,325, i.e., to 19·4 per cent.; in class III to 123,558, in class IV to 80,989 from 897,000. In class V to 30,765; in class VI to 24,916; in class VII, it dwindled down to 15,603 and in class VIII, it came down to 12,793. In class IX, the number is 10,885 and in class X, 10,655. The number of Muslim boys dropped to about 10,000 from about 9 lakhs in class I of primary schools.

As regards University education, in 1942 we find in the first year the number was 2,405 Muslim boys as against 7,792 non-Muslim boys. In the Second Year 2,557 as against 8,911 non-Muslim boys. In B. A. 1,168 in the third year, in the fourth year 857 and in M.A. 297 in the 5th year and 169 in the 6th year. There are only two research students. Thus, in 1942, out of 26,577 boys studying in university and undergraduate classes only 7,516 were Muslim boys.

The above shows clearly how Muslims are progressing in the field of education. Sir, I moved a resolution in this House on the 11th August, 1938 for an allotment of Rs. 25 lakhs in the course of 2½ years. That resolution was carried unanimously but from 1938 right up to now, 1944, no effect practically has been given to this resolution. Sir, not only my resolution was moved, but even the present Leader of the Opposition in

the other House, who was once the Prime Minister of Bengal, wanted to set apart in 1930 a sum of Rs. 10 lakhs for Muslim education. Before that in 1929, the Hertog Committee recommended that the Muslims of Bengal should be given extra advantage in the University and other education and they recommended that Rs. 47½ lakhs should be set apart for Muslim education.

Sir, in reply to my question it was said in this House that out of 2,640 scholarships only 840 worth Rs. 2 lakhs and some thousands have been given to the Muslims. With this picture before my eyes, and with this state of things in Bengal, I really feel ashamed that though I cried myself hoarse for justice being done to the cause of Muslim education, the question of Muslim education has not been taken up by any Ministry up to this time in right earnest. Sir, this sort of tinkering with this great problem of Muslim education will not do. No far-reaching scheme has been prepared up to this time. With great respect I draw the attention of the Hon'ble Education Minister to this state of things. I understand that a scheme of post-war reconstruction work is being prepared but the cause of Muslim education is being neglected. I am not asking for favour. I only ask for bare justice.

Now, I will speak a few words in respect of expenditure on Police. I find that expenditure on Police is increasing year after year. As compared with the figure of 1937-38, it has increased by about Rs. 77 lakhs. I wonder why Bengal with a comparatively small area should spend so much on police. While the other provinces manage with lesser sums, Bengal's expenditure on Police is being increased by leaps and bounds every year. Sir, in the year 1940-41 during war time Madras has spent 1 crore 62 lakhs on Police as against 2 crores 73 lakhs on education. In 1942-43 she spent 2 crores 87 lakhs on Police as against 2 crores 95 lakhs on education. Bombay spent in 1940-41 Rs. 1 crore 51 lakhs and 59 thousands on Police as against 2 crores 3 lakhs and 36 thousands on education. U. P. spent in 1940-41 1 crore 78 lakhs and 68 thousand on Police as against 2 crores 18 lakhs and 19,298 on education. Punjab spent 1 crore 28 lakhs and 64 thousand in that year on Police as against 1 crore 60 lakhs and 23 thousand on education. But Bengal spent in the year 1940 2 crores 30 lakhs and 76 thousand on Police as against 1 crore 63 lakhs and 60 thousand on education. Sir, in the revised budget it has increased to 2 crores 89 lakhs. Now, from the present budget estimate we find that it has still increased to 3 crores and more.

Sir, my humble suggestion to Government is that a committee of experts should be appointed to see if any retrenchment can be made in the Police expenditure.

With these remarks I come to the present economic condition in Bengal and the distress that is prevailing. Coming as I do from Chittagong, I must say a few words about Chittagong. Sir, Chittagong stands alone and in a peculiar position being a border land between Arakan and India. Sir, it was Chittagong which was bombed first of all by the barbarous Japanese. It was Chittagong which suffered from the very

beginning of the famine. All other parts of this province were no doubt affected but they were affected in June or July, while Chittagong was affected as early as April, 1942. But it is a pity that in spite of its difficulties and sufferings even Chittagong has not received its proper share of justice. Malaria and smallpox are raging there furiously in an epidemic form. I have received reports that there is no lymph available for vaccination purposes, no quinine is properly distributed. It is doubly unfortunate since the Hon'ble Minister who is in charge of the Medical and Public Health Department comes from that district——

Mr. PRESIDENT: Mr. Nur Ahmed, you have already taken more than half an hour.

Mr. NUR AHMED: All right, Sir, I will finish soon. I may conclude by saying that Chittagong is now a district where rice is still selling at 1½ seers a rupee in some thanas. So, I appeal to the Hon'ble Minister to see that the brave people of Chittagong are saved, for already a lakh of its inhabitants have gone to untimely grave. I hope, therefore, that the Ministry will not allow any more of them to die in this way for want of food and nourishment, and medical treatment.

Mr. SACHINDRA NARAYAN SANYAL: Mr. President, Sir, I do not want to take much time of the House because I have been taking part in budget discussions for many years. It is customary that the Opposition should criticise the budget but under the circumstances peculiar to this year, I mean due to the war, the Hon'ble Finance Minister is in an extremely difficult position to adjust income and expenditure. I must also say that unfortunately for this House we have got the right only to criticise the budget but we have no right to vote upon its items. I hope, therefore, that the Hon'ble Finance Minister will kindly listen to our remarks and not ignore them because we have no right of vote. If we can give the Hon'ble Minister a few concrete suggestions, I hope he has still ample time to modify the Budget. My first suggestion is that the Hon'ble Finance Minister should kindly see that famine may not recur in the next year, and my earnest request to him is that he will kindly take steps for the maintenance of the poor families of the security prisoners. I also hope the Government of India will respond to the direct appeal of the Hon'ble Minister about rehabilitating famine-stricken Bengal in the situation which is largely the result of War. With these few words, I take my seat.

Mr. PRESIDENT: Do I understand that no other member is willing to speak today?

Mr. BANKIM CHANDRA MUKHERJEE: Sir, as I find there are no speakers to speak today, may I speak?

Let us take up the statement which has been made by the Hon'ble Finance Minister, and carefully examine it with a view to see whether he has done his best and whether it is the outcome of a mature policy which ought to be followed in the circumstances in which we are placed now. Sir, the very first point which has been raised by the Hon'ble Finance

Minister in his statement is with regard to famine that ravaged Bengal last year. It is a question which is uppermost in our mind and the Hon'ble Minister has done well in placing the subject of famine in the forefront of his statement for the consideration of the honourable members of the House. In considering the question of famine he has taken up the budget of last year and the budget of the coming year together. I think he has done well in lumping the two budgets together for consideration. We have to consider the condition of things that prevailed in Bengal during last year and what is expected during the coming year. With regard to this matter he says that the history of the province so far as the last few years is concerned is the tale of famine and measures taken to combat it and prevent its recurrence. Now, Sir, let us see whether he has succeeded in placing the budget in the light in which he has tried to place it in his statement. Let us consider what has been done by the present Ministry in this connection after it came into office in April last year when famine condition already prevailed in the province. During last year we find at the time the present Ministry came into being rice was selling at Rs. 30 per maund which was beyond the capacity of ordinary people of Bengal to purchase and that Bengal had never been in a situation like that in the earlier years. May we ask what steps were taken by the present Ministry to ease the situation? I do not think it would be out of place for me to remind the honourable members of what was our experience of the past year. What action was taken by the Ministry while Bengal was under famine condition? The first action which the Ministry took was to launch a food-drive in the country for the purpose of taking a census of the food position in Bengal. Now, we pointed out and I repeat with emphasis that the step taken during the last year was a mistaken policy which resulted in bringing about the condition of things which prevailed in Bengal during the months of distress. I repeat it with all the more emphasis which I can command for the consideration of this House in order that the same mistake may not be repeated in the coming year; so that the condition of things may not reappear in a much more aggravated form which will be beyond the control of the present Government, beyond the control of the numerous relief organisations, beyond the control even of the people of this country to alleviate, if the Government take up the same attitude and repeat the policy which they pursued during the last year. And what is the policy which was pursued by the Government last year? Now, before taking up this census there was no consideration as to how the food-drive was to be made. It ultimately resulted, as the things turned out later, in really driving away the foodstuff which were lying in the villages. The food went underground for the profiteers who made profits and the steps that were taken by the Government after the census was taken were responsible to a large extent for the distress that followed. I will support my argument by referring to one or two concrete instances which came to my knowledge during the last year. Neither before nor during the food-drive the Government took any step to prevent the food going to the speculators. The result was that a large number of speculators and merchants with large sums of money at their disposal went to the

countryside, took advantage of the panicky condition of the villagers, who in some instances sold away even the foodgrains which they themselves required without keeping anything for themselves. In some cases, the people sold out of panic whatever they had keeping just sufficient for their own purposes, without considering whether they should keep sufficient reserves for their neighbours which they used to do in former years.

Then, another step was taken after the food-drive and that is still more lamentable and I bring that to the notice of the honourable members of this House. The Government requisitioned large amount of stocks which were lying with merchants in Burdwan, Midnapore, Bankura, Birbhum and Dinajpur. The Government did not allow the merchants and mill-owners to distribute the rice among the people though many people were starving. I will cite one instance for the consideration of the Hon'ble Minister. The honourable members of this House will remember that some time in July last there was a terrible flood in the district of Burdwan due to a breach in the Damodar embankment. At that time Government had requisitioned a very large stock of rice lying with merchants and mill-owners of Burdwan. I went to Burdwan and I found that the mill-owners were holding this requisitioned stock——

Mr. HARIDAS MAZUMDAR: On a point of order, Sir. The Hon'ble Finance Minister is absent, and nobody seems to be taking notes.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am taking notes for him.

Mr. CHAIRMAN (Mr. Kamini Kumar Dutta): He has left the House with permission of the Chair.

Mr. BANKIM CHANDRA MUKHERJEE: Now, Sir, as I was saying, I went to Burdwan and came to know that there were large stocks of rice lying with the mill-owners. I saw some of these mill-owners and they told me that they were willing to sell the rice for relief purposes at Rs. 15 per maund—rice was selling then at Rs. 30 a maund. I asked them whether they made any representation to the District Magistrate in respect of this stock. They replied that the District Magistrate refused to grant them permission to make the rice available for the unfortunate flood-stricken people of Burdwan who were suffering from the results of the flood. I came down to Calcutta to see the Hon'ble Minister for Civil Supplies but I could not see him. Then I went to the Director of Civil Supplies to persuade him to release a portion of this stock of rice for the people of Burdwan who had suffered from the flood in order that they might have this requisitioned rice which was lying next-door at the concession rate at which the mill-owners were willing to sell. I had a long discussion with the gentleman who was then officiating as the Director of Civil Supplies, and he told me after a long discussion of half an hour that he would write to the District Magistrate of Burdwan to release some portion of the stock. But, after a fortnight I heard that nothing was done.

Let me give another instance in respect of the requisition of foodstuffs by Government. At Saktighar, one Panchu Gopal Dewan had stocked 10,000 maunds of paddy and rice. Government had requisitioned all his stock and he was neither allowed to sell it nor did the Government purchase the stock from him immediately. The result was that the whole stock was lying idle with him. Now, shortly before the July flood, a Supply Officer went to this gentleman to see whether this stock of rice was still lying there. On the very day when the Supply Officer went to him what happened was this. There was a slight breach in the Damodar embankment and some water had already come through, and the mill-owner asked permission from the Supply Officer to remove the rice and paddy to a safe place so that it might not be submerged in the flood which was apprehended. The Supply Officer said "No, no, the water will subside soon. You cannot remove the stock from this place." Now, in course of the night the terrible flood came and the whole stock of 10,000 maunds was submerged and destroyed. This is the condition, Sir, with regard to one of the villages.

I would like to quote still another instance regarding the district of Dinajpur. At Dinajpur Government had requisitioned a large stock of rice from the people which was more than 1 lakh and 30 thousand maunds, and this was offered for sale in December when the *aman* crop was ready. Now, Sir, the whole of these stocks which have been requisitioned by Government in the different districts of Bengal, namely, Birbhum, Bankura, Midnapur, Burdwan and Dinajpur—I have no personal experience or knowledge of any other district—the whole of these stocks was lying under the control of Government while people were dying like cats and dogs in the streets of Bengal for want of food. If the policy of Government is repeated this year, then we will have the same thing, the same distressful conditions repeated in a much more aggravated form in the coming year and therefore Government should take note of this fact that they should not take recourse to the same procedure in the coming year. I would like to mention one matter in this connection and that is this: that if Government want really to help the distressed people and prevent a recurrence of this state of things that happened last year, then Government should immediately launch upon a very extensive programme of taking census of the foodgrains, but before doing so they should stop the export——

Mr. LALIT CHANDRA DAS: Sir, is there a quorum in the House?

(On a count being taken, it was found that a quorum was present.)

Mr. BANKIM CHANDRA MUKHERJEE: What I was going to submit for the consideration of the House is that Government should take an immediate census of the foodgrains for each union and in this connection I would refer to the statement of the Hon'ble Minister himself that the estimates which the Government at present has of the foodstuff in the various districts (estimates of Government that certain areas are surplus and certain areas are deficit districts), Government have themselves admitted that such estimates are merely guesswork, that such estimates are not quite accurate. Therefore, it is essentially

necessary that an estimate of foodgrains in each union—I should like to emphasise the fact that the lowest unit should be a union—that Government should take a census of foodgrains in each union as also a census of the requirements of each union during the coming year up to the harvesting of the *aman* crop. And Government while taking a census as to the requirements should make adequate provision for the labouring classes, and not lay down the rate of 2 chhitaks or 4 chhitaks a day for the labouring population which Government did last year. As a matter of fact, 2 chhitaks or 4 chhitaks is not at all sufficient for even a quarter of a meal of a labourer. A labourer takes at least half a seer for one meal a day and they would, therefore, require about a seer a day, in order that they may be able to work hard in the fields for the promotion of the grow-more-food campaign with regard to which we are hearing so much in the papers but nothing in actual practice. Sir, what is the position as to this? If we take a census of the foodgrains, union by union, and provide a reserve for the deficit unions by removing foodstuffs from the surplus areas, the position may be saved. Here again Government should not come to purchase these foodgrains through its so-called agents whom they have appointed this year. As a matter of fact, what do we find? I had been to Dacca very recently and I found that the price of rice there is Rs. 20 per maund for boiled rice, and Rs. 24 per maund for *atap* rice; and even at these prices the people are finding difficulty in securing rice. Now, Sir, what is the condition of things in Dinajpur? There, we have been informed that rice is selling at Rs. 10 to Rs. 11 per maund and paddy at Rs. 6 to Rs. 7 per maund. Can Government justify this policy? Can they justify that this policy of purchase and distribution is equitable and perfect? We find that in Dinajpur people have sold rice at Rs. 10 or Rs. 11 per maund while people at Dacca cannot get rice at less than Rs. 20 and Rs. 24 per maund which is higher than the controlled rate. We have to consider this aspect of the case. If we consider the position in its proper aspect, what do we find? We find that Government have sent out agents to purchase rice at Dinajpore and they are purchasing rice from the cultivators at Rs. 10 and Rs. 11 per maund and it may be that the same rice is being sold at Dacca at Rs. 20 and Rs. 24. Why should it not be sold at Rs. 15—the controlled rate—why should not the rice be despatched immediately to Dacca and other deficit districts and sold at the controlled rate so that the people there may get rice ——(Rai Bahadur KESHAB CHANDRA BANERJI: At Bogra rice is being sold at Rs. 9 per maund.)——Yes, the position is still more staggering. What is the policy behind it? While at Bogra rice is sold at Rs. 9 and in Dinajpur at Rs. 10, people in Dacca are not able to procure rice at less than Rs. 20. I, therefore, ask the honourable members of the House to consider whether the selling and purchasing policy of the Government so far as *aman* crop is concerned is proper and whether it is working properly. If it is not working in a proper manner—and there is no doubt that the scheme of the Government is not working properly—then Government ought to take steps immediately to redress the defects so far as the purchase of *aman* crop is concerned. I have got a copy of the newspaper in which is published a detailed scheme of the Government as regards *aman* crop purchase and its

distribution. I have analysed the position and I can give facts and figures of four districts to show that their scheme is not working properly and that steps should immediately be taken to revise and set it right.

Then, Sir, with regard to famine which is in the forefront of the Hon'ble Finance Minister's budget statement, Government ought to consider the scheme a little more seriously—Government must get the co-operation of the people at large. Unless we secure this co-operation, there would be great difficulty in having a proper distribution. Foodstuff, for instance, in Munshiganj in the Dacca district is extremely difficult to get and we are told that it is mainly due to war condition, transport difficulty and so on. But we do not know when the war will end and we cannot sit idle on the plea of transport difficulties and let thousands of people suffer. We have to take into account these facts and make each union the lowest unit for the purpose of food census. If you do so there would not be any difficulty of transport. In that case you will be able to get your supplies from the neighbouring places and no transport difficulty will arise as no foodstuff will have to be sent out to far off distances. As a matter of fact, we are now getting alarming news that paddy and rice are being sent away from the surplus districts in large quantities and if this continues we shall have to face a similar situation as last year.

There is another fact which I want to bring to the consideration of the honourable members of this House in this connection and that is this. Last year, the middle class people had exhausted their resources in maintaining themselves. Ordinary people were turned into destitutes. They could not stand the strain. They had to borrow money from Government, they had to sell away their lands, some who were fortunate enough to have corrugated tin-sheds, had to sell them and some had to sell their houses and were reduced to the position of homeless destitutes. This year, the situation is still more grave. Last year the middle class people could hold back their own reserves but they have now exhausted those reserves and if the Government do not fix up the price at a reasonable limit, they will be turned into destitutes this year. Sir, the middle class people are the backbone of the society and if timely action is not taken, the middle class people will be utterly destroyed and they will be faced with a more serious situation. The middle class people saved many destitutes from death last year, but this time they will not be able to save even themselves.

I do not want to take much time of the House. Government should consider this position more clearly before they go on with the purchasing of *aman* crop. Another thing I cannot leave unnoticed and that is with regard to the Civil Supplies Department. Sir, the cost of that Department in 1942-43 was Rs. 4 lakhs. I ask the honourable members to mark the figures with close attention. We find that in 1942-43 the cost of the Department was Rs. 4 lakhs and this will be increased to Rs. 1 crore in 1943-44. From Rs. 4 lakhs to Rs. 1 crore! Now, in 1944-45, the cost is Rs. 1 crore 48 lakhs. Sir, our deficit is Rs. 10 crores. Out of that this Department alone absorbs Rs. 1,48 lakhs and for what purpose? It is for the Civil Supplies Department, for the maintenance of a large staff,

officers, for opening large number of shops under Government control, for providing large number of fatly-paid posts, and for what other purposes I do not like to say; Government may disclose that in reply. But one thing we find and that is this that so far as Calcutta is concerned, there are about 800 shops which Government have started under their own control with Government officers, with Government servants and so forth. They have also 400 or 500 private shops with ordinary tradesmen. Now, Sir, I submit that could not Government have taken the help of the normal trade channel in securing and distributing the foodstuffs in Calcutta? If they had done so, the huge staff that have been employed for running 800 controlled shops would not have been necessary. I think the Government would be able to eliminate this huge staff if they took the help of the normal trade channel. In Bombay Government have taken the help of the normal trade channel in distributing foodstuffs throughout the Presidency town and their work is going on with success and this fact is admitted on all hands. There is no defect in the system and there is no complaint from anywhere, as we find here. I think Government will explain why is it that having regard to the huge deficit of 10 crores they are providing 1 crore and 48 lakhs for the Civil Supplies Department which, if I may say so without any offence to the Government, may be abolished, because this Department is not supplying food to the people sufficiently and properly. The Hon'ble Minister in charge of the Civil Supplies Department told us the other day that from the next week the shops of Calcutta will not supply any bad quality of rice. But this very week we have received numerous complaints from the people to the effect that they are getting rice which is not eatable and one gentleman has received rice which when lumped together was reduced into powder. We all know, Sir, that the provinces outside Bengal do not manufacture rice of such a bad quality and we also know that Bengal does not manufacture such bad quality of rice. Then where does this bad quality of rice come from ——this rice which is unfit for human consumption and which spreads disease? I have a strong suspicion in my mind with regard to this matter and that is that Government agents who are in charge of the Government stores and who supply rice to the shopkeepers for distribution among the people of Calcutta supply it from their old stock, keeping in hand good quality of rice that has been supplied by the Government of India. I lay a charge here definitely and I wish the Government to enquire as to where this bad quality of rice came from. We know that the Hon'ble Sir J. P. Srivastava, the Food Member of the Government of India, said that when he sent rice from outside Bengal there was no complaint, and that complaints are coming after four months, and that he is unable to say where the bad quality of rice which the Government of Bengal are supplying to the people came from. Therefore, I ask the Government that they should launch an enquiry as to where this bad quality of rice is being supplied from which is not fit for human consumption.

Mr. CHAIRMAN (Mr. Kamini Kumar Dutt): Mr. Mukherjee, will you take long to finish?

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir, I will take a little more time.

Mr. CHAIRMAN (Mr. Kamini Kumar Dutta): In that case you had better speak on the next day. The House has to be adjourned now.

Mr. BANKIM CHANDRA MUKHERJEE: All right, Sir.

Mr. CHAIRMAN (Mr. Kamini Kumar Dutta): The House stands adjourned till 1 p.m. on the 28th.

Adjournment.

The Council then adjourned till 1 p.m. on Monday, the 28th February, 1944.

Members Absent.

The following members were absent from the meeting held on the 25th February, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Fariduddin Ahmed.
(3) Khan Sahib Nurul Amin.
(4) Mr. Humayun Reza Chowdhury.
(5) Khan Bahadur Abdul Gofran.
(6) Mr. Mohamed Hossain.
(7) Mr. M. R. Jaipuria.
(8) Mr. Humayun Z. A. Kabir.
(9) Maulana Muhammad Akrum Khan.
(10) Mr. Abdul Latiff.
(11) Mr. J. McFarlane.
(12) Mr. N. N. Moholanabish.
(13) Mr. Naresh Nath Mookerjee.
(14) Mr. T. B. Nimmo.
(15) Mr. R. S. Purssell.
(16) Khan Bahadur Kazi Abdur Rashid.
(17) Rai Bahadur Radhica Bhusan Roy.
(18) Khan Bahadur M. Shamsuzzoha.
(19) Dr. Kasiruddin Talukdar.

BGP-44/5-1590A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 13.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 28th February, 1944, at 1 p.m., being the thirteenth day of the First Session of 1944, pursuant to section 62(2)(a) of the Government of India Act, 1935.

MR. PRESIDENT (the Hon'ble Sir BIJAY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Substitute diet.

65. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether any committee of experts has been appointed by the Government to go into the question of proper diet and substitute diet?

(b) If not, do the Government propose to appoint without further delay a committee of experts to report about substitute diet for the people of Bengal? If not, why not?

Mr. BIREN ROY, Parliamentary Secretary (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (a) The question of proper diet and substitute diet in Bengal for normal times as well as with special reference to present post-famine conditions is being examined by a Nutrition Sub-Committee of the Sanitary Board and by a Committee constituted under the auspices of the Indian Research Fund Association.

(b) Does not arise.

Mr. HARIDAS MAZUMDAR: Will the Parliamentary Secretary please state when Government expect the report of the committee mentioned in the reply?

Mr. BIREN ROY: The committee has already had several meetings and final proposals are expected in a very short time.

Bengal Civil Service.

66. Mr. NUR AHMED: (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that both the members of the Bengal Civil Service and Bengal Junior Civil Service perform for all practical purposes almost similar duties?

(b) Is it a fact that the members of the Bengal Junior Civil Service draw smaller pay and other emoluments as compared to that of the Senior Civil Service?

(*c*) Is it a fact that great discontent prevails among the members of the Junior Civil Service in Bengal over their pay and other emoluments?

(*d*) If so, do the Government propose to stop further direct recruitment to the Bengal Civil Service and to fill up all future vacancies in that service by promotion from the Junior Civil Service in Bengal, strictly in accordance with the Communal Ratio Rules laid down by the Government of Bengal? If not, why not?

Mr. BIREN ROY, Parliamentary Secretary (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Generally speaking, no. But owing to excess deputation to new departments, occasionally it has been necessary to place officers of the Bengal Junior Civil Service in posts which would normally have been held only by officers of the Bengal Civil Service.

(*b*) Yes; a statement of the scale of pay in each service has been laid on the Table.

(*c*) Not so far as I am aware.

(*d*) Does not arise.

Statement referred to in reply to question No. 66.

TIME-SCALE OF PAY FOR THE BENGAL CIVIL SERVICE (EXECUTIVE BRANCH).

Unrevised scale.

Time-scale—Rs.250—275—300—50/2—850 (efficiency bars after 12th and 20th stages).

Selection Grade on Rs.1,000 per mensem.

Revised scale.

Time-scale—Rs.150—25—200—50/2—750 (efficiency bars after 12th and 20th stages).

TIME-SCALE OF PAY FOR THE BENGAL JUNIOR CIVIL SERVICE.

Unrevised scale.

Time-scale—Rs.150—175—200—25/3—350—25/2—400 (efficiency bar after 11th stage).

Selection Grade on Rs.450 per mensem.

Revised scale.

Time-scale—Rs.125—125—150—20/2—250—15/2—310—20/2—350 (efficiency bar after 12th stage).

Detenu Srijut Ananta Kumar Banikya.

67. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if the Government are aware that Srijut Ananta Kumar Banikya of Chandpur, Tippera, is a detenu; if so, how long he has been in detention;

(*b*) if the Government are aware that there is no one to support his mother and that she is without any means of subsistence; and

(*c*) if the Government propose to consider the question of providing a suitable allowance for her maintenance and give necessary directions in the matter?

Mr. BIREN ROY, Parliamentary Secretary (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes, since 16th September, 1943.

(*b*) My information is that the prisoner has four other brothers jointly living with their cousins and they depend upon the income from several shops which varies from Rs.4,000 to Rs.5,000 per annum.

(*c*) No.

Mr. KAMINI KUMAR DUTTA: Will the Parliamentary Secretary be pleased to state if any enquiry has been made about the nature of the shops from which the income is derived?

Mr. BIREN ROY: Yes: there are several shops: at Hajiganj there is one shop selling hardware, stationery, medicines, besides there is a stationery shop at Rajganj.

Mr. KAMINI KUMAR DUTTA: Will the Parliamentary Secretary be pleased to state if these shops are still in running order?

Mr. BIREN ROY: Must be in running order, because the income, as is stated in the answer, is Rs. 4,000 to Rs. 5,000 per annum.

Mr. KAMINI KUMAR DUTTA: That was the past income. But what is the income now in the current year?

Mr. BIREN ROY: I have no information about the income today, or up to date, strictly: my information relates income up to the last month.

Mr. HARIDAS MAZUMDAR: Is the Government aware that by the detention of this gentleman the joint family has been broken up?

Mr. BIREN ROY: There is no such information.

Mr. HARIDAS MAZUMDAR: Do the Government propose to enquire into the matter so that the important question of maintenance may be taken up.

Mr. BIREN ROY: Government may enquire into the matter again.

Rehabilitation of famine-stricken people.

69. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government have any scheme for rehabilitating the famine-stricken and diseased people of the districts of Bengal? If so, will he please place a copy of the scheme on the Table? If not, do the Government propose to prepare a well-planned scheme to rehabilitate these people and carry it into execution without delay?

(*b*) What will be the estimate cost of such a scheme and how do the Government propose to meet it? What has so far been the Government's expenditure to rehabilitate these people?

(*c*) Will the Hon'ble Minister be pleased to state the approximate percentage of the population in Bengal who have been affected by famine and diseases, such as malaria, cholera, dysentery, small-pox, pneumonia and kala-azar who would come within the benefits of the Government's Rehabilitation Scheme?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) A scheme of rehabilitation is at present under consideration of the Government but has not yet been finally adopted: no copy can therefore be placed on the Table. Government propose to give effect to the scheme as finally adopted as soon as practicable.

(*b*) The estimates are now being worked out.

(*c*) It is regretted that even approximate statistics are not available.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state when is it likely that the scheme will be finally worked out?

The Hon'ble Mr. TARAK NATH MUKERJEA: The committee is working on it and we expect its report very soon.

Mr. LALIT CHANDRA DAS: Has any attempt been made to get a statistics of the percentage of population of Bengal affected by the famine and the diseases?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes, that matter is also being considered.

Mr. LALIT CHANDRA DAS: What I want to know is whether any attempt is being made to gather statistics of the population affected by famine?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes, as far as practicable, statistics are being gathered.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister consider the imperative necessity of coming to a decision immediately in the matter so that the destitutes who are being discharged from the different hospitals may have places to live in?

The Hon'ble Mr. TARAK NATH MUKERJEA: The committee is considering all these matters and will come to a decision very soon.

Mr. LALIT CHANDRA DAS: For the purpose of rehabilitation of famine-stricken people a committee has been constituted: but has any provision been made in the budget for carrying out the schemes which would be formulated by the committee?

The Hon'ble Mr. TARAK NATH MUKERJEA: Unless a cut and dried scheme is before Government how is it possible to make provision in the budget?

Mr. LALIT CHANDRA DAS: Are we then to understand that when the scheme is finally worked out it will not be carried into effect till after a year for want of provision?

The Hon'ble Mr. TARAK NATH MUKERJEA: No, no. It will be carried into effect immediately and the Hon'ble Finance Minister will take steps for this purpose.

Mr. HARIDAS MAZUMDAR: Sir, I have a short-notice question which is hanging fire with the Government: it runs as follows:—

"If the Hon'ble Minister in charge of the Civil Supplies is aware of the fact that a huge stock of foodgrains supplied by the Government of India for feeding of Calcutta and the industrial areas has been spoilt and rendered unhygienic by the recent heavy showers in Calcutta:

If the reply to part (*a*) be in the affirmative whether the Government propose to distribute——"

Mr. PRESIDENT: That question has been admitted.

Mr. HARIDAS MAZUMDAR: Yes, Sir, I know that. But I do not know what has happened to it.

Mr. BIREN ROY: Sir, tomorrow the Hon'ble the Minister for Civil Supplies is expected to be in this Chamber and he would reply to all these questions personally.

Mr. HUMAYUN KABIR: I have given notice of an adjournment motion regarding the strike in the Bengal Chemical and Pharmaceutical Works——

Mr. PRESIDENT: I have not yet received it.

Mr. HUMAYUN KABIR: I handed that over to the department this morning. Would you kindly find out——

Mr. PRESIDENT: At what time did you hand over the motion?

Mr. HUMAYUN KABIR: I think at about 10-30 or 10-40.

Mr. PRESIDENT: If it was handed over at 10-30 a.m., then 3 hours' notice has not been given.

Mr. HUMAYUN KABIR: But the office opens at 10-30 and I thought that there would be some people to receive it. Previously we used to sit at 2-15 p.m. and the usual notice was to be given at 11-15 a.m.

Mr. PRESIDENT: In that case we might take that up tomorrow.

Mr. HUMAYUN KABIR: All right, Sir.

General Discussion on the Budget.

Mr. BANKIM CHANDRA MUKHERJEE: On the last occasion when the House rose I was speaking on the situation of the famine and the question of having a census with regard to the food products of this year and I pointed out that if the matter is not taken up immediately, we may have

to face a worse situation this year than that of last year. As a matter of fact, if I give certain figures with regard to the policies followed last year by Government, it will be found that unless we are careful from now, possibly we will have to face a similar situation also this year. On the 24th February, 1943, Khan Bahadur Hashem Ali Khan, who was then the Minister in charge, disclosed in his answer that the estimated produce of rice in Bengal was 69 lakhs tons for 1942-43, and the estimated consumption of rice was about 93 lakhs tons. That meant a deficit of 24 lakhs tons. On the basis of 93 lakhs tons of rice for consumption annually, the monthly requirement comes to about $7\frac{3}{4}$ lakhs tons. So, if we take the deficit of 24 lakhs, there was a deficit for 3 months only, which would mean that if Bengal is kept on full ration for the first 9 months, January to September, there would be deficit of foodstuffs for the months from October to December. Supplies from Burma with regard to which we were hearing so much amounted to about 4 crores maunds of rice per annum or 15 lakhs tons of rice, but this source of supply was completely stopped. I may mention for the honourable members' information that a substantial portion of this Burma rice used to be re-exported and therefore the question that stoppage of import of Burma rice is the main cause for the deficit last year cannot be substantiated. The deficit of 24 lakhs tons, as I said before, would only affect the province from October. If we take into account the carry-over of 1941-42, then the deficit would only have been from November. With the *aus* crop in September, 1943, we would have carried on for another month, that is, November; and the situation would have been controlled if supplies were made available from outside the province of Bengal in the shape of wheat, etc. The early *aman* crop which appeared in the middle of December would have saved the situation and Bengal would have stood on its own legs even with the deficit of 24 lakhs tons which were disclosed on the floor of this House by the Hon'ble Minister. Now therefore, what I want to point out to the honourable members of this House is that either the estimate was wrong or there was something wrong in the method of distribution or there was something wrong with regard to the procurement or there was some mistake somewhere which led to the cause of the famine and neither the failure of crops nor the stoppage of imports of rice from Burma should be made the cause of the famine last year. We have to look for the cause of the distress of last year somewhere else. It is, therefore, I say with all the emphasis which I can command that this year we should not commit the same mistake as was done last year. If we want to save the people of Bengal, we must take a proper census so that we may not be faced with the situation of transporting large quantities of rice from some areas to other areas where unfortunately there are no foodstuffs for the consumption of the people. That is why I have urged that there should be a census taking each union as the unit and then sufficient provision should be made for feeding for the people of the union. Now, Sir, I have said enough with regard to this subject; I will take up the next subject which is connected with the question of the famine, that is, agriculture. On the question of agriculture, I find, Sir, that the Hon'ble Finance Minister in his statement says that there were

approved schemes of seed distribution which included *aus* and *aman* paddy seeds, *rabi* seeds and others, and with regard to this distribution of seeds and their procurement again unfortunately I have to refer to some incidents which came to my own notice during the last year. It is with regard to the subject of distribution of wheat seeds to the cultivators last year. I myself applied for obtaining supply of wheat seeds from the Agriculture Department and the seeds that were supplied to me were very bad, because when they were sown they did not germinate, and as the same seeds were distributed at my instance in the whole village, the cultivators were faced with a very bad situation. As a matter of fact, they had to cultivate their lands again with fresh seeds procured from somewhere else at enormous cost and the result was that the late sowing did not give the normal yield. I enquired from the Director-General of Agriculture about the bad quality of those wheat seeds and was informed that the whole stock of wheat seeds procured by Government was lying in an open field and so got damped and deteriorated. It was further stated that the total value of the seeds thus wasted was about 7 lakhs of rupees, and by the time instructions reached the various officers of the Agricultural Department not to distribute the seed, they had already distributed the stuff to the cultivators who could not know that the stuff was bad. I, therefore, say, Sir, that this sort of procurement and supply of seeds not only cause immense loss to the cultivators but also bring discredit to the Government process of distribution of seeds. The people lose all faith in purchasing seeds supplied by Government because they find that these seeds do not germinate. Sometimes they no doubt purchase seeds from markets which are bad. With regard to seed distribution, I would like to suggest—and I think the Hon'ble Agriculture Minister who is very active and sympathetic and wants really to save the cultivators of Bengal—a scheme for the purpose of procurement of seeds. I suggest that attempts be made to grow the seeds in the province itself by taking the help of large cultivators, by subsidising them with funds for better kinds of seeds so that they may be grown in each union for distribution among cultivators in that union. It is in that way that the problem of seed distribution and the "Grow More Food" campaign with which we are now dealing and which is now one of the main problems which Government is tackling can be made effective. I say that the "Grow More Food" campaign will not succeed by merely spending a huge sum of money on establishment and printing literature for distribution. Our cultivators are not lacking in knowledge about actual cultivation; they are in want of funds and therefore they cannot procure seeds; when they find that seeds are not available sometimes near about their villages they do not take the risk of spending large sums for the purpose of procuring seeds from somewhere else. I would like to suggest while on this subject that another important thing is the procurement and distribution of manure. With regard to the manure I would state that there is a scheme for the production of scientific manure on a huge scale, viz., ammonium sulphate and other chemicals which I need not name but that scheme is lying shelved and cannot be given effect to. If the Government want the "Grow More Food" campaign to succeed, they should immediately take steps to give effect to

the scheme for the production of manure as without its help it would not be possible to make the experiment a success. Sir, I leave the subject of Agriculture for the time being. So far as Education is concerned, I find that the total provision is one crore 90 lakhs and 74 thousand for a population of 6 crores. That is, the Government of Bengal is spending the huge sum of 5 annas a year for each individual for educating the people of the province. I would only leave these figures for consideration of the House; further comment is useless. I would like to emphasise to the Hon'ble Minister for Education that he should see that very substantial and liberal provision is made for education of the people of this province and sooner a scheme for compulsory primary education for all is taken up the better——

Mr. PRESIDENT: Mr. Mookerjee——

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I will finish now. Please let me have only 5 minutes more.

Mr. PRESIDENT: All right.

Mr. BANKIM CHANDRA MUKHERJEE: So far as the Revenue Department is concerned, I would like to make only one comment and that is with regard to the question of the manufacture of salt in this province. With regard to this matter I find that the Hon'ble Minister has provided only Rs. 12,000 for the salt scheme and the scheme is to continue till June, 1944. I personally know, Sir, that so far as salt production is concerned, there are immense possibilities of salt manufacture in the subdivisions of Contai and Tamluk in the district of Midnapore, and, as a matter of fact, during the last distress there were many people who maintained themselves with the income derived from the production of salt from the salt areas and selling it in the markets. I would, therefore, request the Hon'ble Minister that so far as salt manufacture is concerned, he should try to make it a permanent scheme and get a suitable provision for this scheme in order that there may be a permanent department in Bengal so far as salt production is concerned. I do not think that with the time at my disposal I can deal with other subjects which I intended to dwell upon; so with these words, I close my discussion.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, my friend Mr. Bankim Chandra Mukherjee——

Mr. PRESIDENT: Rai Bahadur, you should speak from your seat.

Mr. KAMINI KUMAR DUTTA: Mr. President, Sir, though the Budget presented by the Hon'ble Finance Minister is really a very dismal Budget, yet it is couched in very charming phraseology. I must congratulate him on his remarkable ability in hiding the distressing features of this Budget with suggestive palliatives. I hope, Sir, my friend is taking notes as I am saying something which deserves attention. In the case of all the budgets which sanction grants, the basis of the grant is the receipts. First receipts must be procured and guaranteed, and then only grants can be provided—whether it is in the shape of taxation or loans or subvention. In

the Budget statement the Hon'ble Finance Minister has told us that he hoped to raise receipts to the extent of 10 crores more than was raised in the preceding year—"the ever expanding social functions of the State call for greater elasticity of revenue. If to a certain extent and in last resort the State is force, a truer conception of organised human society is that the State is service. And to this end we will, whenever necessary, tax ourselves". I do not quarrel with that general proposition laid down by the Hon'ble Finance Minister, but since one who pays the piper must call the tune, we in the Upper House always feel the unreality of the Budget discussion because we know that we have no voice either in voting the grants or in the taxation. These financial measures providing for the finances are practically adopted permanently and they are made permanent statutes of the country. Sir, a particular tax may be imposed for a particular occasion, but even when the necessity for the occasion does not exist it remains permanently on the statute book of the country. In the Central Legislature we find that these Finance Bills are introduced annually. They first obtain sanction for the receipts and then the sanction for grants. We want this principle to be adopted in the Legislature in Bengal so that we may have voice in regard to the taxation measures every year. We want to know first whether tax ought to be allowed or not. But here the procedure is that the taxation measure becomes a permanent thing for all time irrespective of the question whether the exigency of the situation demands it or not. There is no reason why we should not follow the procedure which is followed in the Central Legislature. We should follow the convention which is in use there. Of course, I have no personal experience of the Central Legislature or of the House of Commons in Great Britain, but so far as I can gather from the reports, the same practice is followed everywhere. I think those who are holding the reins of administration should not fight shy of this procedure at all. They should see that taxation measures are not made permanent. As representatives of the people they should not think that their only business consists in making their position secure once for all. In this respect I do fully agree with the leader of the Nationalist Party that taxation measures should be introduced annually and sanction should be obtained first. I would appeal to you, Sir, to help this House to adopt the procedure which is followed in the Central Legislature. Otherwise it is absolutely useless and unreal to discuss the Budget generally. I would repeat my request to you, Sir, as the custodian of the rights and privileges of this House, to see that henceforth this practice is adopted in the Legislature of Bengal too.

In discussing the Budget generally, I would not discuss the items which are really items for building up the nation. I think it will be a huge joke on the House on my part if I discuss all the items. Because when one takes the whole Budget looks at it, scrutinises one or two items, he finds one factor looming large and what is that factor? That factor is nothing but the problem of supplies of food which means the question of our existence, the existence of the nation as a whole. So when practically the whole budget is engrossed with our life and death problem, discussion of a nation-building department would be nothing but a farce. The people

had to live first, then they would discuss the matter of future development; but it seems the existence of the nation as a whole is at stake. I am not exaggerating when I say that really our existence is at stake. Behind these figures in the Budget there is a dreary picture of want of food, a dreary picture of famine and of epidemic, the necessary sequel of famine. One who has had experience of the suffering of the people of this province for the period since September last would only shudder to think what is in store for the future. Those who were lucky enough not to see with their own eyes and had not to come in contact with thousands and thousands of people who were crying for a morsel of food would not be able to appreciate the position in which the country was plunged. Indeed, in one place the Hon'ble Minister has remarked "Bengal once so richly dowered with Nature's bounties is today bent double with woe and agony and is a suppliant for neighbourly charity". I can only say that to be a suppliant for neighbourly charity means the negation of manhood and it means the negation of the elementary right to live. Charity cannot keep a nation living. I was connected with some of the organisations for supplying food to the poor and some of the gruel kitchens. When I saw people going with bowls in their hands for a cup of gruel, I thought within myself—it may be that my statement makes me liable for penalty—but nevertheless I thought why these people flocked to the gruel kitchens, it would have been more honourable for them to resort to robbery and looting than to go to a gruel kitchen for a cup of gruel: it is a negation of manhood and is killing the manhood in the nation. Indeed, I did tell some of my friends that these gruel kitchens are teaching the people that they have no right to live and that they have to live upon the charity of others. I told these people that they should demand their food of those who are in charge of the administration and that they should cry about that they have the right to live as anybody else and assert their right to live not on charity not on this grant of medicine or other things but to live on the products of their own toil and enterprise. So when I read the catalogue of the organisations and the history of how supplies were given, my heart sinks within myself. Is it really the Budget for a living nation or is it the Budget of a nation which consists of beggars who live on the charity of others? I would again implore, I would again appeal that the nation should not be a nation of beggars but the nation should have manhood and should know how to assert its right to live under the Sun. Now, Sir, this Civil Supplies Department is, according to the Budget a huge organisation. I have some personal experience of the working of this machinery in the rural areas but not much of towns. My idea is that this machinery is over-burdened with officers and that its upkeep eats up the major portion of the huge sum allotted to this department. Very little is left really for the people. This department seems to have been created without any plan to save the people. Sir, I have come in contact with many of the officers who think that they are officers and their supplies are therefore assured and secured but the desire to serve, real sympathy for the people is wanting in them. Instances are not very rare when complaints of corruption and bribery have reached the Government and I say that I have every reason to believe that these charges are not always unfounded.

One of the Ministers happened to be present in my town and there was a small conference at which some of the officers were also present. I had a talk with the Hon'ble Minister about the bribery and corruption and greed, not the greed of the profiteers only but the greed of the officials too, corruption among the officials too. It seemed that desire for greed had infected the whole atmosphere of the country. Every one thinks that it is a fine time in which to make a fortune out of the distress of the people. People are trying to build their fortune on our misfortune and to the Hon'ble Minister I said that even your officers who were beyond reproach sometime back have succumbed to the temptation and have been corrupted. He asked me, "do you mean officers of the position of the Subdivisional Magistrates, or higher officers"? I said that I did not know of higher officers but they were reported to be of the rank of officers of whom he was speaking. I say, Sir, that these officers have succumbed, and if the Hon'ble Minister wants to know I could give him the figures and tell the names of the guilty officers even in that very conference itself. The Hon'ble Minister told me that some of the complaints were true and that some had reached his ears also. After this, Sir, what better is expected? If there is this unholy alliance between those who are to work the organisation and the profiteers, can you expect any good out of this department? The normal trade channel has collapsed; practically it has been stifled out. Of course, I do not say that they are all men of virtue; they are suffering for their own faults. They had their greed too: but not all, but some. But the result has been that there has been the total collapse of the normal trade channels with the consequence that nowhere do we find any supply today. We find,—of course, I do not know the exact source, but I can only surmise—that there has been distribution of foodstuffs in the country which is of an absolute rotten quality. Where was this foodstuff when the people were dying for want of food? Why was not this foodstuff released earlier? A report has reached me from an authentic source that this Government has asked some chemists of the Government laboratory if any profitable use can be made of the rotten rice for any commercial purpose. If expert chemists can find some means by which this rotten rice can be used for commercial purpose—rice snatched away from the hungry mouths of millions, it would be something. But the reply they have got from the experts is that the rice is absolutely rotten and cannot be converted into useful commercial commodity. If it is not so used, the result we know would be to give it to the hungry people to eat and invite disease and epidemics.

In the budget estimate under the head "85A", the Hon'ble Finance Minister has remarked that this head was opened in the current year for the expansion of the large scale transaction undertaken by the Government to promote healthier marketing condition in respect of certain commodities of foodgrains. Personally, I would say that I agree with the Hon'ble Minister that a scheme of this kind should be adopted. But there is some defect in it, because there is no reality, no real desire to work it out successfully. I would ask the Finance Minister if Government have any desire to work it. These schemes seem quite all right on paper; there is nothing wanting about it. But if the question be put—has it really resulted in

the healthier growth of the condition of foodgrains—the reply would be simply an emphatic "no". Whatever statements are made here—whatever statements are made in the press, whatever communiqués are issued we know that they are mere eyewash—mere propaganda. We know what is the real condition of the people. People have no confidence in the Government and the Government have no confidence in the people. I say this because we find that in the working out of the schemes of food supply Government did not ask for the co-operation of the non-officials at all. If they had asked for the co-operation of the non-officials, I can assure them that it would have been available to them in plenty and still it is available to them in plenty: people are anxious to serve to solve the food problem irrespective of party politics. The problem of food is outside the party politics. It is the problem of the whole nation. But no co-operation has ever been sought for from the non-officials. I do not speak from theory. I am one of those who offered his co-operation; but the officials are afraid of us: if we go into the organisation perhaps the back door policy and bribery and corruption would be stopped. So they do not like that we should be in the organisation. No non-official co-operation was sought for. So I say Government have no confidence in the people and the people have no confidence in the administration and we are moving in a vicious circle. This proposition of promoting healthier marketing condition therefore cannot materialise. What is the condition in the rural areas? Of course, in Calcutta there is rationing and in some of the mufassil urban areas rationing is being introduced, but there is no rationing in the villages uptil now, and irrespective of the question whether rationing introduced has been a success or not, so far as the present condition of the country is concerned, people are shaky and very panicky. They do not know what would happen. They are apprehending a situation similar to that of last year. Foodgrains do not come sufficiently in the markets and at the same time from the various reports we find, the reports may be baseless or may have some foundations, that Government are making huge purchases——

Mr. W. B. C. LAIDLAW: Sir, may I interrupt the Leader of the Opposition to raise a point of privilege? It is a privilege of this House annually to discuss the Budget and truly it is a breach of privilege of the House if the Hon'ble Ministers be not present here to listen to the discussion. The Leader of the Opposition has been talking about foodstuffs and the famine and I have not seen the Minister of Civil Supplies throughout the Budget discussion and even the Finance Minister himself was absent for a short while.

Mr. PRESIDENT: I think it is a very important point of privilege that has been raised by Mr. Laidlaw. It may be that Government are taking notes of the various points raised by the members of the Opposition, but Government should realise one fact that this House does not vote on Budget items. So this House does not get an opportunity of expressing its views on them. Therefore, it is probably desirable that the Hon'ble Ministers in charge of different departments should be present as far as possible, so that

they might reply to the various points raised by members in addition to a general reply which would be given by the Hon'ble the Finance Minister.

May I know the views of the Leader of the House in this matter?

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Sir, I have been taking exhaustive notes of the discussion to be handed over to the Hon'ble Minister.

Mr. PRESIDENT: Yes, but at the same time I hope you appreciate that the Hon'ble Ministers' presence is sometimes necessary.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Sir, Mr. Suhrawardy was away from Calcutta. He came only yesterday and he is perhaps very busy with other urgent work regarding food supplies.

Mr. HUMAYUN KABIR: Sir, as you have very rightly said that we do not get opportunity to discuss the Budget separately and that this is the only occasion when members get an opportunity of discussing various matters, one by one. My honourable friend just now said that Mr. Suhrawardy has come and is engaged with other urgent work, perhaps thinking that this discussion is not sufficiently important. But this reply in another place would not have been satisfactory. I do not think there his reply would be acceptable. Therefore, through you, Sir, who is the custodian of the rights of the House, I request that at any rate during the Budget discussions for these two or three days every Hon'ble Minister should make it a point to be present in this House and listen to the suggestions of the members of the House.

Khan Bhadur M. A. MOMIN: Sir, I entirely agree with what Mr. Laidlaw has said, and it is very depressing for members to find that the Ministers are absent as they do not feel any encouragement to speak out their minds. It is no use my honourable friend Khan Bahadur Saiyed Muazzamuddin Hosain's saying that he is taking exhaustive notes. He may be taking very exhaustive notes. As a matter of fact, the official reporters are also taking *verbatim* reports of speeches. But will the Ministers read the speeches or the notes? They have never done that. The only thing that they can be expected to do is to have some impression after hearing the members so that they can speak out their minds. But, if they do not avail themselves of this impression even, I do not think it is any use our trying to speak either for or against Government, for that would tantamount to speaking in the wilderness.

Mr. PRESIDENT: I hope the Hon'ble the Leader of the House will realise one fact that not only the Opposition but also the supporters of Government have the same feeling about the absence of the Hon'ble Ministers. I hope you will kindly convey this information to your Hon'ble colleagues.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Yes, Sir, I will do so.

Mr. HUMAYUN KABIR: Sir, I was going to suggest that on a previous occasion when the then Hon'ble Finance Minister—I think it was Mr. Suhrawardy who was then Finance Minister—went away during the Budget discussion, the House was adjourned for 20 minutes till he came back.

Mr. PRESIDENT: The Hon'ble the Finance Minister is here.

Mr. HUMAYUN KABIR: But just now we are discussing a subject which relates to the Civil Supplies Department, and therefore the Hon'ble Minister in charge of the department ought to be present in the House.

Mr. PRESIDENT: Reply to the general discussion on the Budget is generally given by the Hon'ble Finance Minister, but as the food problem has assumed undue importance this year, the presence of the Minister in charge of the Civil Supplies Department is desirable, and am I assured by the Hon'ble the Leader of the House that he will request his colleague the Minister in charge of the Civil Supplies Department to attend tomorrow?

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: Yes, Sir.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I think, he is away from Calcutta.

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: No, he has come back.

Mr. KAMINI KUMAR DUTTA: Sir, as a matter of fact, it has not inspired the confidence of the people. It has not stabilised the market in the least. People had no faith in the measures taken by the Government. In the same district I have observed different prices in different parts. It is not only that the prices differ in different districts but even in the same district prices vary. It depends not upon the failure of the Government but upon the surroundings and circumstances of each area. Practically, the market has not been stabilised in the least. In some of the urban areas in East Bengal, I can speak from personal knowledge, rice is not available in the towns. It is available in the rural areas. Rice sellers do not come to the markets. They roam with loads of rice on their shoulders from house to house, or if anybody takes the trouble to requisition rice from the villages, then they came from the villages with their loads of rice. They do not come to the urban areas. Why? Because, if they come to the market, they will be forced by some of these officers to sell the rice to the officers or their supporters at any price they dictate. It is better for them to have a free market, to attend to other customers than their usual ones. I tell it and I tell it very frankly, Sir, that these officers who are there for supplying articles and who are for affording supplies to the people never inspire these men with confidence; they are rather looked upon with suspicion. There is a general talk among officers and we have been heard the people saying that if a general line officer were transferred to the Civil Supply Department, he would come back as a most

fortunate man when he returned from that department. So, Sir, as to the effect of all this also Government should take note: it is not at all desirable. It may be said that the war condition has contributed to this economic disruption of the country. Now, Sir, Bengal is a province which is on the frontier, in the war zone and on the border of an enemy-occupied country. But that is not a fact which was not known to the Ministry: it was known to them all through and anybody holding the reins of administration should have forethought that the problem of supply would be an important problem to face in the war zone. Bengal is today in the war done. Of all the provinces in India the situation of Bengal is very peculiar. So, the exigency of the war can be no excuse. If we compare Bengal's position with countries which are actually engaged in war, for instance the United Kingdom, we find that when the war actually broke out there England had provided for the food of the people for years; but here, Sir, it appears that the Government was merely toying with the situation. This problem of food they thought was a commercial concern; they thought perhaps at first that it was a concern in which for the time being people might make some fortune and the result of that has been that some fortunes have been built up at the cost of the death of thousands of our unhappy countrymen. And it has a far-reaching debilitating effect on the rest of the population which was left to survive. Sir, what has been effect of this bungling of the food situation in this country? If you go to any part of the rural areas of Bengal you would find that the class of people who used to be strong and sturdy have become weak and have lost their vitality for work. The labour population has become decimated and emaciated. Sir, today we are also talking of the "Grow More Food" campaign. Sir, food will not grow by pasting posters in the cinema houses here and there and in the crossing of roads. Food has to be grown by human hand, but that human agency is lacking in the country. If any one would go to the rural areas, he would not be able to find any agricultural labourer. The labour population has been considerably reduced on account of deaths due to starvation and its concomitant factor, disease, which they could not resist. Sir, I am a man who lives in the town but for a considerable period of time I also remain in the rural areas. I have travelled through villages and have found many of the villagers to have been pitiably shrunk down on account of under-nourishment. Medicine is being distributed now. In our part of East Bengal there are some military units woking in the matter of distributing medicines and I am glad to admit that they have been doing wonderful work. In my own district these units are working. But medicines cannot save under-fed men. It cannot save the lives of the people: it may cure disease but unless food is given one cannot survive. Then, Sir, speaking of the craftsmen who used to follow the various crafts for their livelihood do not now find any crafts: they are also dying. Various classes of people who used to follow various classes of crafts are dying and their number has been reduced to a considerable extent. There is another problem facing us. In our country there is no scientific cattle-breeding. In other countries there is scientific breeding—countries which know how to live. The cattle in this country

is not of a high quality. There is dearth of cattle and there is not sufficient cattle for agricultural purposes. This is a problem which should be carefully considered. We talk of "Grow More Food" campaign—we talk of improvement of agriculture. But in agriculture human agency is labour and animal agency is cattle—both are wanting. With both wanting there should be no talk of "Grow More Food" campaign. I have been informed that shortly an order would be promulgated under the Defence of India Act under which people will not be able to leave any land fallow—without cultivation. This, Sir, is a healthy measure. Not a single inch of land should be allowed to remain fallow. But mere introduction of this rule will not do. Land must be ploughed, crop must be grown, simply the semblance of the growth will not do. Government should apply its mind to meet this problem. Merely publication of posters will not do. They must see that there is intensive cultivation to make the "Grow More Food" campaign successful. They must supply good seeds, they must supply good manure necessary for healthy growth of crops. They cannot make the "Grow More Food" campaign a success by mere posting placards here and there and making a few propaganda lectures. People should be taught to grow healthier crops. They should go to the rural areas and educate the rural population on the subject of agriculture and they must themselves know how to educate the rural population. There are vast tracts which can be reclaimed and released in the Sundarbans and other areas. These should be released and reclaimed and brought under cultivation. Let this campaign be real "Grow More Food" campaign and not a campaign of job-hunters and a few propaganda here and there. Propaganda alone will not do. Propaganda cannot save the lives of the people——

Mr. PRESIDENT: Mr. Dutta, how long will you take to finish your speech?

Mr. KAMINI KUMAR DUTTA: I shall finish in a few minutes. Now, it may be said that war has raised various exigencies and the Provincial Government is not in a position to meet all the exigencies of the situation. I do agree with that. But it will be the duty of the Government to make a demand from the Centre to render aid to the Government of Bengal in this abnormal situation.

I will not take any more time of the House. It is not necessary to discuss the other items of the Budget. I have already said it would be absolutely unreal to discuss any other problem now. The only problem is the problem of our existence as a nation, living as a nation, problem of feeding the nation. We have a right to live and we shall live.

Mrs. LABANYAPROBHA DUTT: Mr. President, Sir, I must congratulate the Hon'ble Finance Minister on his boldness in presenting an unusual Budget in these extraordinary and emergent times, but I cannot refrain from making a few observations.

The Hon'ble Mr. Goswami has been at pains to explain the huge deficit and to satisfy some of the sectional interests by setting apart Rs. 5 lakhs a year for Scheduled Castes education, Rs. 1 lakh for communal harmony,

and so on and so forth. Even in this House I have heard speeches by members for and against the Government touching such interests. Mr. Barua raised the question of education of Buddhist minorities, but nobody has spoken on behalf of us, the women of Bengal, who represent more than 50 per cent. of all sections of the population—Hindus, Muslims, Christians, Scheduled Castes, etc. Has any sum of money been ear-marked by the Finance Minister for the extention of primary education amongst girls or has any provision been made for making such education compulsory amongst girls in this province?

The Hon'ble Minister for Local Self-Government Department in the course of a reply in this House once said that there were 170 women medical practitioners in Bengal with a population of nearly 65 millions and when questioned further he stated that he would consider the question of providing more facilities for training of women in the medical line. Has any provision been made for the encouragement of young educated women in this province to take to the medical profession in this time of widespread distress when epidemics are raging in various parts of Bengal amongst womenfolk and children specially? Is it not yet apparent to the Government that money should be spent for training a large number of women as health visitors and nurses even by giving allowances, scholarships in all the district hospitals of Bengal, and if necessary, by opening such Health Visitors' Training Schools in 10 or 15 selected towns? The most important need of the hour is to confer the benefit of expert medical help at the time of child-birth and the provision of improved maternity homes in every district and subdivisional centres of Bengal should have been provided with a good share of the provincial revenue. I want to draw the particular attention of the Hon'ble the Finance Minister of Bengal in this direction.

Alhadj Khan Bahadur Shaikh MUHAMMAD JAN: Mr. President, Sir, unlike my previous speaker, I am sorry, I cannot congratulate the Hon'ble the Finance Minister on his performance. I do not know on what ground my friend has congratulated him. We all know that the Budget presented by him is a deficit Budget of Rs. 13 crores, a little less than the whole provincial revenue of Bengal. In my opinion, the Budget for 1944-45 is the same old melancholy tale of privations, national agony and new taxation which we have been witnessing from year to year. And, Sir, I do not know how long and in how many ways this province is going to suffer. There is shortage of food, shortage of clothing, shortage, in fact, of everything, whether it is the product of this province or imported from outside. Even coal which is the monopoly of this province is not sufficiently available to the people here. Sir, though famine conditions have to a large extent subsided now by the grace of the Almighty God, yet everyone admits that hundreds of thousands of people are either still dying of starvation or are not getting two square meals a day and are living in almost half-naked condition. Nature is not unkind to the province; and is fertile and She gives us two bumper crops every year. The mineral resources of our province are, I think, greater than those of some provinces combined together. Therefore,

in my humble opinion if the people here are still living in wretched condition, it is due to maladministration of the province for the last 20 years by the so-called representatives of the people, that is, since the time when the Montagu-Chelmsford Reforms were introduced in Bengal. Sir, in spite of sincere advice from almost all quarters an all-Party Government has not been formed; and in its place one-Party Government is functioning, which are only anxious to reserve for themselves all loaves and fishes of office. Sir, a few years ago when the Provincial Autonomy was introduced in India, the Congress which was in absolute majority in some provinces and whose members were not after loaves and fishes of office, formed an one-Party Government, and there was a hue and cry all over India against it. But, now when there is war emergency, one-Party Government is not only supported but advocated. The funny thing is this that the Party which has formed one-Party Government is not in majority, and it has to look to others who have their votes in the Legislature but who have little influence outside the Legislature and are therefore not helpful to the Party in ameliorating the pitiable condition of the people at this critical juncture. Sir, the House will probably remember that Khan Bahadur M. A. Momin, a staunch supporter of Government, hinted about nepotism and corruption in the General Administration of the province since last 7 years when the Provincial Autonomy was introduced, and he appealed to the Ministers to look into this state of things. But I do not know how they can take effective steps to check these all-round abuses, as they are afraid that thereby they may not get the co-operation of their supporters.

Sir, Congress members did not take office for any monetary consideration as they wanted to serve the people and not to be served at public expense. They were always prepared to resign from their position if the country did not require their services. In spite of vehement opposition even from their own party, the Congress Government introduced complete Prohibition in Bombay at the cost of millions of Excise Revenue, and they did not care whether they were thrown out of their office or not. They wanted to do their duty at all costs. But here it is quite a different thing altogether. The party which is in power thinks as if public service is its monopoly and it cannot get out. It can swallow any bitter pills of humiliation against its conscience as the love of position does not allow it to go out of office. Sir, it has been suggested that the Meston Settlement, and the Neimeyer Award are responsible for the present economic break-down of Bengal, because the recommendations made by Sir Otto were not carried out. The subvention recommended by him was not accepted by the Centre and not a rupee was paid in terms of the subvention. Of the jute duty that was recommended, only 62½ per cent. was allowed and the Centre treated Bengal in a step-motherly fashion. But, Sir, I ask: who is responsible for this? Is it not a fact that our present Prime Minister, Sir Nazimuddin, was the Education Minister at the time and was he not also a member of the Executive Council of the Governor of Bengal? Was he not, I may say, the good boy of Sir John Anderson? Certainly, he enjoyed full confidence of the Governors at that time. He had a great influence over Sir Stanley Jackson and

Sir John Anderson. Did he protest to the Centre against this injustice? Did he ever utter a word that if Bengal was treated in that fashion he would resign? Was he prepared to bid goodbye to his position and take the public into his confidence? I think certainly not. And, therefore, if the Niemeyer Award is now said to be instrumental for the economic breakdown of Bengal, I may say that it is only our so-called leaders, our public-spirited representatives who are responsible for it. I think that if the Punjab or Bombay were treated in this way by Sir Otto Niemeyer or by Lord Meston, then the whole province would have risen in revolt and all the people of the province would have stood by the Ministry and compelled the Centre to give in. Now, Sir, it has been suggested by Mr. Gladding, the leader of the European Party in the other House, and I do not know what their leader in this House will say, that a subvention must be asked for by Government from the Centre, that is, that this Government should appeal to the Central Government to give them not loans but a subsidy and loans so far given must be wiped out. I ask my friends if they think that any appeal made by the present Government in this behalf will be accepted by the Central Government. In my opinion, unless all of us join together, the Centre will not allow any substantial subvention or subsidy to this province. I am afraid, however, that the present Ministry will not take any such serious step as it may jeopardise their position and it may cost them their office. Therefore, they will introduce new taxes and increase them. Sir, no province in India has had a sales tax imposed upon it, but in Bengal we find that not only is there a sales tax but the incidence of this taxation is going to be increased. Last year it yielded about 90 lakhs; this year it has yielded 2 crores but this revenue has come not from the rich merchants or shopkeepers as is wrongly asserted by the supporters of the Government. It is obvious that the shopkeepers are not at all hit by it; as it is, the poor people of this famine-stricken province will bear the burden.

It is true that poor man's clothing has been exempted from this tax but there are hundreds of other necessities of life such as medicines, household utensils, etc., which are purchased by almost all persons everyday and they will all pay this double tax. Shopkeepers will either add this tax in cash memos or proportionately increase the price so as to be able to pay this tax not from their own pockets but from the pockets of their customers. There is no denying the fact that the present Ministry do not care for the poor *raiyats*: they only want to govern the country at all cost as so-called representatives of the people. With these words, I resume my seat.

Mr. HUMAYUN KABIR: Mr. President, Sir, I confess I have a feeling of sympathy for the Hon'ble Finance Minister in the task with which he is faced today. This is the more so because the Hon'ble Finance Minister of today does not command that respect or support from the public to which at one time his abilities, his talents and his services to the country entitled him. He has yet some reserves of old credit to live down, and I am all the sorrier for him that he should squander old goodwill by persisting in a mistaken course instead of admitting his own blunder and resuming the career which he has so wilfully destroyed. He comes here today with a

Budget which cannot by even the farthest stretch of imagination be regarded as progressive or beneficial to the province. He had a very brilliant past and was one from whom the country expected much. Today, through circumstances into the details of which I need not go, he finds himself in a company which I think he will himself admit is neither commendable nor glorious——(Khan Bahadur M. A. MOMIN: Why?). Because it is a company which has never done any service to the country, because it is a company that looks up to the British bureaucracy and its favour for all its show of power and prestige. His whole Budget today is wrong—the whole Budget from the beginning to end is wrong. He comes before this House with a Budget which threatens us with further burdens of taxation—impositions which are vague and indefinite. He hopes to raise 10 crores more revenue than was raised in the two preceding years by this imposition in addition to what has been raised before. I confess, Sir, I am appalled at the dreary prospect which he has laid open before us. I am also forced to ask if this prospect has behind it any redeeming feature. Is there any hope that the increased receipts from this taxation are going to be spent for the poor? If the money is going to relieve the distress of the people, there may be something to say in favour of it. But the actual conduct of this Government which has been in office for a little less than a year makes all such hopes illusory. The record of these 11 months is not only a record of failure, but also a record of callousness—record of utter indifference to the sufferings of the people. It is even lacking in the decencies of political life, of——

Khan Bahadur M. A. MOMIN: What about the Government of the previous year?

Mr. HUMAYUN KABIR: I am surprised at the interruptions of my honourable and revered friend. Khan Bahadur Momin is not wanting in criticisms of the activities of the present Government whenever they are wrong, although he is a member of the Government party. My only quarrel is that he criticises the Government but remains silent and is not prepared to follow up his criticism to its logical conclusion and go against the Government, as we have all along done whenever we have found the Government—whatever Government was in power—go wrong. Why does not my honourable friend act up to his criticism and force his will on the present Government? Why does he not compel them to take measures according to his advice and follow his way of thinking and do things which are its obvious duties?

As I said a moment ago, the record of the Government in the last 11 or 12 months has been very dismal indeed. The first grave charge against this Government is in respect of the false pronouncement with which it started its tenure of office. On the 5th of May, Mr. Suhrawardy after assuming charge as the Civil Supplies Minister told this province that there was no deficit. He said that there was plenty of foodstuffs in this province and that assurance was repeated time and again. That assurance was again repeated by the Hon'ble the Chief Minister in the Howrah Town Hall.

He assured the people that there was enough of foodstuffs and that it was only a question of proper distribution and proper arrangement, liquefying the stocks of the hoarders. In March last year, we brought a motion to declare the province of Bengal a deficit province; but my honourable friends on my left, members of the European party, opposed the motion saying that there was no shortage, in spite of the fact that the price of rice was rising and Calcutta was overflown with hunger-marchers. I have already told the House on another occasion that it was to the credit of the hunger-marchers who by coming to Calcutta had saved themselves and saved Bengal. Today, there is again a move to prevent——

Mr. PRESIDENT: Mr. Kabir, I hope you remember the time-limit.

Mr. HUMAYUN KABIR: I hope, Sir, 15 minutes.

As I was saying, Sir, there is now a move to prevent the hunger-marchers from coming back to Calcutta. I can quite understand the anxiety of my friends on the left and the present Government that there should not be any repetition of the scenes of last year. That was a tale of disgrace. The suffering of the people was grievous, but even worse was the conspiracy of secrecy. It was a conspiracy to conceal the fact that people were dying on the streets of Calcutta. Once the hunger-marchers came and died on the streets of Calcutta, it was no longer possible for Mr. Suhrawardy or for anybody else to say that there was no deficit. The whole world knew of it. The whole world knows how the people were reduced to a state which made it difficult to recognise them as human beings. I am going into the past history to show how that situation was created as a result of the so-called food drive. If the Government follow the same procedure as they did last year, a more serious crisis will come over this province and the signs are already there. In spite of bumper crops, the price of rice is going up in the rural areas. In the mofussil you cannot get rice at less than Rs. 20 (Mr. RANAJIT PAL CHOWDHURY: At Rs. 22). Yes, so I was saying at not less than Rs. 20 a maund. And this is the position today, in the month of February when the crop has not yet left entirely the hands of the cultivators. I shudder to think what will happen this year. The calamity might be far greater this year than last year. I ask Government whether they are going to pursue the same policy as they did last year, namely, the policy of food drive and liquefying the stock. We know the results of the food drive; we know how foodstuffs were brought from the rural areas to Calcutta and how they were allowed to go underground in a mysterious manner. Government can follow a person from Calcutta to Bombay and know if the man travels in a particular train. They can ascertain whatever they want to ascertain. They claim to know even our thoughts and punish persons for only entertaining ideas. And yet this Government with their numerous officers cannot find where thousands of maunds of rice are gone. They cannot unearth this rice, wheat and other foodstuffs which are whisked away and disappear altogether. A reference has been made by Mr. Kamini Kumar Dutta to corruption as the canker of the administration, and, Sir, if that canker is not removed, it is useless for the

Government to make verbal professions. I would remind the House of an English saying that "the Herring rots from the head". The administration in Bengal is rotten at the head. Unless the rot at the top is removed, it is impossible for any officer or Hon'ble Minister to try to reform their subordinates, because they may be faced with the retort that they were following the precedents of their superiors. The rot must be stopped from the head. If the food drive is again started in the rural areas and if these stocks are brought to Calcutta, we may face consequences more serious than last year.

The Hon'ble the Finance Minister has in his speech made some reference to the procurement of the foodgrains and difficulty in distribution.

He has spoken of the difficulty of reaching food to the areas where it was most needed. I myself find that the problem exists today in an exaggerated form. Any attempt on the part of Government to take the stock away from the cultivators who actually need it to urban areas is fraught with very grave danger. If the Government want to succeed in their scheme, they should be able to procure and store food in selected areas and then distribute it as the situation arises. Everywhere, we are trying today to persuade the cultivators and the villagers to be self-sufficient as far as possible. If every union and every thana is made self-sufficient, then and then alone is there some hope for the rural areas. Otherwise even the story of their sufferings will not reach the people abroad, especially now when a new law has been promulgated by which the destitute persons are prevented from coming to Calcutta.

This is the picture, Sir, this is the background against which we have to judge the activities of the present Ministry. They have failed signally to cope with the situation with which Bengal was faced last year. It was an unprecedented situation no doubt; but by their commissions and omissions, by their blatant assertion that there was surplus when actually there was no surplus, by their unmeaning repetition of their Master's voice from the House of Commons, the incorrigible Mr. Amery, they have done more harm to the people of Bengal than perhaps any other Ministry or individual or Government in the course of the unfortunate history of this country for the last two hundred years. If in the months of July and August last they had organised relief and caused relief to come from abroad, the situation would have been otherwise. But they kept on repeating that there was no deficit and that there was surplus and the result was that no help came from any foreign source, neither from England nor from America nor even from the surplus provinces in India. It was only towards the end of September, after thousands of people—why thousands, I might say millions of people—had died, that the Government awoke to the fact of deficit. Then they admitted the famine conditions of the country and help began to pour in during the months of October and November. If that help had come to Bengal in the months of June, July and August, I am confident, Sir, and I think all honourable members will agree with me that if that help had come in the months of June, July and August, these unfortunate people would not have died. The death of these two, three or four millions of people—I do not know the exact

number, neither Government knows nor anybody else, and it is not possible to make an exact estimate, but even on modest estimate it will not be perhaps less than five millions—would have been averted. I submit, Sir, that the Ministry will be held responsible for the death of five millions of people. They died on their own lands, they died on their own soil crying for redress. The Ministry cannot deny that but for their foolish policy in persisting that there was no deficit, outside help and outside charity would have come to the rescue of these unfortunate people and they would not have died.

If the Ministry want to do some good to the people, let them not be callous, let them rise to the height of the occasion and let them seek the co-operation of all parties, even the parties which are in opposition to them. My honourable friend, Mr. Kamani Kumar Dutta, has suggested that the non-official members have found that even when they offered co-operation, it was not accepted by the Government and the Government went its own way. The Government's plea is that the people hoarded last year. There was certainly hoarding, but Government was the greatest hoarder, and they boarded while the people starved. At Naogaon, 20,000 maunds of rice were kept in stock by Government while thousands of people were dying there. At Jessore, more than one lakh maund of rice was held in stock by Government when the people there were dying like fleas, and today that rice has been thrown into the market. The members of this House know from their personal experience that the rice which is thrown into the market is rotten rice released from the stores hoarded by Government. This rice is often unfit for human consumption. In my areas, people have given it a new name. It is not rice for cows, not rice for horses but rice for elephants! They suggest that perhaps elephants alone may be able to consume this poor quality of rice. Mr. Kamini Kumar Dutta has referred to the fact that Government are making a chemical analysis of this rice in order to find if any proper use can be made of it. The present Government are able to go on in this way because there is no chance of any general election now. This protects them from the condemnation and fury of the people. But, Sir, I would make a special appeal to the Hon'ble the Finance Minister to reconsider his own position once more. He has some credit to live down even now. Still some finer feelings are left in him. I ask him: how can he associate himself with an administration which is responsible for the death of five millions of men, women and children of this province through no fault of theirs, through no natural calamity but merely through the maladministration of a Government which was pitchforked into office by a person about whom the less said the better.

Sir, this is the position. The reason why I am emphasising this point is: that unless steps are taken even now, then a worse calamity might befall Bengal. No amount of discussion about "the Grow More Food" campaign will do——

Mr. PRESIDENT: Mr. Kabir, your time is up.

Mr. HUMAYUN KABIR: I am under the impression that I began at 2-30 and have spoken for ten minutes only.

Mr. PRESIDENT: No, no. But I give you 5 minutes more.

Mr. HUMAYUN KABIR: Thank you, Sir. I find that this "Grow More Food" business is confined to the compound of the quarters of Government officials, or in a few yards, and strips of land lying on either side of the road. This does not suggest that Government have taken the business seriously; they are simply tinkering with the problem. Every one who travels in the countryside knows that there are waste lands to be found on either side of the roads which are not utilised for cultivation. Why does not the Government try to acquire these lands? They ought to take up these waste lands and jungles and utilise them for cultivation immediately and grow foodgrains there. The Floud Commission Report tells us that in Bengal one-third of the arable area is not cultivated. Why does not the Government undertake to see that they are brought under cultivation by the owners themselves with help of the Government? If the owners are not prepared to cultivate them, in that case does the Government contemplate the acquisition of these lands and farming them out? Here is a concrete suggestion, Sir, by which Government may increase the food supply for the province by undertaking measures for the cultivation of areas not under actual cultivation even though they are arable.

I might refer to one other matter in this connection. The Government of India have imported some scientific appliances and scientists from Russia to combat locusts. Sir, it is known to all that Russia has made a tremendous advance in the development of food crops in the last 15 years. Is this Government prepared to get help from Russia? After all, Russia is an Allied country: it is a member of the United Nations. Are Government prepared to send young men, Hindus and Mussalmans of this province—five hundred young men from Bengal to Russia to be trained for six months or a year and come back and contribute to the improvement of the cultivation of this province? Will Government invite Russian help to find out the proper utilisation of the resources of this country?

You are looking at the clock, Sir, and my time is almost up. I will conclude by referring to the grievance, to which Sir, you also were pleased to lend a patient hearing. I am referring to the fact that in this House we have no opportunity of discussing the details of the Budget. In the course of 15 to 20 minutes, we have to compress whatever we have to say. But in this way, a very valued privilege of the House has been taken away. We have a Budget—a Budget which is unreal to us. We talk about it but we cannot vote for or against it. We do not discuss the supplies at all. I suggest to the Hon'ble Finance Minister that in this way, a valued right has been denied to the House. If supplies were brought before the House, each item would have to be mentioned. In discussing these items, we would get greater opportunity of expressing our opinion and making our voice felt. I am sure that my honourable friend Khan Bahadur Momin, even though he might differ with me in other respects, will be at one with me in this matter. This House will have in that case a greater voice in controlling supplies and in directing the actual items of expenditure out of the revenues of this province.

As my time is up, Sir, I must conclude with these remarks.

Rai Bahadur KESHAB CHANDRA BANERJI: Mr. President, Sir, Like my friend Alhadj Khan Bahadur Shaikh Muhammad Jan, I am also unable to compliment the Hon'ble the Finance Minister "on the Grow More Food" campaign to which reference has been made in his Budget statement. I would have congratulated him if he had initiated a "Dig More Graves" campaign, for our past experience shows that there is a greater necessity for digging more graves in Bengal than for growing more food. (The Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain: What campaign? Rai Bahadur Keshab Chandra Banerjee: "Dig More Graves" campaign.) It is difficult to resist one's emotion when one looks at the gloomy Budget estimates presented by the Hon'ble the Finance Minister. I am not one of those who passionately look for a surplus Budget. I am in entire agreement with the Finance Minister that the State is not only Force, it is also Service. But the Budget, as presented, shows the claws of coercion and not the avenues of service. Hence I call it gloomy—gloomy for the country as a whole. The first thing that strikes me is the unusual expenditure on every front. It does not speak well of the Government to be tied down to the charriot-wheels of expenditure born of emergency conditions due to war. The expenses in connection with the steps taken to deal with famine in Bengal should primarily be the concern of the Central Government and of His Majesty's Government. Bengal being the spring-board for an offensive against Japan, steps leading to the procurement of supplies of foodstuffs and the dispensing of relief to the famine-stricken people have been necessitated primarily by war conditions, and it is unfair to commit the Provincial Revenues to such colossal expenditure on that account. The subvention from the Centre should come not by way of loan but as a gift to meet such unforeseen expenditure. The terrible cost of living in Bengal is undoubtedly the direct result of war conditions which do not concern the Provincial Government. The huge expenditure by the Provincial Government to meet war emergencies is amazing, the more so when it is considered that Provincial Autonomy is the pronounced feature of the Constitution Act. The Budget provides melancholy reading from the constitutional point of view. The Central Government seem to dictate at every step, but they are not agreeable to bear the financial responsibilities. They have stifled Provincial Autonomy and provincial revenues so that the provinces may not stand erect for some time to come. It is not complimentary on the part of the Provincial Government, principally the Ministry, to have drained the province dry at the bidding of the Central Government. It is doubtless ominous for Bengal.

I congratulate the Hon'ble the Finance Minister on the chaste and elegant diction of his Budget statement and the new schemes which he has adumbrated to supplement the so-called nation-building activities of the Government, but I cannot compliment him on his method of approach to the various problems with which Bengal is confronted at the present moment. The Budget Estimates presented by the Finance Minister is, as I have said, full of gloomy forebodings. It is, to put in a nutshell, a "Beg, borrow or tax"

budget, or in other words, the present Ministry propose to carry on the administration of the province by begging, borrowing or by taxing a people already over-burdened with taxes. He seems to take his stand on the celebrated dictum that taxation is "an engine of social and national policy". It is an economic principle which is hardly suitable for this poor country where the average income *per capita* is Rs. 66 annually, that is, Rs. 5-8 per month. It is all very well to enunciate theoretical principles and tenets but it is a different thing altogether to apply them to practice. The prevailing conditions, political, social and economic and various other factors have got to be taken into account before resorting to taxation. Administration by taxation is the worst form of Government. No civilised country in the world relies for its day to day administration upon revenues derived from taxation. It is universally agreed that the famine conditions prevailing in Bengal are largely responsible for the depletion of her finances. The past was bad enough, the present is gloomy and the future is equally dark and uncertain.

The Hon'ble the Finance Minister would have done well to look within and to have suggested retrenchments in the ministerial sphere by foregoing the costly paraphernalia with which the province has been saddled. There can be no gain-saying the fact that the administration has become top-heavy. If eight Ministers with no Parliamentary Secretaries to assist them could manage the various departments a year ago, there is absolutely no justification whatsoever for having 13 Ministers, 13 Parliamentary Secretaries and a number of Whips to run the Ministerial chariot at the cost of the poor taxpayer It is well known that Parliamentary Secretaries have no administrative functions; they can only reply to questions in the Legislature. For only replying to questions on behalf of the Ministers, the Province has been made to maintain 13 Parliamentary Secretaries! The Ministry may have the power of squandering away public money; they have the opportunities of abusing their power; but there is no reason why the nation should tolerate such prodigal waste of public money for political sport. The innumerable appointments on the administrative side on the plea of "war conditions" without any reference to merit but in strict adherence to the canons of political gambling and party domination are making a large draw on the Provincial Exchequer, much of which is unjustifiable. It is sickening, it is distressing that political morale has sunk so low that public money is not considered a trust for the nation's welfare but a fund for individual and party aggrandisement. The Budget unfolds the depressing tale of unconscionable and unjustifiable expenditure undertaken with a view to stabilising party ascendancy in utter disregard of national development. This criminal waste of public money without a national policy of development calls for the severest indictment.

Sir, the province is going to be burdened with the doubling of the Sales Tax; there is also to be a fresh levy on Agricultural Income. All this for what? Evidently for the purpose of narrowing down the margin of deficit resulting from the pursuit of unimaginative and uncalled-for expenditure. The Ministry has hardly any policy which will add to the welfare of the

people; it has no scheme which will nurse the people and increase the wealth of the country. It has one governing policy—that is, the policy of distributing patronage amongst its adherents and supporters with prejudicial repercussions on administrative efficiency. Whenever we have found the crisis deepening and the distress growing in magnitude, we have been consoled with new appointments. It has adopted the policy of "buying up discontent". The food crisis has revealed the extent of curruption on the administrative side, and we are asked to vote for money for the manifest purpose of keeping up the corrupt facade. The Ministry sings, the expenses of administration rise, but the people wither away.

In a province which has seen the severest kind of food crisis, it was natural for the Government to have devoted their attention and energies to the increase of agricultural production. The Budget speaks of the "Grow More Food" campaign, but those who know land and agriculture know it fully well that hardly have the Government been successful in increasing food products by intensive cultivation or by bringing cultivable waste lands under the plough. The Governmental activities have been confined to the printing of leaflets and the payment of travelling allowances to the Ministers and other administrative officers. Better seeds have not been made available to the cultivators, better irrigation facilities have not been provided for, better public health has not been aimed at, better methods of cultivation have not been adopted, better marketing of produce has not been arranged for, better credit facilities have not been provided, and, last though not the least, there is no plan for increased production. The Agricultural Department, one of the most vital departments connected with the increase of national wealth, has mishandled the situation when the people were starving peacefully in the streets and in hovels. But we now understand that a special officer from the Punjab has been recruited to instil new life into the dry bones of the department! Is it not a sad commentary on the activities of the Government of Bengal that they should be sporting while dire famine and pestilence have been taking a huge toll of human lives?

The staggering waste of public money without any well-thought-out scheme for national well-being, coupled with the rise in the administrative expenses and fall in administrative efficiency, has strangled the province, and it will increase hundred-fold the difficulties in launching any scheme of recostruction during or after the war. The province is sucked dry making future reconstruction difficult—this is the definite contribution of the Ministry.

The question which is uppermost in our minds at the present moment is the solution of the Food problem. Our experience of the past year makes us nervous. The scenes of desolation and misery in the country-side and in the city of Calcutta are still fresh in our memory. Sir, assurances have been received from high quarters that there will be no recurrence of famine next year. We are grateful to His Excellency the Viceroy for the kind initiative he has taken to grapple with the problem and for the sympathy and keenness with which His Excellency has taken up the question. Sir, Bengal has not

yet become the scene of battle in the sense in which the European countries have been. We are told that enough food has been stored for emergency in England and that Britain's emergency lenders can, if necessary, feed the whole nation from now until the next harvest without calling on extra shipping. Millions of tons of canned foods, meat and flour are now reported to be in 10,000 hidden depots. In store are thousands of tons of Canadian and Australian flour, sugar, cases of tea, canned meat, fish and fruit. In addition, there are carefully conserved food stocks on farms and record stores of grain immediately available in granaries, barns, and even empty school rooms, which could be turned into flour and bread within a fortnight in case of an emergency. If Britain which is by no means self-supporting in the matter of foodstuffs could make ample provision for the future, it is unfortunate that Bengal should share an altogether different fate under the aegis of the British Crown. We should like to know what provision has been made on these lines to meet any emergency should it arise in Bengal in future.

Sir, one word and I have done. I find from the Budget that supply of foodstuffs at concession rates to Government employees including Civic Guards and A.R.P. personnel has been provided for in the current year. But I very much regret to have to bring to the notice of Government the fact that the provision made for the Civic Guards is more imaginary than real. Foodstuffs have no doubt been supplied to the Government employees and the A.R.P. men at concession rates but not to the Civic Guards. I can say from my personal experience and first hand information that the Civic Guards of Dacca, Mymensingh, Chittagong and Bogra have not been supplied with rations, although the Police whose auxiliaries the Civic Guards are have got their share. We have been pressing the district authorities and the Government to supply basic rations to the Civic Guards but to no effect. A deputation on behalf of the Civic Guards of Dacca waited on the Hon'ble the Chief Minister when he visited that place in July or August last. This was followed up by a representation in which the grievances of the Civic Guards were set forth in detail; but nothing has yet been done to remedy their grievances. The Civic Guards whose duties are voluntary and of an arduous character have to undergo considerable hardships for the non-supply of rations at concession rates. They have to buy their food articles from the market at high prices, whereas the Police and the A.R.P. have been regularly getting their supplies from the Government stocks. If the Government really want to run this organisation, they should not ignore the claims of the Civic Guards. If it is thought that the Civic Guards are not required, Government should disband them rather than create discontent among them by differential treatment and indifference.

Mr. PRESIDENT: The House now stands adjourned till 1 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1 p.m. on Tuesday, the 29th February, 1944.

Members Absent.

The following members were absent from the meeting held on the 28th February, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Nur Ahmed.
(3) Mr. Sultanuddin Ahmed.
(4) Khan Sahib Nurul Amin.
(5) Mr. Kader Baksh.
(6) Moazzemali Chowdhury.
(7) Mrs. K. D'Rozario.
(8) Khan Bahadur Abdul Gofran.
(9) Mr. Mohamed Hossain.
(10) Maulana Mohd. Akrum Khan.
(11) Mr. J. McFarlane.
(12) Mr. N. N. Moholanabish.
(13) Mr. N. N. Mookerjee.
(14) Mr. R. S. Purssell.
(15) Khan Bahadur Kazi Abdur Rashid.
(16) Mr. S. N. Sanyal.
(17) Khan Bahadur M. Shamsuzzoha.
(18) Dr. Kasiruddin Talukdar.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 14.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 29th February, 1944, at 1 p.m., being the fourteenth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Health Survey Committee.

71. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if any Provincial Health Survey and Development Committee has been formed in Bengal to assist the Central Health Survey and Development Committee formed by the Government of India in drawing up post-war health programme for Bengal?

(*b*) If so, who are the members of the said Committee and what are its functions?

(*c*) If not, why not?

Mr. BIREN ROY (Parliamentary Secretary, on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) No. Provincial Committee has been formed directly to assist the Central Health Survey and Development Committee; but a Public Health Sub-Committee of the Bengal Post-War Reconstruction Committee has been formed which will survey the whole field of public health development and will suggest schemes for the expansion and improvement of all Health Services. Their recommendations will be made available to the Central Committee.

(*b*) The terms of reference of the Public Health Sub-Committee are as follows:—

(*i*) to devise ways and means for raising the level and enlarging the scope of health and medical services and nutrition in accordance with generally accepted standards of civilised countries including provision of supply of pure drinking water and effective sanitation in rural areas. The Committee may consider in this connection how far indigenous systems of medicines may be utilised;

(*ii*) to consider schemes for model villages in each region of the Province.

A list of the personnel of the Sub-Committee is laid in the Library.

(*c*) In view of reply to (*a*) and (*b*) does not arise.

Mr. HARIDAS MAZUMDAR: It is understood that the public health sub-committee has been appointed and the personnel is there. Will the Government be pleased to say whether it consists only of officials or there are members of municipalities and district boards?

Mr. BIREN ROY: It is not possible to say whether there are members of district boards and municipalities on the committee. Officially they are not members as such but there are such members who are members of district boards and municipalities.

Mr. HARIDAS MAZUMDAR: On a point of information, Sir. May I enquire what has happened with regard to the appointment of the committee to consider the "*bhog* rationing". Though today is the 30th day of rationing, we have not yet been informed as to the arrangement that has been made in this connection. We should like to know the names of the members of that committee. This is a very urgent matter and the Hon'ble Minister for Civil Supplies gave us a definite promise in this respect.

Mr. PRESIDENT: Is the Hon'ble the Leader of the House in a position to supply information on this matter?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Mr. Suhrawardy will be coming to the Chamber soon and he would personally reply to the point raised.

Mr. PRESIDENT: Well, let us wait till he comes. The House will now resume general discussion on the Budget.

General Discussion on the Budget.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, at the outset I would like to congratulate Mr. Nur Ahmed on his contribution to this discussion. The line he took, namely, that this province has been treated as a sort of Cinderella among the provinces, is I believe, the right stand-point and the figures he gave to support his views were most interesting. The financial restrictions on the nation-building activities of Government were bad enough in the days of peace. But now that Bengal is in the position of a frontier province with a major war over its borders, surely there is a claim not merely for equal treatment with other provinces but for preferential treatment. So to Mr. Nur Ahmed's statistics let me repeat the point that I made in the last Budget discussion that for the maintenance of morale in this frontier province it behoves the Central Government to see that essential services are not restricted for lack of finances. In September last, I said that the economy of this province had been ill-equipped to withstand a calamity such as the famine of 1943 and the Hon'ble Minister has added point to this by bringing out revised figures for 1943-44 showing a deficit to the tune of Rs. 1¼ crores of which Rs. 9¼ crores are made up of expenditure arising out of the famine. I refer to the expenditure on famine and medical relief and the loss on food for 1943-44. It is impossible to regard the relief of famine in the province which contains the major port and transport facilities, on

which operations for the defence of India depends, as anything but a responsibility which should be borne by India as a whole and therefore I would again plead that this House should sustain the Hon'ble the Finance Minister in his efforts to obtain financial relief from the Centre.

Let me draw particular attention to one aspect of Government activities which is not being pressed with sufficient vigour mainly, if one is to judge from the Budget, from lack of finance and staff, namely the countering of inflation by strict control of prices. Enforcement of price-control on consumers' goods other than food is still largely ineffective and the estimates do not include any provision for setting up a proper price-control organisation. The Anti-hoarding and Prevention of Profiteering Ordinance has had a good effect but little has been done to back it up with an effective enforcement organisation.

While on the subject of price-control, I wonder whether the full measure of suffering and misery which can result from inflation getting out of hand is fully realised. To this country it is a new problem, not yet experienced, and therefore it is all the more necessary for Government to keep the possibilities constantly in view and to take all available steps to counter the danger. In addition to price-control therefore, I would stress the importance of an increased supply of consumers goods so as to counteract hoarding of cash by the cultivator and a vigorous policy for the recovery of loans to cultivators.

As regards Government's trading operations, I would stress the necessity for these operations being conducted along strict business lines with a view particularly to minimise loss owing to wastage in stocks, bad quality and losses in transit. The Provincial Government should endeavour to cover themselves against such losses as far as possible.

Our view in regard to quality of imported rice is that the Government of India should accept responsibility for the quality of rice and other foodgrains imported into Bengal and should appoint Inspectors in the exporting provinces for this purpose. The Bengal Government's arrangements for the inspection of supplies on arrival and for sending samples to the Government of India is no solution to the problem since it is not practicable to return supplies which are found to be of inferior quality.

I would also stress the necessity for accounting for Government's trading operations in a business-like way. The accounts as at present presented cannot be easily understood by the public and may even fail to reveal to Government points which ought to receive the attention of the departments responsible. In this respect, therefore, I would strongly recommend the use of well-tried business methods of accounting. I believe that this would be to the benefit of Government in revealing the full magnitude of the operations undertaken. For example, it would show the loss on foodgrains estimated at Rs. 5 crores in 1944-45 in a better light, when compared with the total expected outlay of Rs. 81 crores. The co-relation of all the connected figures should appear in a form of Trading Account and Balance Sheet which can be understood by all concerned.

While on the subject of Accounting, may I also draw attention to the duty cast on the legislature of seeing that the huge expenditure envisaged in the estimates is applied to the best purpose. In fulfilling this function the detailed estimates furnished are of no assistance. For example, only two pages out of 461 of the detailed estimates are devoted to Famine Relief and no details at all are given with regard to expenditure in the current year of Rs. 3½ crores on gratuitous relief. Similarly, under the heading "Extraordinary charges in India", the expenditure of the Department of Civil Supplies is mixed up with a number of miscellaneous items such as the Home Guard organisation. There are no details of the expenditure on rationing and no explanation appears in the accounts for the anticipated increase in this expenditure from Rs. 26 lakhs in the current year to Rs. 97 lakhs in 1944-45.

While the business of this House in regard to the Budget is limited to a general discussion, the Hon'ble Minister will, I am sure, agree that this discussion would be more valuable to him if the House were placed in possession of the full details to which we are entitled.

In closing, I would congratulate the Hon'ble Minister on his handling what is probably the most difficult financial period through which this province has passed.

Mr. HAMIDUL HUQ CHOWDHURY: Mr. President, Sir. I would begin by congratulating both Mr. Laidlaw and the European Group here and also my friend Mr. Nur Ahmed for emphasising the financial position of the province of Bengal *vis-a-vis* the Government of India. They have fully brought out the points and these will give strength to the Government of Bengal in their fight for getting for this province what is due from the Government of India. I submit that if the opposition had also joined in this demand, they would have really helped the province. Sir, in the present system of Government we cannot go on without the existence of the Opposition; but there are occasions when even the Opposition can easily over-reach themselves. In this particular case we have been witnessing the sorry spectacle that instead of being helpful, in many instances they have created difficulties in the way of the province. Look at the mutual mud-throwing now going on over a matter in which there should not have been any such bickerings. Sir, it is everybody's case that Bengal is passing through one of the most difficult periods that have overtaken any province in India, or for the matter of that anywhere in this world. Probably, Bengal has suffered more than any other country that is situated in the fighting area during the year 1943-44. In very few countries shall we find millions of men having died from the effects of actual starvation on account of the impact of the war. For the Opposition being cognisant of this state of affairs to say that Government have not brought about a solution of this problem seems to me to be nothing but cussedness. The difficulty, Sir, is of such a magnitude that the Provincial Government, limited as it is within the sphere that the Government of India Act, 1935, has laid down and the insufficient resources which it can control, cannot solve all her problems.

Therefore, to find fault with the Government for all the evils from which this province may be suffering is only to create an opportunity for the people who want to shirk their responsibility. We are only quarrelling among ourselves and are not throwing the responsibility on the shoulders of others who are to a large extent responsible for all this difficulty and who can also really shoulder them. Therefore, to this extent we are creating an atmosphere which gives an advantage to those who want to shirk their responsibility instead of bearing it. The real duty of the Opposition in this critical juncture, as Mr. Laidlaw and Mr. Nur Ahmed have suggested, is to demand from the Government of India the fulfilment of their own obligations to this province. The heaviest items of expenditure which have caused the deficit in this province are those which are the direct result of the war. Some two to three hundred thousands of armed men together with their retinue of about a million, entirely dependent on the province for maintenance except for what the Army gets by way of rations from outside, have caused much of our troubles. The result is that the Government finds itself confronted with a task which is of an unprecedented magnitude. This difficulty has been created not by maladministration, as I have said before, not by mishandling but by the fact that the province has become an isolated base for a major war, a situation for coping with which the provincial administrative machinery was not prepared or to deal with which the Provincial Government had no experience to draw upon. The month of July of the year 1943 was the turning-point in the history of this province. The province was not prepared to handle such an unprecedented situation as happened them. Therefore, the Opposition's proper function in this novel crisis is to join hands with us in making a united demand. It shall be the demand not of the Government of the day alone but of the whole nation, as De Valera is reported to have said that the neutrality of Ireland is not the policy of Government but the policy of the whole nation, though it was being given voice to by his Government.

In such matters we should have what is called a national policy. The Opposition speaks of national Government. It is a national Government that is working in Bengal at present; but at the same time the existence on Opposition is necessary even now. It is necessary because the Opposition can perform the essential duty of offering healthy criticism, which is certainly very useful. You left the affairs of the province while in mid-stream and now blame the present Ministry for all the troubles which made their appearance when you were in office. The present Party came into power last year when the situation was critical. Everything possible was done by the present Ministry to grapple with the problem and bring the situation under control. But the situation was of gigantic magnitude and the present Ministry have done the best that could be done in the circumstances. If half of what has been done was left undone, I am sure several more millions of people would have died. It is true that there is nothing in the Budget but the tale of our sufferings—it is true it speaks of the miseries of the people of the province: but that is inevitable. I must congratulate the Hon'ble the Finance Minister and the Government for the courage and

imagination they have shown, for the patriotic spirit in which they are trying to grapple with the difficult problems. They have not minced matters; they went boldly forward to tackle the problems of saving the people suffering from disease, hunger, want of hundred and one essentials of life and from hundreds other difficulties which are bound to come after such a devastation as we have had. At the same time, we must not forget that we are still in the midst of trouble and our difficulties are not over in any sense of the term. The longer the war goes on, the greater will be our difficulties. The paralysis that will come will be a crippling paralysis. If Mr. Harry Hopkin's examination of facts is true, war is not going to end in 1944, 1945 or even in 1946. This province is essentially in the war zone and so there is no occasion for us to be complacent. So far as the Government is concerned, there is no reason to doubt that they will do their best to meet the future in a spirit of determination. Last year we suffered only for want of rice. But this year it seems we shall have to suffer for want of everything. I may speak of one district in this connection—the district to which I belong —the Noakhali district where a fowl is selling at Rs. 5, while in Calcutta it can be had for Rs.1-12. Again, fish which is available in Calcutta at Rs. 1-12 a seer cannot be had at Noakhali for less than Rs. 4 a seer. Vegetables which used to be sold in normal times at one pice per seer are being sold for six annas.

(Interuptions from the Opposition benches.)

Mr. PRSIDENT: Order, order. I think when the Opposition members spoke yesterday, they were listened to without any interruption from the Government side. I hope the same courtesy should be shown to members of the Government side.

Mr. HAMIDUL HUQ CHOWDHURY: Thank you, Sir. That, Sir, is the position in almost every village in the mofussil. There is another matter which is very important: that is the cattle position in Bengal. Mr. Suhrawardy had been on tour in some districts of the Eastern Bengal and he himself has said that a pair of cattle worth in normal times Rs. 150 is selling for Rs. 1,100 or Rs. 1,200. Some steps have to be taken to see that the position does not go beyond control. I would suggest that immediate steps should be taken to ration the consumption of meat. In fact, there was a suggestion and it would not be a wrong one to restrict slaughter of cattle to certain days in the week. In the whole of the northern districts there is no breeding system and they have to depend on imported cattle for cultivation and other things. So some steps must be taken to improve the transport difficulties in this respect.

Next I come to the clothing problem. We find that there has been no solution so far as this question is concerned. Steps that have already been taken are very inadequate to cope with the situation. The most important thing in regard to this problem is the transport question and for this we have to depend on the Central Government. This Government should put pressure on the Government of India so that more transport facilities are

given in this respect. Regarding the position of the weavers of this province, Government has a great responsibility. Their position requires to be improved. They are one of the worst sufferers. Sir, the prices of yarn are being controlled, but the machinery that has been set up to control the prices are not adequate. We should see that the weavers get yarn at the controlled rates. We should be more particular about the dyeing of the yarns and its distribution among persons engaged in handloom industries. We must keep the handloom industries going. Otherwise we shall not be able to revive this industry after the war.

Then, there is the problem of agriculture. The most important thing in this connection is the growing of better seeds. It is an accepted proposition that we have not got the right kind of seeds. We are carrying on with the old seeds that are available now. The Government should start seed-multiplying organisations. Imported seeds can relieve the scarcity of seeds. But unless we multiply seeds of improved strain here, we cannot improve our yield. The Government should start research stations for the improvement of the seeds and distribute the seeds to the cultivators in large quantities after multiplying them in seed stations.

Another important thing that rests on the Provincial Government is with regard to the marketing of jute. We do not find in the Budget any provision for organising the marketing of jute, which has been the crying need of the province for years. This is a problem of great magnitude. Jute is a great agricultural commodity. Nearly 50 to 100 crores of rupees are involved in this trade. Government should see that the right type of men are appointed to this Department for drawing up a plan. If the Government find it impossible to get any one so acquainted with this subject, they should try to secure men from Australia, America and other countries, who have experience of handling agricultural commodities on a large scale measure. Merely appointing certain I.C.S. men would not solve this great problem. Good plan is very essential for the purpose of a successful solution.

As I said, Sir, jute is one of the biggest commercial commodities on which the prosperity of the province really depends. At this stage, I cannot help refering to an omnibus department known as the Rural Reconstruction Department. The idea of this department has possibly been borrowed from a neighbouring province of ours. It appears to me to be an airy nothing. So far as this Rural Reconstruction Department is concerned, it has been able to do nothing, because it can do nothing. Sir, the United Provinces of Agra and Oudh is responsible for the invention of words "rural reconstruction". The officer who is known as the Director of Rural Reconstruction has got to administer several other departments also. In fact, Sir, he reminds me of the character of Phooba in the '*Mikado*" by Gilbert and Sullivan. He is not only the Director of Rural Reconstruction but also the Chief Controller of Jute and he is also in charge of three other departments. Therefore, I think this Rural Reconstruction Department has got no work. Because, after all what is rural reconstruction? Rural reconstruction means reconstructing the society in

the villages and improving the lot of the people in the villages by giving them education, better agricultural facilities, better medical facilities and a good marketing system, better road. But, for this purpose we have got the specialised departments such as the Agriculture Department, the Education Department, the Public Health Department and so on. If these functions are not being properly performed, then improvement should be made in these departments. By creating an omnibus department such as these, we will make confusion worse confounded and create unnecessary friction.

Lastly, Sir, I come to the post-war reconstruction scheme which the Provincial Government has undertaken. It is a very necessary task which has been taken up by the Government in right earnest and they have set up a large number of committees. But one thing, Sir, which I should like to suggest to Government is that planning is a hard and difficult work, and the officers whose hands are already full should not be made Secretaries of such a department. Because, if you entrust this most important work to an officer who is already overburdened with other works, he will not be able to do justice to this work. For this work whole-time officers are necessary. We do not know when the war will come to an end. Therefore, it shall be the duty of every government to so organise itself from now that it may not be overtaken by overwhelming difficulties to adapt itself to the changed situation at the end of the war. After the war there will be so many problems to deal with. One of the biggest problems will be the unemployment problem for tackling which this Government has had no experience in the past. Millions of people in the villages whose ordinary avocation was cultivation have been taken away from the villages and trained and employed as technicians, motor drivers, etc. Now, after the war these people will be thrown out of their present employment and they cannot go back to their villages: we will have to take charge of them and divert them on to other works which also will have to be found. Therefore, Sir, we have to set up our organisation from now, because after the war the problem will be so difficult that it will not be possible for the Provincial Government to draw up its scheme then and at the same time tackle it. The unemployment problem has baffled much bigger governments elsewhere. Therefore, I would say that this post-war reconstruction planning work should be really and earnestly taken in hand. There should be a full secretariat department working entirely for this business, with Chairmen who have got not only ideas and imagination but expressed views of their own so that they can guide the deliberations of the committee and give directions to the work of the Planning Committee. This work will be of far-reaching importance. Suppose, tomorrow the war comes to an end. We shall immediately be faced with a hundred and one problems. One of the task that we must take in hand is the construction of roads which has been hanging fire for a number of years now. We need to have our plans ready at once; the old plans will not do. We should have plans ready to take up at the stage where the military have stopped and switch them over for the construction of provincial roads and communications. A large number of tractors and road-making machineries will be available to us and

there will also be the problem of employing thousands of unemployed who can be employed in the work. Suppose we have in the meantime kept ready a plan which will require an expenditure of 20 crores in 5 years. In that five-year period, we can at least have prepared 5 to 7 thousand miles of metalled roads in this province that will bring prosperity, civilisation and education to the villages. In a similar way, I can name hundreds of other schemes and tasks that lie ahead of us. For instance, we must have a provincial transport service for Bengal. Whether it will be State managed or privately managed, the committee will decide. I may say that after the war hundreds of crores of rupees will be available to this country which belong to this country and is being accumulated in countries like Britain and America which will have to be returned. The sufferings of the people during the war has contributed to the building up of such funds. Much of these will be repaid in the shape of machinery, and other commodities. If we have not got the plans ready, those machinery will not come to us for the service of those who have really contributed to the creation of these funds and finances. So far as post-war reconstruction therefore is concerned, it is of the highest importance that Government has already made a beginning. I would suggest that they should reorganise the Secretariat in such a way that its full energy can be directed towards bringing out proper results within the shortest possible time.

I shall close, by stressing that the present financial arrangement between the provinces and the Centre should be revised, our field for taxation should be widened; the Government of India should be asked to contribute to all the expenditures which are directly the result of the war, namely, extraordinary charges, on creating the A.R.P. and services of semi-military nature—all these should come from the Centre as a war and defence expenditure. So far as the famine is concerned, it should be entirely financed by the Central Government also. It looks ugly that one part of the country should be rolling in wealth and should have a surplus budget of 2 or 3 crores and another part of the country should be dying of starvation and close the year with a deficit of 10 crores for no fault of theirs. Sir, this province should not be a province which should be asked to burden herself with expenditure not of her own making but because the war has been brought to her door.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Mr. President, Sir, I would like to speak a few words about the Budget presented by the Hon'ble Finance Minister. I can appreciate, as the Finance Minister has pointed out, that the changed circumstances of the day demand a departure from the old conventional form of presentation of the Budget. None would have been happier than myself to see the Hon'ble Finance Minister pilot the finances of the province in the midst of the heaviest odds to a desired goal. But I must admit that I feel that the Budget could be made happier than what we find before us.

I do not intend to go very deep into details of all the figures and shall base my talks mostly on the broad figures quoted by the Finance Minister in the course of his speech.

The expenses for the Civil Supplies Department first deserve mentioning, although they have been thoroughly opposed by other members in this discussion. The expenses for the current year have been calculated at one crore and that for the coming year at one crore and forty-eight lakhs. It is also pointed out that this provision is not expected to cover the losses which may be faced one day in respect of shortages, damaged stocks and unsaleable stocks.

The Hon'ble Finance Minister has tried to justify the heavy losses by pointing out that, to a great extent, the Government's loss will be the measure of success of their operations. It is my conviction that the department failed to work efficiently and economically and the policy of rice purchase through a number of particular agents had pushed up the price in the mofussil areas with the result that the price which the Government had to pay was also proportionately high, thereby increasing the difference between the controlled sale rate and the buying rate. These losses are definite indications that the Government failed to regulate the prices throughout the province. What steps were taken by the Finance Minister to make sure that the prices paid by him to Government agents were approximately the prices paid by their agents to the agriculturists? There are reasons to believe that there was a big gap at times between the prices paid by the agents to the agriculturists and the prices received by these agents from the Government.

Another word must be said about the shortages and the damaged stocks and unsaleable stocks. Besides landing the province into financial losses, the damaged stocks have been doubly harmful in getting their access into the diet of the people and proving to be a menace to their health. There have been systematic murmuring about the quality of the rice sold at the different controlled shops of the province and the Central Government has pointed out that it was incumbent upon the Bengal Government to make sure that the stocks received by them were of approved quality. A municipal chairman has been known to have telegraphed the Minister at Calcutta informing him that while his people were about to starve, the local stocks purchased by the Government were rotting at the railway station exposed to the heavy monsoon and deteriorating in quality and quantity every day.

As a matter of fact, the Finance Minister himself has confessed that the twin problems of procurement and distribution were far beyond the resources of the Provincial Government and that bigger catastrophe than what had happened could not be avoided unless Lord Wavell intervened. We can join with the Finance Minister in paying compliments to His Excellency Lord Wavell for the promptness with which he intervened in the present situation; but we fail to understand if it was merely a consideration of prestige which stood in the way of the province asking for military help at earlier stages. I can remember the systematic demands made by the Press of the province and can specifically recollect the plan laid down by the *Statesman* wherein military intervention was sought for as the only panacea.

While much has been said about gratuitous relief and test relief work in connection with the famine, there is no separate provision for the rehabilitation of the people who had been ruined as a result of the famine. This, as a matter of fact, appears to be one of the black spots in the entire Budget. No amount of relief work can bring timely relief to the people unless all relief operations are supplemented by a strong plan for rehabilitation of the people to be started immediately. Thousands of families have been disintegrated, thousands of villages have been damaged and the entire society is in utter disaster today. No Government can expect to attain success in meeting these problems by scrappy relief measures only. To delay a plan for rehabilitation till later days will mean inviting a repetition of the distress which overwhelmed the province only recently. The cold assurance that the matter is engaging attention of the Government is disappointing.

I do not also approve the Government's ways of pushing the "Grow More Food" plan. While admittedly production in the already cultivated areas should be intensified, the area to be cultivated for foodstuffs must necessarily be expanded immediately. The acreage of jute production recently fixed by the Government shows how the authorities are still following the grossly mistaken policy of allowing cultivable lands to be cultivated by commercial crops rather than by foodstuffs. The contributions of jute to the finances of the country cannot be minimised. But it should be admitted that the present abnormal days demand that all production besides production of foodstuffs should be shelved temporarily, so that millions may be fed and a second famine avoided timely.

With regard to the estimate under "Jails", the apology that the increase of over 150 per cent. is a direct result of famine condition is really interesting. The Government will admit that throughout the current year there have been new additions to the political prisoners in jails, and that means a sharp increase in the expenses, besides of course the higher cost of foodstuff etc. provided for the jails. These expenses could be brought down if the Government started releasing the detenus in larger numbers than at present on financial grounds, if not on any other.

I should next like to speak about the expenses under "Public Health". The maldistribution of quinine which developed almost into a public scandal is a pointer that the Government's present system of distribution has yet to be improved, so that the scheme may acquire intrinsic worth not different from its apparent face value. In my own district I have first hand information that the Sadar subdivision was very much neglected in respect of quinine distribution; and when distribution at all started, it was charged with so much inefficiency that the quinine available for distribution was known more by its non-availability among the poorer classes.

It has appeared to me time and again while studying the different schemes tried by the Government with regard to agriculture, famine relief, public health and industries, that the entire system of Governmental administration has to be changed radically in order that it may fit into the present situation and may prove to be of permanent benefit to the country at large.

The Department of Co-operation, the Department of Industries, the Department of Rural Development and other allied departments of the Government have tried to do work in their own scrappy way without evolving a constructive plan whereby they could all work jointly and harmoniously. The famine days,—the war uncertainties,—have imposed upon the Government the task of procuration and distribution of food grains and have called for Government intervention in matters which were hitherto regarded by individuals as exclusively private and personal. The time has come when the Government should go a step further and make their plan more socialistic whereby they can undertake not only to regulate and supplement individual actions, but themselves sponsor a plan of collective and scientific farming with Government aid especially in the *khas mahal* areas, so that the Government may themselves conduct the entire agricultural system of the country towards a goal of self-sufficiency. Ravaged are the people of our province today. The "blessings" of inflation bringing extra income to the people, referred to by the Finance Minister, have been localised with only a microscopic section of the society. The working class and middle class people who could not figure themselves in war-production in any way have been faced with huge expenses necessary to meet their bare living, with no extra income to their aid. The abnormal conditions of the days should open our eyes to the very great and immediate desirability of checking our past, taking stock of our errors and omissions and usher in a plan where the great responsibility for production should be shouldered by the Government, so that the task may be easier and equitable.

The present Government has before them the unique opportunity of trying this method at a time when they are likely to receive sympathy from all corners and I suggest that the Bengal Government should immediately set up a committee for launching an economic plan on radical lines, based on intelligence and appreciation of all socialistic and examples before us such as in America, England, Ireland and Russia. If they have been able to undergo radical changes and proceed on progressive lines rapidly even during the present crisis, why should not we be able to emulate them.

In closing my remarks, I must not fail to pay compliments to the Finance Minister for trying certain new sources of accommodation, temporarily of course, in making cash credit arrangement with the Imperial Bank and in successfully trying the Treasury Bills issues. If these have yielded satisfactory results, I do not find any reason why the distressed people of the province should be threatened with more taxes especially in the shape of more purchase tax, camouflaged as sales tax and agricultural income-tax likely to ruin the middle class. I am quite in agreement with the Finance Minister that taxation is not always an evil. It has offered an opportunity to the people to contribute their quota to the Governmental administration. But when people are unnerved, fighting with famine and epidemic, and are stripped of their last belongings in many cases, these new tax proposals appear to be most uncharitable, coming from men they learnt to admire. Let us not forget that the people have already been taxed beyond their capacity. Let us not satisfy ourselves with the cheap dictum that

when Government taxes, society taxes itself. Taxation obviously is "an engine of social and national policy" as has been said by the Finance Minister; but here unfortunately it has appeared to be an engine which is crushing the very existence of our society at large rather than implementing its growth. Let not war unnerve us.

I would, therefore, close with an appeal to the Finance Minister to take a more sympathetic attitude towards the people, to be more vigilant over the policy and methods of expenses by other Government departments, to make his task easier and less bitter to others.

Dr. KUMUD SANKAR RAY: Mr. President, Sir, I really did not want to speak on this Budget, because the whole atmosphere here seems to be unreal and the members feel that whatever they may say, they have no power to influence the Budget in any way and the Hon'ble Ministers probably think that since these fellows have no power whatsoever, there is no need for them to listen to their speeches carefully and to reply to their remarks. I find the Hon'ble Minister for Civil Supplies is half asleep (The Hon'ble Mr. H. S. SUHRAWARDY: Oh, I am listening to every word that has been spoken. Dr. Ray's words are so precious that I cannot but listen to them attentively.) Thanks, but if I were a Minister, I would have felt that this is absolutely a farce. These people are no good. Let them talk as long as they like. It does not matter so long as we have a majority in the Lower House. I submit, Sir, this discussion of ours is a waste of time. This is an unreal atmosphere and I think that accounts for the dullness which is noticeable in this House. I do not know what is the remedy. I am not a lawyer and I do not know whether it is possible to have a joint sitting of both the Houses at least during Budget discussion. That would save time and unnecessary expenditure of public money. I would like to say one or two words regarding the Budget. I do not want to deal with some of the subjects which have been touched on by previous speakers, such as civil supplies, famine and other things. I should like to lay stress on one thing which I had said on many occasions in this House in the past. I had always asserted that there was nothing like a medical policy or a public health policy not only of this Government but also of the governments in the past, and I am glad to find that the present Finance Minister had the frankness to admit it. I will quote his words: "A score of hospitals with from 100 to 150 beds in each were opened in the worst-affected districts and in these hospitals, equipped with the most modern devices for the treatment of war casualties in the field, thousands of sick destitutes learned for the first time what real medical attention means." While I admire the Hon'ble Finance Minister for his frank statement, I find that there is still no medical policy at all in this province, and had it not been for the temporary intervention of the Army, I believe, that many more lives would have been lost. In this connection, I should like to join in the tribute paid by others in this House to the military for their timely intervention in the transport of foodstuffs to the depleted areas, and also in rendering prompt medical aid in the rural areas. I submit, Sir, that the real problem is that you must have a proper,

broad and bold policy, and it was really through the intervention of the military that the public knew what real medical attention should be. Sir, it is very difficult to criticise the Medical Budget to which I shall limit my remarks. I find that these "estimates also include a provision of 53 lakhs for the administration of special medical relief in rural areas. This provision is intended to meet the cost of some 60 emergency hospitals of a hundred beds each and 500 hospitals of 20 beds each attached to selected dispensaries in the worst affected areas. In addition to this huge expansion of the existing facilities for indoor treatment—an expansion representing a 200 per cent. increase on the number of beds normally available—arrangements have been made to provide outdoor treatment nearer the patient's home by the opening of some 2,800 satellite treatment centres based on existing dispensaries." Now, let us analyse this a little more elaborately. We find that there is a provision of 53 lakhs of rupees. If the entire provision of 53 lakhs is meant to be utilised for the emergency hospitals of which the number is 60, then roughly calculated the number of beds will be 16,000. Now, what is the allotment per bed per month? Per bed expenditure per month for the 16,000 beds, if the entire provision of 53 lakhs is spent, will be something like Rs. 30 a month or one rupee per patient. I submit, Sir, that the cost of food alone would probably not be covered by one rupee. I do not know, probably there may be some other heads of expenditure placed in some other items. Therefore, all the remarks I make are subject to correction; but from the statement which has been made here it seems to me very puzzling how the Government propose to maintain 16,000 beds with the money, and there are other expenditure also such as medicine etc. I find that in addition to these 16,000 beds, another 200 per cent. increase on the number of beds are to be managed out of this 53 lakhs and also 2,800 satellite treatment centres based on existing dispensaries. I do not know how it can be possible with this allotment of 53 lakhs. I want further enlightenment on this subject, and I will revise my comments on hearing further enlightenment on this subject.

Now, Sir, the last thing that I would like to refer to is a remark made sometime ago on the floor of the House that Government was very much hampered due to the dearth of medical men. I suggested at the time and also asked what the Government had done to increase the supply not only of medical men but also of nurses. In response to an appeal made by the Chief Minister in his speech at Karachi asking for 350 medical men from outside Bengal to come to the aid of Bengal, the President of the Indian Medical Association issued a circular asking for volunteers. Only yesterday I was informed by the Honorary General Secretary of the Medical Association that he had forwarded the names of about 80 volunteers of whom not even 50 per cent. have been utilised till now. I am told that the outside provinces have been asked not to send any more medical men because of the language difficulty. Out of these 80 volunteers, 44 had a knowledge of the vernacular of this province; they either knew Bengali or could speak it. I do not understand the real position. Either get these doctors from outside or do not. Nor do I understand how the language difficulty comes

in. Language difficulty did not come in in the case of the army doctors. The army doctors and the R.A.F. doctors they did not understand the vernacular but in spite of that they had become very useful and rendered medical relief for which we have here given them our tribute of praise. I really do not know what is the position. If there are plenty of doctors, why do you complain that you cannot take up relief work because of the dearth of doctors? I should also have been glad to find some provision for increased supply of doctors when we are going to take this additional responsibility. How are you going to supply doctors to the hospitals that you are going to start? A large number of doctors have been recruited to the Army from this province and the number of doctors now available to the people is not adequate. You are going to set up 2,800 satellite dispensaries and also 16,000-bed hospitals; they will require doctors in addition to the doctros in your existing hospitals. Therefore, how are you going to get doctors for these new dispensaries of yours? I should like to have a definite reply to that point, Sir. For instance, I have not seen anywhere in the Budget any scheme which would ensure additional supplies of medical men that are required. What about the nurses? How do you propose to maintain the 16,000-bed hospitals without nurses? I see no scheme here in the Budget for additional facilities for the training of nurses. Suppose you give one nurse for four or five patients. Of course, I do not know if you can reach that standard which is the standard of all civilised countries. The Medical Council is insisting on that ratio—of one nurse to 5 patients—in regard to the Calcutta hospitals and recognised institutions. Even if you provide that number, you cannot expect one nurse to be working for 24 hours! They can at best be employed for 8-hourly duties. And where are you going to get the institutions for giving them training? Of course, the Ministry may say that this is a long-term policy. I agree but there are methods by which you can cut down the period of training. The A.R.P. had a training course for 6 months. I know from personal experience that some nurses were deputed by the A.R.P. for training in the different Calcutta hospitals and though they have not received full training, yet their training may be said to be sufficient, if not adequate. I do not see any scheme in the Budget for the training of nurses that would be required in the tremendous task of giving medical relief which is intended by Government.

Now, Sir, with regard to the quinine policy of Government, I have again and again drawn the attention of the Government that there must not only be a short-time policy but also, side by side, a long-time policy. Some years ago we were told that a sum of Rs. 3 lakhs had been provided for developing the quinine plantation. We have not heard since whether any further attempt is being made to increase the production and supply of quinine. We all know that the supply of quinine we used to have from Java has stopped. We also know that India produces only 70,000 lbs. of quinine: but I think we want about 2 lakhs lbs. of quiniine in normal times and during epidemics we shall require much more than that quantity—probably one million 20,000 lbs. according to the calculation of the experts. But I

do not see any reference to that subject in the Budget statement apart from a grant of Rs. 60 lakhs for quinine. I should like to know where the excess quinine is going to come from. Then, if you distribute the quinine next year you would require it again. So unless there is a long-term policy, I do not know what would happen. I also cried hoarse about the need for mass vaccination. So much money is spent when there are actual epidemics; but no attempt is made and nothing is done to prevent epidemic diseases. I have on many occasions not only spoken about it in this House but also spoken from the public platform and through the Press regarding the necessity of compulsory vaccination and re-vaccination, so that small-pox may be stamped out once for all. But I do not see any indication in the Budget to show that there is any such scheme under the consideration of Government. These are, Sir, the few words which I would like to mention. I am not concerned whether the Budget is a deficit Budget or not. In times of emergency there must be an emergent Budget and we would have welcomed the Hon'ble Finance Minister if he had come forward with a much greater amount of deficit in order to meet the urgent needs of the people of the province. I am not concerned, again, whether this deficit is to be met by subvention or by loan from the Central Government; it is for the experts to work out.

Then, Sir, although I am not an expert in matters agricultural and in the "Grow More Food" campaign, I am rather pessimistic about its results. My friend Mr. Hamidul Huq Chowdhury has said that there are not enough cattle in the province for agricultural purposes. We know that there is no cattle. But other countries do not depend on cattle for the development of agriculture. There human labour and cattle are not used for agricultural purposes and deficit in cattle for cultivating lands do not affect them. Other countries use machinery for this purpose—tractors are used for cultivation. Some years ago we were told that the Agriculture Department had a few tractors; we do not know where they are at present. I should have thought that in these days of modern inventions Bengal Government would have been up and doing and utilised scientific devices instead of human labour and cattle. I have practically finished what I had to say. I would again implore the members of Government to see that a broader and a bolder policy is undertaken. If they do so, I am sure all sections of the House will lend their support.

Khan Bahadur ABDUL HAMID CHOWDHURY: Mr. President, Sir, the chief characteristic of the Budget under discussion is, as has been stated by most of the speakers who spoke before me, its deficit to an extent unknown and unprecedented in the history of Bengal. We are passing through an abnormal crisis and it is no wonder that the Budget prepared under emergent circumstances should reveal things extraordinary. When I say this I mean neither appreciation nor condemnation of the Budget as a whole; but, Sir, I think that the Hon'ble the Finance Minister deserves our sympathy for the unfortunate circumstances under which it has been his hard lot to assume the heavy responsibility of financial administration of the province. My Hon'ble colleagues who have spoken before me during

the previous two days as well as today, have dealt with the Budget in its different aspects. I do not propose to traverse the same ground over again. During the very short time at my disposal I want to take this opportunity simply to speak a few words by way of reference to the policy of the Government in regard to the recruitment of officers for general administration. Sir, in this connection, I desire to draw the pointed attention of the Government to an act of glaring injustice that is being perpetrated to a band of very useful workers in the field of public administration, I mean, the members of the Bengal Civil Service, Junior Branch, who are commonly known as the Sub-Deputy Collectors. They indeed constitute the essential arms for the running of the primary and essential functions of the Government. They are the main link between the people and the Administration. They mould and shape the primary self-governing units including union boards in Bengal. They run the criminal administration of the province, some with the highest magisterial powers that the Criminal Procedure Code can bestow. They are the people to be requisitioned for tackling all kinds of extraordinary situations such as famine, relief, supply and various kinds of war works and civil defence functions. Some of them are in the fronts; out there to make the supreme sacrifice for the King and the Country. An indefatigable, resourceful and dependable band of public servants they are; but it is a matter of great regret that they are treated by the Administration just as anybody would treat an under-dog. Relegated to the shade of neglect and constantly living under an atmosphere of scorn, this class of workers find it so difficult to develop proper manhood in them. And who are they? These officers are recruited by the same competitive examinations as the Deputy Collectors. They are made to do the same magisterial and revenue duties side by side with the Deputy Collectors. Sir, my contention finds confirmation in the fact that there are two honourable members of this House, one of whom is now adorning the Treasury Bench and another rose to the eminent position of a Commissioner of a Division as well as other high positions of trust and responsibility, both commencing their career as members of the cursed service referred to before.

It might suit the convenience of some to say that these are exceptional cases. But, Sir, I may be permitted to be a bit optimistic and to suggest that every member of this much-neglected service has the potentiality of rising to the top, provided they are given opportunities, provided unnecessary impediments are not thrown on their way. Quite a number has recently been put in charge of subdivisions and I believe, the Home Department will bear me out that they are shouldering their responsibilities as efficiently as any Deputy Collector. But still Government will not remove the stamp of inferiority attached to the cadre. They will not merge them with Deputy Collectors nor will they give them proper facilities to put forth their best. To crown all, they will rather bring Deputy Collectors from other provinces than promote Sub-Deputy Collectors, the children of the soil, to the higher rank. What a shame to think that Bengal administration and Bengali intelligentsia is so poor today as to necessitate the induction of

Provincial Service men from neighbouring provinces, people who have no affinity to Bengal and who are least expected to know Bengal's problems. This is a stigma which will always blacken the good name of Bengal's administration,—a stigma which will always be used effectively to prove the inferiority of the Bengali community. The Hon'ble Ministers responsible for this queer decision will not escape their share of responsibility in this behalf.

I take it that in this matter of a non-controversial character, the entire House will be with me when I suggest to Government to be more reasonable in their dealings towards the members of the Bengal Junior Civil Service. There may be a black-leg here and there just as there are black legs in the B.C.S. (senior) and the other services, but that can never be any ground to condemn the entire class. Let there be wider scope for the recognition of the merits of the Sub-Deputy Collectors. Let the number of promotions be increased, and let the induction of foreign Deputy Collectors be stopped.

***Mr. MUNGTURAM JAIPURIA:** Spoke in Hindi.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, charcoal remains black however much we may wash it; and so however much the Hon'ble Finance Minister may have dressed his Budget with charming expressions and presented it before the House in his own inimitable style, yet the Budget remains as black as ever. This Budget reveals a frightful deficit of about 20 crores. Not that Bengal had not attempted to raise up its own revenue. It did. Sir, from 16½ crores in 1942-43 it raised its own receipts to over 21⅓rd crores in the current year. And our revenue will be better by about 70 lakhs in the next year. Sir, there has been increase under several heads. Particularly noticeable is the increase of revenue under "Excise". This, I say, is a feather to the cap of the Muslim League Government which stands for prohibition. On the side of expenditure, it will be seen that the expenditure has doubled. In the year 1942-43, the expenditure was 16¾ crores; this year it is over 32 crores, and will be only 3 crores less in the next year. A large slice of expenditure has been covered up by extraordinary charges in India on "Agriculture" and "Famine". Sir, when one looks at the expenditure on one side and at the receipts on the other, as I have pointed out, for the two years 1943-45, there would be a deficit of 17 crores, 46 lakhs. Now, Sir, when there is going to be so much deficit and so much expenditure I fail to understand why the Hon'ble Finance Minister has cut down the famine relief expenditure to 2 crores 61 lakhs in 1944-45 as against 5 crores 64 lakhs for the current year. It is said that the Finance Minister hopes for the best but has he got any just ground for this optimism? Rather, I would point out to him that all the circumstances point to the fact that what is coming will be as bad as the last year. Prices of all commodities which are the absolute necessities of life are again ruling sky-high—about double of what they were in normal years at this time of the season. Sir, the prices, I apprehend, will be ruling as high as last

*An authorised English translation of this Hindi speech will be found in the Appendix.

year, in the months of May to September next. I am afraid, that the class that was hard hit by famine will be the very people who will be again hard hit with disastrous consequences to themselves.

Sir, I would remind the Hon'ble Finance Minister of the statement which he himself made in the last session, namely, that this war has made the rich richer and the poor poorer. Sir, living in the midst of a record harvest year, these people tantalus-like will not have the wherewithal to taste the cup—that is the position to which they have come to. We have tried our best to impress on the Government that the expenditure on test relief works and gratuitous relief should not have been cut down even by a penny. But, Sir, there is a grim humour underlying the provision of a heavy increase of expenditure under the head "Jails". There has been an increase from 53 lakhs in 1942-43 to Rs. 1 crore 36 lakhs in the current year: it seems as though the Hon'ble Finance Minister is inviting the destitutes to be His Majesty's guests in future rather than have test relief works and gratuitous relief. We hope however that the increased allotment of expenditure for "Police" and "Jails,"—they are pampered departments of Government,—does not foreshadow the policy of the Government for repression and more repression in the face of the public demand for the release of political prisoners without any further delay. Several thousands of political prisoners are still rotting in jails. There is no justification for their continued detention. The war is on since September, 1939, and we do not know when it will end. Will they remain in jail *ad infinitum*? They are mere victims of Police suspicion. Try them if you please or set them free. Nothing short of it will satisfy public opinion. May I, in this connection, point out that the present Ministry on the eve of its assumption of office made a bold bid for public support and so promised a very liberal policy in the matter of the release of the political prisoners. They came into office about a year ago. The mountain was in labour and has now produced the proverbial mouse. In the last ten months a tenth of the political prisoners—about 500—have been released and several thousands are still rotting in *duress vile*. The snail's progress has now come to a dead halt, so far as the release of political prisoners is concerned. Am I not entitled to ask why they are rotting in the jails still? Nothing untoward happened when some releases were made. Why should it be assumed that if the rest of the political prisoners are set free, the situation would be different. Sir, let us examine the point a little more closely in the light of famine and in the light of repercussion their releases may have in the country. Sir, East is East and West is West. Famine produces different results in the East and the West. In the West, in France, Monarchy was replaced by a Republic brought about by revolution due to famine. In the East, famine produced a different result, for East is East and West is West. In Bengal, people died, famine-stricken people died in their thousands, unwept, unsung, unhonoured without a single untoward incident. In England, the Secretary of State for India could not face the public. While attempting to do so, Mr. Leopold Amery was jeered and hooted down because, forsooth, there was famine in Bengal. But here in Bengal, our Ministers in spite of

appalling deaths from famine and intense suffering of the general public could go out, address meetings and even receive addresses instead of kicks. You cannot whip a dead horse to life. If famine failed to stir the people to any acts of violence, it would be madness to hold that a few security prisoners, if set free, will set the Ganges on fire.

Sir, if these political prisoners are released, they would be of great help to the Government as well as to the public in humanitarian works as well as in the task of rehabilitation of the masses who have been ruined by the famine. I search in vain for any provision in the Budget specially meant for the economic and social rehabilitation of the famine-stricken people. As a result of the famine, many homes have been devastated and innumerable peasants have turned landless labourers. Fishermen, *jogi*, *julas* have lost their trade. I am afraid, no less than six million people of Bengal are affected and require rehabilitation. It is the elementary duty of the Government to protect the lives and properties of the people under its charge and where they lost their all as a result of what may be described as man-made famine, the responsibility of this Government in the matter of rehabilitating them is undoubtedly both great and urgent. The Government, it may be said, has placed a Bill on the Legislative anvil and they hope by it to restore the lands which the *raiyats* and under-*raiyats* were compelled to sell owing to acute distress. But, Sir, that Bill contains provisions which will frustrate the very object the Government has in view. For, these people who sold their lands for want of money would be unable to get back their lands for want of money. The people cannot pay the consideration money. Therefore, the provision of re-transfer is a make-believe one. The conversion to usufructuary mortgage and return of lands, say, after ten years, will hardly benefit the ruined peasants who require immediate possession of their lands for sheer sustenance. Government should constitute itself a trustee of the destitutes, arrange payment of the consideration money to the transferees and secure immediate return of the lands to the transferors so as to enable them to face the future with equanimity and with a sense of security and confidence. The Government should do more. They should allow their *khas mahal* lands lying waste in their possession to be cultivated by the destitutes with occupancy rights thereon. This, Sir, will solve the problem to some extent. While on this subject, I would like to make a reference to the question of "Grow More Food" campaign. Sir, an allotment has been made of Rs. 1 crore 35 lakhs this year and 50 lakhs for the coming year. The most important part in this campaign should be the reclamation of waste lands to increase output of paddy and the other agricultural products to avert famine. Government has failed to do this. Government instead has concentrated its attention to get more out of the land already under cultivation, by purchase and distribution of of manure and improved seeds and doing other things. They are necessary but the waste lands must, in the first instance, be brought under cultivation if we really want to fight this famine and to add permanently to the agricultural wealth of the province.

Sir, agriculture is in a great danger for want of cattle and also for want of labourers. The duty of the Government now is to import a large number

of labourers from outside as well as cattle. The prices of cattle have gone very much up due to indiscriminate slaughter of cattle. Government should issue an ordinance for the preservation of milch cows and also for the preservation of able-bodied cattle as this is intimately connected with the agriculture and the health of the public.

Then as regards education and industries, Sir, every nation is having its own plan and working them out for its educational and industrial uplift and fitting its nationals for competition which is bound to follow as soon as the war would be over. When we look at the Education Budget, we find a step-motherly attitude has been taken in this regard. It has been given less money than the Police. But we know that if we educate our people, there would be less crime and there would be less necessity for more money on Police.

Sir, the lot of teachers in Bengal is highly pitiable, though the teachers are responsible for building up in right good style the future citizens of the land. Teachers should be respected and given a high place in the society. Sir, if you look at the Budget, you will see that there is no indication of any attention having been given in a matter of such importance. I should think that at least 50 lakhs of rupees should have been budgeted for the uplift of the condition of the teachers. Sir, it is not yet too late and the Government may very well do it even now. While speaking on this subject, Sir, I notice that 5 lakhs of rupees have been allotted for the encouragement and spread of education amongst the Scheduled Castes people. I hope there is no motive behind it. Can it be that this has been done only for retention of the support of the Scheduled Castes people for the present Ministry? But, I hope, Sir, that the money will be spent, and spent rightly, in the next 12 months. Till then, I will withhold my judgment on this.

Sir, there has been a provision of 53 lakhs in the Budget for special medical relief in the rural areas for the current year which has been raised to 63 lakhs for the year 1944-45. As Dr. K. S. Ray has said just now on this subject, I would not like to dilate on this point, although I had my points ready. The provision is not sufficient for giving medical relief to the poor. People died in their thousands on account of famine and for want of proper medical treatment. They could not resist the attacks of preventible diseases, such as, malaria, cholera, etc. which were running rampant striking down the people whose constitution was already run down by famine. In view of all these, I hope Government will make adequate provision for the same.

Sir, a large slice of the expenditure, it is 63 crores, for the years 1943-45 has been swallowed up by the three heads—Extraordinary charges in India, Famine and Agriculture. Extraordinary charges, Sir, were necessitated by the extraordinary conditions of the war and the expenditure is shown on "Civil Defence" within which is the Civil Supplies Department.

Sir, keeping pace with corruption and bribery so rampant in Civil Supplies, the cost for Civil Supplies Department alone has risen up from

46 lakhs in 1942-43 to one crore in the current and one crore and 43 lakhs in the next year. The Provincial Government made a bad bargain with the Central Government regarding the proportion of contribution to be made by each of them with regard to Civil Defence. This agreement should be revised and as the extraordinary charges have been due to the war which is a Central subject, the whole cost of this item should be borne by the Centre.

Sir, there is no opening balance. It is minus. How to meet the deficit? The Hon'ble Mr. Goswami seems to think that Bengal has further resources to tap and that he will be able to make it up by further taxation if necessary. He pictures himself in the position of a tax-gatherer and observes that taxation is a sort of an engine of social and national policy. But can he employ the money which is proposed to be raised for the well-being of the nation? I ask him, could he employ the money that was raised from jute taxation for the purpose of bettering the condition of the jute-growers? Will he be able to ear-mark the income from the Agricultural Income-tax for the improvement of agriculture? Could he employ the money from the sales tax for the betterment of the poor?

Mr. PRESIDENT: Mr. Das, you have already spoken for more than 18 minutes. Will you try to finish in two minutes?

Mr. LALIT CHANDRA DAS: Sir, I want five minutes more. During the regime of the Hon'ble Mr. N. R. Sarkar we were given four days for the general discussion of the Budget. He said that as we have no right to vote on demands, the members of this House should have plenty of time.

Mr. PRESIDENT: You are also going to have four days.

Mr. LALIT CHANDRA DAS: Can he employ the money which he is going to raise by new taxation for the well-being of the nation? Can he ear-mark, I say, the income from the Agricultural Income-tax for the improvement of agriculture? The truth is that only promises are made whenever taxation measures are brought in this House that the receipts from them will be devoted to the welfare of the nation-building subjects; but we have seen that in actual practice they are spent largely on greasing the administrative machinery of Government. It is only when a truly national government comes into existence that taxation will be proposed and passed mainly for the good of the nation as a whole. In fulfilment of the Hon'ble Finance Minister's dictum I quoted, he should exert himself to form a national government or failing that at least an all-parties Ministry to share with him the responsibility of the taxation, so that it may be truly said that taxation is a sort of engine for social and national policy. But till then it is a one-sided engine, I should say, of mere oppression. Sir, the source of revenue allocated to this province is highly inelastic. The Niemeyer Award is highly ungenerous and stingy. There should be a further Order in Council revising the heads of revenue between the Centre and the provinces. Bengal under a new award should be made to stand on her own feet. So long as this is not done, Mr. Goswami should stay his hand from

proposing more and more taxation. In the meantime, the Centre should come to the rescue of this province and wipe out all its deficits and take upon itself all expenses incidental to the war and bear a major share of the burden arising out of the Famine.

Khan Bahadur M. A. MOMIN: Sir, during the last three days we have heard numerous criticisms about the shortcomings of the working of the various branches and departments of Government. But I am a little disappointed that very few constructive suggestions have been made with regard to the financial condition in which we find the province today. I do not for a moment belittle the importance of these criticisms because this is the only occasion in the year when members of this House are privileged to discuss the various aspects of the administrative machinery of Government. But one would have expected that under the abnormal conditions which prevail now and which have been emphatically indicated by the dismal Budget presented to us that members should have given their valuable advice at least partially to meet the difficulties with which the Province is faced. As I have said, the Finance Minister has presented a dismal Budget. The financial condition of the province is abnormal and we are on the verge of financial bankruptcy. It is, therefore, necessary that something should be done to rehabilitate the finance of this province and in the best way that we can think of. The Finance Minister has been trying his best to get what money he can out of this province by taxation. But I think, Sir, that his efforts will not prove successful, for he cannot get blood out of stone.

The last Act of taxation has been the Agricultural Taxation Bill which has the approval of the Floud Commission. But I am afraid this taxation will bring very little to the coffers of Government. It is, therefore, necessary to try and get outside assistance which in my opinion is perfectly legitimate to claim. The abnormal conditions of Bengal today is due to extraneous circumstances, I mean the war. It is, therefore, only fair that other provinces and the Government of India should all combine to help Bengal in this crisis; and that is not all. I believe and I think there is every hope that the Hon'ble Finance Minister will be able to balance the budget by securing assistance from elsewhere. What we are most concerned with is about the future of the province. Most of us perhaps do not realise the great drain that has been taking place from our province annually now owing to the position in which we are placed. What about the purchasing of rice, wheat and other essential commodities, sugar and other things? Bengal today is perhaps sending out of the country for these commodities about 30 crores of rupees which with properly-laid policy could be avoided and conserved in the province. This condition of things has caused great anxiety to every one of us. We have heard criticisms about the working of the various departments and most of these criticisms have been directed towards the "Grow More Food" campaign. Necessarily, that department is very much in the lime-light except, of course, the subject of food and the activities of the Food Minister. It has been criticised that the "Grow More Food" campaign has not been as successful as was

expected. I think there is a lot of truth in that criticism. Only the other day I was pointing out to the Agriculture Minister that we spent 45 lakhs of rupees on seed distribution for which we have not received even a lakh worth of return. He replied—and his reply was a painful surprise to me,—that if I were in his position, I could not have done anything better and that this criticism was levelled against him only because the potato seeds were rotten and could not germinate.

Sir, potato seeds alone were not rotten, the system of distribution was rotten. Wheat seeds, potato seeds and everything was rotten. They did not germinate. I think, instead of asking for light from Above, it was very unseemly particularly for the Hon'ble Minister of a holy character and of a God-fearing nature, of all people, to have said things like that. To the query as to whether I could have done anything more, my reply would be: that I certainly never claimed the capacity of doing it. But I certainly would have thought twice or thrice or many more times before I could throw away public money uselessly without expecting a proper return. There are extraordinary difficulties and unless a new orientation is adopted in this matter, I am afraid all our efforts will be in vain. Sir, merely distribution of seeds will not help, unless seeds are good and the seeds are sown on good land which will produce crops. We should see first whether the ground is prepared to receive the seeds. I remember that in the old days missionaries from America and England used to show the magnitude of their work in this country to their supporters at home by showing to them the millions and billions of leaflets and posters they used to distribute among the heathens. That used to please the old and pious ladies and when the hat went round it came back full. Similarly, the amount of success which the Agriculture Department has achieved cannot be judged by the amount of seeds distributed, but on the amount of seeds which have been judiciously and systematically grown and not thrown all over the place. I think my friend will not take amiss, the criticisms which I have made. Everybody in this House, including even the members of the Opposition, have got faith and confidence in our Agriculture Minister. His energy, his integrity and his will to do a thing perfectly is well-known to us all. But at the same time, I must sound a note of warning that unless he tries to get out of the advice and influence of experts (advice of experts is sometimes very embarrassing), in the long run he will find himself at the end of a dead wall or fall into the deep abyss of despond. He should not only take officials but also non-officials, who are really interested in this scheme, into his confidence. We are personally affected by the "Grow More Food" campaign; but it is not the hysterical purchase and distribution of seeds which will help and improve the country at all. While joining in their criticism against the Agriculture Department I must remind the members of the Opposition that when you rise to criticise the nation-building department you must remember that this nation-building work is of very recent date. Before the Reforms came into operation, the Government were chiefly concerned with the administration of Law and Order and the collection of revenue, and all other departments found a very back place in the administration. It is only recently, not more than I think 20 years or even less,

that nation-building work has been started, and you cannot expect that this department which had been so charily treated by Government in the past should be able to do much. Of course, now that a crisis has come, we want that the Agriculture Department, the Public Health Department and the Education Department, the three departments which are in the charge of three Ministers in whom we all have great confidence, the Ministers who are political commoners and not aristocrats, must establish themselves on stable foundation and not run away through fear of criticisms or rush about the country making plans and notes which will ultimately miscarry. Sir, my friend Dr. K. S. Ray has in his usual sober manner deplored the deficiency in the medical and other administration. I entirely agree with him as regards the necessity of giving more medical relief, more medicines and getting sufficient quantities of quinine and so forth. But these things cannot be done in one day. You cannot expect the country to produce 1 lakh 33 thousand lbs. of quinine in less than five or six years. So unless you get quinine from Java and other countries,—let us hope we will get it from next year—but if you do not, you will have to wait your time and probably the doctors must put their heads together and make other researches by which the consumption of quinine may be conserved or they might find other medicine to replace that drug. But these things must take time. It is no use trying to spend money simply to try and rush these things—the preparation of quinine or the training of nurses or the qualifying of doctors cannot be rushed.

Sir, I do not like to say anything about food organisation. I feel very nervous when the Food Minister is sitting there and looking at me. This is a subject I do not know where to begin or where to end. I only want to confine my remarks today to rationing. I am not criticizing it, I am only making a request that when you have once started rationing, every commodity, every article of necessity should be rationed. I know the difficulties and I do not say that you have got the Aladdin's Lamp that you can make it successful in one day. That should be our aim and that should be our goal. While on this subject, I would like with the greatest humility to place before him, to plead on behalf of the people that his men employed in the rationing offices should be more courteous and sympathetic and really try to help in the same spirit as I believe exists among the superior officers of the Ministry. Sir, I will relate a story which happened to myself. About a month ago, I received some ration cards for my servants, five or six in number. At the present moment, as the House knows servants have become very slippery and will always go over to another house without notice. Five of my servants had left and as I am supposed to be an honest man, instead of taking rations for my new servants in their names I wrote to the rationing officer enquiring whether I could take the supplies in the names of my old servants or if new ration cards would be necessary. I got no reply for 14 days. I had to send a letter again and again till I got a reply written in very bad English, which was very difficult to read, in which it was said "No, those ration cards which you had returned were cancelled and you must apply for new ration cards". Two days later, I

received another letter saying that I had not given the serial number of the ration cards. How could I do so when I had already returned the cards to him? That was pointed out to him. I personally went to the office and said "why make all this difficulty? These are for my servants, and I want ration cards for my five servants". "No, Sir, I cannot give you the cards without the serial numbers, as the number has got to be entered in the register", I was told. I was then told that age was not given. I did not remember whether it was mentioned in the application form. But when I came home I found out that the ages were written and accordingly they were told so. But then I found that they wanted my age as the head of the family. Sir, I became very exasperated in spite of my usual good temper. So I wrote to Mr. Hartley relating my grievance. I have all these days been feeding my servants from my reserve of 14 seers but I did not know what to do if I had to go on in this way for long. Then I tried to phone to the office and one gentleman who seemed to be evidently annoyed asked me "what was the trouble", to which I said that I was not getting rations for my servants. He asked me to telephone to the Tollygunge ration office. But I found that the officer there had no phone. So that is that, and I have not yet got the thing. And if these things happen to me who is supposed to be a friend of the Food Minister, what will be the lot of those who have got nobody to go to? As a last resort, I took recourse to the Parliamentary Secretary, who, in his turn asked me to let him have a written statement. Sir, this is only one example. So I would only humbly ask the Food Minister to tell the officers of his department to be a little sympathetic. Even now I do not understand why my age was necessary.

In conclusion, I would request the Hon'ble Finance Minister to take every one of us into confidence and I am sure that even the members who are in the Opposition will certainly respond to his request for co-operation. If we can be of any assistance to him at this time of dire need, we should be only too glad to do so. I have known Mr. Goswami for many many years and I have still got the same admiration for him which I had when he was much younger. Whether he was in the Opposition or not, whether he is friend or foe, he will never lose his capacity and ability and I can assure him that if we can be of any assistance our services are at his disposal.

Mr. PRESIDENT: Order, order: the House stands adjourned till 1 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1 p.m. on Wednesday, the 1st March, 1944.

Members Absent.

The following members were absent from the meeting held on the 29th February, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Nurul Amin.
(3) Mr. Kader Baksh.
(4) Mr. Mahomed Hossain.
(5) Maulana Muhammad Akrum Khan.
(6) Mr. J. McFarlane.
(7) Mr. N. N. Moholanabish.
(8) Mr. N. N. Mookerjee.
(9) Mr. R. S. Purssell.
(10) Khan Bahadur Kazi Abdur Rashid.
(11) Mr. S. N. Sanyal.
(12) Khan Bahadur M. Shamsuzzoha.
(13) Dr. Kasiruddin Talukdar.
(14) Mr. Moazzemali Chowdhury.

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BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 15.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 1st March, 1944, at 1 p.m., being the fifteenth day of the First Session of 1944, pursuant to section 63(2)(a) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY, J.P.) was in the Chair.

QUESTIONS AND ANSWERS

Evacuees from Bengal to Assam.

70. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that about 3 lakhs of landless evacuees from Bengal have gone to Assam to seek food, shelter and land?

(*b*) Is it a fact that these helpless evacuees from Bengal are still loitering in Assam without any provision for land or food?

(*c*) If so, what steps have been taken by the Government of Bengal either to get them repatriated to Bengal or to secure cultivable lands for them in Assam? If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) and (*b*) Government have no information whether 3 lakhs of Bengalis are still loitering in Assam in search of land or food. But it is believed that a considerable number of landless people from the border district of Bengal have gone to Assam in search of lands or to find work.

(*c*) Steps have been taken by this Government to repatriate to their native villages those evacuees from Bengal who are being turned back by the Government of Assam from the borders of that Province.

The Government of Assam have imposed restrictions on the settlement of agricultural lands with the emigrants who went to that Province after the 1st January, 1938. The question of moving that Government to withdraw the restrictions is now under the consideration of this Government.

Mrs. LABANYAPROBHA DUTT: Arising out of answers (*a*) and (*b*), has the Government thought it necessary to ascertain the number of such unfortunate persons and not vaguely say "considerable"? What is the source of the Hon'ble Minister's information when he says that he "believes that the number is considerable"? Has Government taken any step to know the exact number?

The Hon'ble Mr. TARAK NATH MUKERJEA: Our information is mainly based on reports received from the local officers. In this particular case, the number can only be ascertained from the Assam Government.

Mr. HARIDAS MAZUMDAR: Do the Government propose to take retaliatory measures against the Province of Assam in regard to the Assamese coming into Bengal?

The Hon'ble Mr. TARAK NATH MUKERJEA: No, Sir.

Mr. NUR AHMED: Arising out of (*c*), is it a fact that a motion was passed in this House requesting the Central Government to the effect that all existing restrictions imposed by the Assam Government on cultivators from this province in getting settlement of land in the Assam Valley should be removed?

The Hon'ble Mr. TARAK NATH MUKERJEA: I think so.

Mr. NUR AHMED: Has Government taken any action on that motion?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes, Sir, the Government have moved accordingly the India Government.

Mr. NUR AHMED: May I know what has been the result?

The Hon'ble Mr. TARAK NATH MUKERJEA: No reply has yet been received.

Mr. HARIDAS MAZUMDAR: Sir, day before yesterday I wanted information as regards a short-notice question tabled by me some days back, and it was settled that the Supply Minister would reply to this question today. May I read that question, Sir? It runs thus:—

"If he is aware of the fact that a huge stock of foodgrains supplied by the Government of India for the feeding of Calcutta and the industrial areas has been spoilt and rendered unhygienic by the recent heavy showers in Calcutta?"

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I did not accept that short-notice question.

Mr. HARIDAS MAZUMDAR: Sir, it was arranged by the Hon'ble President that the question would be answered today.

Mr. DEPUTY PRESIDENT: Order, order. As far as I remember the Hon'ble the President requested the Hon'ble the Leader of the House to refer the matter to the Hon'ble Minister concerned; but he did not convey any idea as to the acceptance or otherwise of the question.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have got to answer two questions which were held over.

Mr. DEPUTY PRESIDENT: Order, order. The Hon'ble the Chief Minister will answer two questions which were held over during his absence on tour. One question stands in the name of Mr. Lalit Chandra Das and the other in the name of Mr. Haridas Mazumdar.

Arrest of Sj. Dhirendra Nath Dutta, M.L.A., and Srijut S. C. Saha, B.L

62. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state when (1) Srijut Dhirendra Nath Dutta, B.L., M.L.A., and (2) Srijut Surendra Chandra Saha, B.L., pleader of 16 years' standing of the Tippera District Bar, were arrested under the Defence of India Rules and Act, and when they are due to be released?

(*b*) In which class were they placed originally in jail and in which class are they now? What is their present state of health?

(*c*) Why were they not placed in class I in jail? Is it not a fact in an earlier conviction under the Defence of India Act, Dhirendra Babu was a class I prisoner?

(*d*) Were any maintenance allowance to the families of those prisoners given? If so, what is the amount?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Both were remanded to jail on the 13th August, 1942, they were released on the 9th April, 1943, and the 15th February, 1943, respectively.

(*b*) Both of them were classed in Division II as under-trials and after conviction in Division II and III, respectively. I do not know of their present state of health.

(*c*) The honourable member is referred to rules 617 and 910 of the Bengal Jail Code, a copy of which is in the Library; Yes.

(*d*) No family allowances are or were ever granted in the case of persons convicted after trial for specific offences.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether this question is about a year old?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, very likely.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state why this question was not answered in the last session?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe the session had finished before the time for answering this question came.

Mr. LALIT CHANDRA DAS: Is it only a belief on the part of the Hon'ble Minister? Does he not know it for a fact?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state how is it that both the prisoners were classed in Division II as under-trials and after conviction one was continued as Division II and the other was placed in Division III?

The Hon'ble Khwaja Sir NAZIMUDDIN: The division is finally decided by the trying Magistrate.

Mr. LALIT CHANDRA DAS: How is it that Mr. Dhirendra Nath Datta, M.L.A., was in Division I previously, but on the last occasion was placed in Division II after conviction?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please see that such distinctions are not made in future?

(No answer.)

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister please state who fixes the division of under-trial prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Music before mosque.

68. Mr. HARIDAS MAJUMDAR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if he is aware that the grievances of the Hindus of Bengal in general about this question of music before mosque require immediate attention on the part of the Government of Bengal; and

(*b*) what steps, if any, the Government have already taken or propose to take in this connection to avoid inter-communal unpleasantness and occasional breach of the Law and Order?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) Does not arise.

Point of information.

Mr. HARIDAS MAZUMDAR: May I rise on a point of information, Sir? I mentioned this matter also yesterday and it is with reference to an enquiry from the Civil Supplies Minister as to the appointment of a committee in regard to ration cards for the *bhog* of our *thakurs*, because it was said that two or three days after he would make a statement. That was the assurance given to me. If any committee has been appointed, who are the members thereof and whether a Press not has been issued in this respect? One month is already out and we are in great difficulty. More than 200 applications have been received by the Hindu Mahasabha. I hope this matter will be expedited without any further loss of time.

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of the fact that 200 applications have been received by the Hindu Mahasabha. I have not received any application. It is after all Government's business to make provision. It has been very difficult for me to find representative gentlemen whom I could consult on the question but I have been gathering names and I have before me a list of persons whom I cannot say that I have yet made

up my mind to invite, but who are gentlemen whom in all probability I may make up my mind to invite. After I have done that, and have had a talk with them, I can assure the House that I shall be able to make satisfactory arrangements.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister please state if the name of any member of the Legislature is before him in this connection?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir.

Mr. LALIT CHANDRA DAS: Sir, we should like to know whether on the last occasion the Hon'ble Minister said that a committee for this purpose would be formed in a day or two?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, that was my intention. But I could not contact those gentlemen who I expected would be able to give me the necessary representative names. After that I was away from Calcutta. But I have now got the names.

Mr. LALIT CHANDRA DAS: Does not the Hon'ble Minister consider this an urgent matter?

The Hon'ble Mr. H. S. SUHRAWARDY: It is a matter of some importance.

Mr. LALIT CHANDRA DAS: Sir, the Hon'ble Minister does not think——

General Discussion of the Budget.

Mr. DEPUTY PRESIDENT: Order, order, the House will now take up further consideration of the Budget. As today is the last day of the Budget discussion and as there are as many as four members of the Government who want to speak and as there is another subject, namely, the consideration of the Excess Demand which we shall have to take up today, I request the honourable members who are willing to take part in the discussion today to be as brief as possible.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, why should the Excess Demand be taken up today——

Mr. DEPUTY PRESIDENT: Order, order. Mrs. D'Rozario.

Mrs. D'ROZARIO: Mr. Deputy President, the presentation of a Budget is an occasion for both congratulation and commiseration—congratulation to the one who presents it and commiseration for those on whom the burden falls. Under the head of Anglo-Indian education, I would like to say something about the dearth of teachers, both male and female, in our Anglo-Indian schools. This is causing my community the greatest concern and indeed the education of Anglo-Indian children has, I am afraid, received a great set-back. For this reason alone apart from the unsettlement caused by war conditions, and in particular the requisitioning of schools and the dispersal of the pupils, we feel that more consideration should have been shown to the educational needs of this community and an effort should have been made to retain the teachers who have either joined up or have been tempted

to accept other employments. Even at the best of times the teaching profession offers no opportunities of lucrative employment, and in the conditions of today with the war services offering so many attractions our young men and women cannot be blamed for diverting their attentions to the latter. We can do little for them when year after year our Budget grant remains unchanged and unchaging, no more than the statutory obligation.

There is another profession that always deserves better but gets the worst. I refer to the nursing profession,—that noble profession which we treat so ignobly,—which has been so largely manned by our women. Today we are reaping the results of a policy the futility of which is evident on all hands. The cry today is for nurses, nurses for the war hospitals and nurses for our civil hospitals. But where are they? There is no response equal to the appeal. This is because there are other more paying and less exacting employments to be found today that offer a greater attraction, and you cannot expect one who is offered Rs. 250 for eight hours work as a typist for five or six days in the week besides other amenities, to slave as a nurse for at least eight hours a day, day in and day out, on a paltry sum of Rs. 15, 25 and Rs. 30 a month with perhaps food and lodging, lodging that is something in the nature of imprisonment, and food that is often uneatable. The shortage of nurses is so great that some of the wards in the Eden and Eye Hospitals have had to be closed recently. The poor nurses have had to suffer silently as any agitation on their part is put down with a heavy hand and rather than lose the certificate they came to earn, have put up with all the hardships and left for a more congenial atmosphere of work that private practice offers, the moment the hard-earned diploma was in their hands. There is no doubt that one has to possess the temperament of an angle and the constitution of an amazon to work as a nurse in the Calcutta hospitals. But what does this possession of such qualities bring in the way of financial gain? Barely a living wage! The standard of education for one aspiring to become a nurse has to be sufficiently high to enable her to follow the lectures and all the reading that is necessary for passing the periodical examinations. The treatment meted out moreover to the nurses under training and working in hospitals is far from being sympathetic and kind. On the other hand, it looks as though the rules and regulations laid down have nothing but harshness and want of sympathy for them. I have been told that their food arrangements that were never what they should be, have now deteriorated to such an extent in quality and quantity, that one wonders where the brain and brawn that is required for such strenuous labour as nursing, is to come from. The rationing appears to have hit them harder than others, as bread and butter are doled out in quantities much lower than what has been fixed by Government.

All this comes very largely from the peculiar policy of leaving this important branch of civic life in the hands of a private association which amounts really to a small coterie of businessmen, while Government contents itself merely by giving a dole. This is a shirking of duty. A thing like this is a state responsibility in every civilized country. Out here we are content to leave it to a band of Europeans who in the past have seen to it

that their own class occupy the higher positions, almost wholly to the exclusion of others. This is not intended to be a mere gibe emanating from any racial jealousy, but a fact that goes to show how by killing indigenous ambitions a supply of sufficient number of nurses is not available at this critical juncture. In using the word indigenous, I do not overlook our Indian women as opposed to Anglo-Indians, for I do believe that something could have been done if sincerity existed to draw the right type of Indian women to hospital nursing. We, Anglo-Indian women, do not feel their competition, because apart from there being room for many more women in this profession than can be supplied, efficient Indian men and women demand, and well deserve, the wages that an Anglo-Indian or European would expect.

Mr. K. C. ROY CHOWDHURY: Mr. Deputy President, Sir, I am obliged to cut short my discussion because of the remarks you made that so many people are to speak today. I would only say this. The abnormal Budget proposals placed before us are certainly the outcome of unprecedented economic breakdown of Bengal. The future historians of the terrible famine, which cost many lakhs of human lives of the poor and working classes, may search our speeches for materials to condemn the Government of the famine period—the Central, the Provincial as well as the Whitehall authorities—for negligence and utter lack of foresight without parallel in the annals of the British administration in India. The British and American commentators as well as Labour Members of the British Parliament have pronounced their verdict that the famine was due to the negligence, callousness, inaction and irresponsibility of the Government. I would not dilate on that any more.

As one of the humble organisers of the numerous free kitchens in Calcutta and suburbs, I have reasons to believe that the public had also some share in the responsibility for the famine. I saw sights and heard talks which struck me as if they were episodes of a barbaric age. Scores of infants of famished mothers were dying on footpaths from want of a few ounces of milk. The heart-rending cries of dying babies and their foodless and milkless mothers roaming half-naked in the residential quarters of this so-called City of Palaces, found little response from the residents and yet we indulge in boasting of our high sense of humanity. I speaking from personal knowledge of the behaviour of my own neighbours who could spare enough milk to save each and every child who died in my locality.

Sir, however much we may try to whitewash our misdeeds or the misdeeds of the Govenment of the day, the future generations would not forgive us and the politicians of all brands,—Congress, Hindu Mahasabha or Liberals who merely protested,—or the League which was in power and simply funked. The Viceroy's speech in the Central Legislature on the Socio-economic future of India is indeed encouraging. The intelligentsia of India would appreciate His Excellency's reference to use rightly and to best advantage the economic assets of the war, not to increase the wealth of the few but to raise many from poverty to a decent standard of comfort. That portion of the speech is an eye-opener to the Nationalist politicians. Dreamers from Karl Marx to Wells cannot hope for anything better in regard to the theoretical aspect of the great objective suggested by the Viceroy. We wait in patience to see

what part our Provincial Ministry plays in the immediate future to translate that objective into action within the sphere of Provincial Autonomy.

The question of the poverty of the industrial workers engaged directly and indirectly on war productions is a very serious one. The Department of Labour deals with the conditions of approximately a million workers employed in Jute, Tea, Coal-mining, Engineering, Shipping and other organised industries. The Labour Commissioner, a very efficient and worthy member of the I.C.S., and his small staff cannot possibly cope with the excessive burden of work imposed by war conditions with a Budget grant of a little over a lakh of rupees. The preparation of reliable family budgets of our working people is still hanging fire. Dearness allowance which is meagre has to be revised on the basis of family budgets. There is serious complaint from the Jute workers who are paid only Rs. 5 a month as allowance for dearness. The maximum monthly earnings of Jute workers like weavers are Rs. 32 and the minimum Rs. 22 inclusive of wages, dearness allowance and concessions on foodstuffs. The average wage is only Rs. 25 when mills work full 54 hours a week. But the most unfortunate factor in the Jute industry as it functions today is that shortage of coal has reduced working hours in most of the mills with substantial fall in their weekly wages. Casual labourers would not touch work on less than Rs. 1-8 a day, whereas skilled workers in the jute industry with large families to support earn much less. The question of ration is equally important. The unit must be raised as manual workers have to consume more *calories* than other adults. In Bombay the unit of workers' food has been raised by 50 per cent. Bengal must follow suit. Millhands prefer cash payments to foodstuff concessions granted by the employers and would like to purchase foodgrains from ordinary ration shops. The lot of coal-miners in Burdwan district is indeed miserable, although their efficiency has elicited world-wide admiration. Due to inadequate wages and allowances and lack of amenities, many coal-workers have deserted mines and joined military constructions. Belated steps have been taken by the Central Government but the Provincial Labour Ministry is exerting very little to avert the disaster of coal shortage which is playing havoc on our industries and wage-earners.

Every member of this House welcomes efforts to "Grow More Food" and convert more waste lands into cultivation. In fact, the future health and rehabilitation of our poor people depends largely on increasing crops. Purchase and distribute as much improved seeds as you can, but bear in mind the extreme importance of manures. I have some interest in lands near the Jadavpur railway station and have seen with my own eyes wonderful increase in output of paddy and vegetables from use of water-hyacinth compost. The eradication of this devilish plant is most important. We see thousands of acres lying waste being covered with this pernicious weed. The Minister of Agriculture is our distinguished colleague. I request him to take immediate action to enforce the Water-hyacinth Act as amended in 1941. He must place suitable staff and experts at the disposal of the District Collectors. He should constitute a Central Advisory Board and also local boards with specialists in water-hyacinth problems, its extraction and conversion into compost. The "Grow More Food" campaign must be supplemented by

"Grow and Catch More Fish" campaign. I had a good deal to do with projects of fisheries before the first world war and was unofficially associated with the Bengal Government Fisheries Department with Dr. Southwell in charge. Carps (*pona* fish) are our staple food. They grow in tanks, rice-fields and rivers but the business of catching, transport and marketing is left in the hands of the poor and illiterate fish people, without any financial solidarity and skill in making nets and gears. The Government should acquire fishing rights from the owners for the benefit of our fishermen who must be supplied with suitable boats, nets and gears. Dr. Southwell estimated that hundred times more *hilsa* and other fish can be caught in the Bengal rivers and marketed, if transport and cold storage facilities were forthcoming. The Sundarban estuaries abound in edible fish like *vetki, bhangan, frawn,* etc. I had a motor boat in the Sunderbans in those days and was convinced of the truth of Dr. Southwell's statements. Now that a new department has been created, it is high time that the Government should revive efforts to develop marine fisheries which are almost gold mines, as was proved by the experimental hauls of the Bengal Government trawler or fishing steam-vessel known as the "Golden Crown" before the first world war. Very good fishing banks were located in the Bay of Bengal and should be fully exploited. The mariners of old England were drawn from British fishermen and the British Navy was actually founded on the sea-faring fishermen of the British Isles. I have reasons to believe in the evolution of a Bengal Navy if we take steps to encourage sea-fishing and train Bengali fishermen in sea-fishing. In the Madras and Bombay sea coasts, there are large fleets of small sea-fishing boats. Let us have them by all means on our own sea-coast spreading from Contai to Cox's Bazar. Then, Sir, I would request the Hon'ble Minister for Agriculture to tackle the problem of growing more fatty mustard seed in the province. It is perfectly scandalous that we have to depend on the United Provinces for our mustard seeds and mustard oil which are essential necessities. Steps must also be taken to develop dairies for an increased production of ghee and butter. It is amazing that the United Provinces send us many crores of rupees worth of ghee and butter. Let the Government see that we become self-supporting in milk and milk products within the next 10 years. My remarks should equally apply to the development of the cocoanut industry. We have been hitherto depending on Madras, Ceylon and other overseas countries for our cocoanut oil which is a necessity in every Bengalee house. Salt produced in Bengal is very small in quantity. Private enterprise is slow to come. Government will be well advised to undertake the manufacture of salt on large scale as a State concern. Now that we have an Australian front rank statesman as our Governor, I suggest that our Minister should seek his personal advice on Australian methods of agriculture, dairy and pastoral productions. The yield per acre of Australian wheat and other foodgrains is many times that of Indian produce. Cattle-raising in Australia and export of meat and milk products is enormous. The total population of Australia is only six millions. The Australians are all proud of their very high standard of living from agricultural and pastoral occupation. Australian working man is happier than his

English and European fellows. The International Labour Review gives us comparative figures of wages in 1926. London 100, Stockholm 88, Berlin 70, Rome 44, Brussels 41, Melbourne (Australia) 142, Philadelphia (U.S.A.) 166. The Commonwealth agricultural and unskilled workers receive an average wage of £5 a week equal to Rs. 250 a month in Indian currency. I gathered from Australian Labour Delegates whom I met at Geneva in the International Labour Conference in 1923 and in 1930 that State socialism has achieved wonderful results in Australia. One of them with whom I had correspondence, was Mr. Holloway who rose to the rank of a Cabinet Minister under a Labour Government. The Commonwealth with 6 or 7 States or Provinces enjoying complete autonomy has a Federal Legislature. But provincial autonomy is as good as we have in Bengal, perhaps better. Take for example the State of Victoria with Melbourne as its capital. Its area is a little over 87,000 square miles as compared with 82,000 square miles of Bengal. The population is, of course, less than 2 millions as compared with 60 millions in Bengal.

The State revenue exceeds 30 million pounds—about 40 crores of Indian rupees,—including income from State railways, State water-supply and State coal-mines, State electrical undertakings etc. In fact, the taxation was only 4 million according to an old report—about 5½ crores of rupees from land, stamp and other duties, licenses, etc., whereas 26 millions is derived from State undertakings. The value of agricultural productions exceeds 20 millions, pastoral industry (cattle) and dairy industry over 30 millions, mining industry 2 millions and forest industry 2 millions. The labour party in Australia is most powerful and has formed Ministries in Federal as well as State Legislatures. We are all expecting doles from Delhi. But doles from Delhi will not be forthcoming every year. Central expenditures are mounting very high and there is a big Budget deficit and then post-war undertakings would exhaust central resources. Hence the necessity of State socialism in Bengal to augment the provincial revenues as provincial taxation has almost reached its limit. State socialism is not communism nor Hitler's national socialism. State railways, for example, of the Government of India is an instance of State socialism. What we require is State purchase of coal-mining rights and even of the collieries in Bengal, State purchase of inland navigation vessels and workshops from the India General Steam Navigation and River Steam Navigation Companies and their expansion, State purchase of electrical undertakings like the Calcutta Electric Supply Corporation and its expansion throughout Bengal, State undertaking of motor transport, many more canal and irrigation schemes and public works yielding incomes. These seem to me to be the best solutions of our revenue difficulties. The finances should come from State loans and bonds like the United Provinces bonds which financed the great irrigation and hydro-electric works in Northern India. A loan of Rs. 50 crores at 4 per cent. would mean a recurring charge of Rs. 3 crores in interest and sinking charges. If this Rs. 50 crores is judiciously invested on State undertakings and if the management is as sound as the management of the Government of India State railways, we may expect a net revenue of 5 crores to relieve taxation in future.

Rai Sahib JOGENDRA NATH RAY: Mr. Deputy President, Sir, our new Finance Minister, the Hon'ble Mr. Goswami, serves us with tons of words in support of the disbursement of tens of money hitherto unprecedented in Bengal's financial history. While we listened to his saccharine stories of millions of rupees being ear-marked for the famine-ridden populace of Bengal, our mind's eyes visualised only pictures of "skin and bone" still roaming about in the streets of mofussil towns and thousands of Bengal's villages. Soothing promises, jugglery with figures, bombastic and occasionally inaccurate statements, however grandiloquently proclaimed and propagated, fail to appease the hunger of the millions and restore the confidence of the people in the sincerity of the Government. In the Finance Minister's speech we find the smoke-screen of explanations, expostulation, protestation, accusation, acrimony and even threat—all of them put together will be but poor platitudes in the face of the crisis of Bengal that is lurking ahead.

The most important heads dealt with in his speech are extraordinary charges in India, Finance and Agriculture.

As regards the first head, in which the Department of Civil Supplies is included, the estimate of the latter department is raised from 1 crore of the current year to Rs. 1 crore 48 lakhs for the next year. I must say and I think the House will agree with me that this increase of expenditure on this department from Rs. 4 lakhs in 1942-43 to Rs. 1 crore and 48 lakhs in 1944-45 stands in dismal contrast to the manner in which this department is being administered. It is everywhere characterised by bungling, mismanagement and the whole administrative edifice is rotten to the core. It served only to import kicks to the peasants, slaps to the townspeople and at present knocks at the Hindu gods and goddesses in the different temples of Calcutta. The recent Calcutta rationing and the way in which rice, kerosine oil and sugar control is operating throughout the province are a poor testimony to the efficiency of this department. As regards famine, the provision of 261 lakhs for the next year is too meagre for the purpose, including as it does both gratuitous relief and test relief works. The calculation behind the estimate under this head bespeaks the lack of vision of the Finance Minister and the Ministry as a whole and is based on irresponsible unreality, so characteristic of our Ministerial high personages. I do not know how the Finance Minister could see glimpses of recovery of Bengal from the shock of famine; but I think even the most incorrigible optimist will not say that Bengal is out of the woods. Diseases are on the increase and those who crawled out of the hands of famine will succumb to the ravages of disease. The provision of only 62 lakhs for medical relief is too insignificant a sum considering the immensity of the requirements and vastness of the people to be served. I am not propagating alarmism, but I am only presenting a true picture of rural Bengal which is far away from the coloured and spectacled gaze of our popular Finance Minister.

As regards Agriculture and the "Grow More Food" campaign, there are pious wishes in the budget of cultivating existing old lands more intensely and also bringing into cultivation waste lands; but the methods suggested,

namely, improved manuring composts, irrigation and improved seeds, are disappointing. What about the poor devitalised human staff that will work out the much-vaunted scheme of "Grow More Food" in the fields? What about the reclamation of thousands of acres of paddy lands where sand has been deposited by the last Damodar flood? Embankment of the Damodar can probably eliminate flood, but not certainly the sand deposit. Then the cattle resources are poor and dwindling and rumours are afloat about the destruction of the cattle of Bengal for meat purposes on a large scale. No provision is made about fodder for the cattle, nothing for housing those rendered houseless, i.e., settling the vagrants in their proper places. The Bengal Destitute Persons (Relief and Repatriation) Bill is a punitive measure to them and the Finance Minister's poor houses, relief measures and work houses can touch but a fringe of the problem when the Finance Minister admits that no separate provision has been made for the economic, and social rehabilitation of the vast masses.

Coming to the income side of the Finance Minister's speech, it is interesting to note that Excise duty is yielding more, which is a sad commentary on the morals of the people of Bengal. He expects to raise 10 crores more for this year and next year and probably this will come, though he does not mention it, from the Sales Tax and Agricultural Income-tax. But even a novice in economics will understand that the incidence of both these taxes will ultimately fall upon the poorer sections of the people. The wholesaler will pass on the increased Sale Tax to the retailer who, in his turm, will pass it on to the ultimate consumer.

The *zemindars*, *patnidars*, landholders—who will be hit by the Agricultural Income-tax will similarly pass on the same, in one form or other, to the under-*raiyats* and *bhagchasis*. Not only that, the *zemindars*, already scared by the Floud Commission's Report and the Government's action upon it, will be further struck by this measure and as a result they will squeeze their *raiyats* and put a stop to all humanitarian works so long undertaken by them in the interests of the people. But these taxation measures upon the dying Bengal, bled white by the ravages of famine and calamities, are to be "engines of social and national policy" of our popular Finance Minister who thinks that we in Bengal have not yet exhausted our taxable resources. But from his own admission, the increase in expenditure under "Jails" is due "to a large extent to the result of desperation on the part of those who found themselves driven nearer and nearer the verge of starvation". They certainly committed offences against the law of the land—the law that could commit them to prisons, but could not feed them and clothe them. Then, the question arises: how the Government will get the money—how it will meet this heavy deficit? To this my first suggestion is that the Government must approach the Central Government for a very substantial financial help—not by way of loan but by way of subvention from the Centre. It is now almost universally admitted that the last famine was purely a man-made thing, a creation of the war for which Bengal is in no way responsible. It is only because Bengal happens to be on the eastern frontier of India that she has been suffering so much. If the promotion of war efforts be the first and foremost concern of the whole

of India, is it not an essential and moral obligation on the part of the Central Government to help Bengal substantially with money at this hour? His Excellency the new Governor of Bengal has stated that he will make Bengal a "contented base for the promotion of the war in the East". The term "a contented base" is, of course, very ambiguous and we do not quite understand what His Excellency really means by it. If he means by this that he will make the people of Bengal happy and contented so that the universal country-wide contentment of the people may promote the war efforts to such an extent as has never been dreamt of by any one, we may certainly expect His Excellency to try his utmost to prevail upon the Central Government to grant this subvention at this critical hour of her very existence.

Secondly, Government must curtail all unnecessary expenses. The Civil Supplies Department along with some other departments are spending money quite lavishly for the upkeep of a very costly establishment with princely salaries to all at the top. In fact, there is still sufficient scope for saving a substantial portion of public money from these departments. The expenses under the Head of Parliamentary Secretaries may also be referred to in this connection. At the time of such heavy deficit in the Government's revenue income, is it not desirable that the Ministry should do away with at least a substantial portion of this costly show? For, if you go on taxing the people in this way, the backbone of the people will break down.

To the Finance Minister the State is in the last resort Force; but a truer conception of organised human society is that the State is always Service. But may I finish by asking this question to our popular Finance Minister: does this mean that it is for the Government of which he is an engine to administer new and new taxation measures and apply force for their realisation and it is for the famished humanity of Bengal to serve the Government by dancing at their behests and by meeting demands even to the point of committing suicide?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. Deputy President, Sir, before I take up my subject, the subject of agriculture, I should like to make a few observations regarding some comments in respect of the general aspect of the Budget. Sir, most of the honourable members in the Opposition criticized the Budget saying that it is a dismal Budget, that it does not show any feeling of sympathy for the people, that it has concealed facts and so on and so forth. But, Sir, on a cursory examination of the Budget it will be apparent that it is a bold, courageous and straightforward Budget. We have taken every step to help our starving millions, for which we have been compelled even to tax our people. We have taken the odium of taxation for helping the starving population. There was no jugglery of figures. There was no attempt made to show that we are trying to balance the receipts and the expenditure. It is apparent from the figures in the Budget that we are making earnest and honest attempts and are risking everything in order to save the starving population. Sir, we know how budgets are prepared ordinarily. We know that in 1939 the Finance Minister presented a surplus Budget of one crore of rupees, but he did not think it proper to spend money out of it on

any agricultural or industrial scheme, because he thought that the result might be uncertain. But here it is a different story. Here we are going to spend everything we have, and we are also incurring debts up to any amount necessary in order to save our own people from death by starvation.

Sir, it is said that this is a Ministry-saving Budget. How this can be said I do not understand, because the Budget itself shows that the Ministry is risking the odium of taxation. If they were prepared to placate the people, they would not have imposed any taxation at all. They would have merely incurred debts and incurred loans and imposed no taxation. I do not also understand why taxation has been so much criticised, because if taxation is necessary at any time it is necessary now. We must save our people at any cost by taxing all who are able to pay the tax. The two taxation bills which are going to be presented are of such a kind that they will not touch the poor at all. One of these is the Sales Tax of which the rate has been increased from one pice to two pice, although the poor man's cloth has been excluded from this tax. Formerly, cloth was not exempted from this tax but in the present Bill the poor man's cloth has been entirely excluded and it is only the other articles that are going to be taxed. Sir, all civilized countries, whenever they are in difficulty as regards their financial resources, resort to indirect taxation, which is supposed to be the best form of taxation because it comes from the consumers who feel the tax very little and because it is levied at a very low rate. Germany and France after the last war recovered their financial position by resorting to this sort of taxation which is better known as turn-over tax. I do not also understand why, while we claim self-government and expect all sorts of amenities of life and social service for the people, we should not be prepared to tax ourselves. We make ourselves the laughing-stock of the world by saying that we do not want to tax ourselves but at the same time want this thing and that for ourselves. We have our genuine grievances against the Government of India; but in the hope of getting assistance from that Government are we to sit idle and close-fisted in our places and see our people dying by hundreds and thousands without making any attempt to tax ourselves? Are we to go with begging bowls to other people to help us? Is that the policy which should guide us? I think that is not a reasonable or proper attitude which any reasonable politician should take.

Sir, I now come to my special subject, namely, the Agriculture Department. First of all, I must apologise to my esteemed friend,—not only friend, but my *guru*, as I call him, because it is from him that I learnt my lessons in service and he has always been more than a brother to me and I have nothing but respect and affection for him—, I mean Khan Bahadur Saheb Abdul Momin. It was quite in an unguarded moment that I told him that nothing better could be done by anybody else, to which a reference was made by him yesterday. I had told him so because he had told me of the proverb that whatever goes to a salt mine becomes salty. Sir, it had pained me very much that knowing me as he does for the last 40 years, knowing me as he does that I am a man who would rather break than

bend, and knowing that I have been trying my best—he could make such a remark as he did. Sir, I have been trying my best and I explained to him my difficulties, my disadvantages, my disabilities for which I have not been able to do as much as I could wish. But in spite of that he passed that uncharitable remark. I now think that I should not have said what I said at the time and I tender to my friend the Khan Bahadur my sincerest apology.

I now propose to deal with the various items to which attention has been drawn by different members. Sir, no one knows better than I do about the defects of the Agriculture Department. But, Sir, we had our disadvantages. The first disadvantage was inadequacy of staff. We have got one demonstrator for serving 1½ lakhs of agricultural population: that is absurd. Is it possible to expect any substantial—any appreciable—work when one demonstrator is trying to serve an agricultural population of 1½ lakhs, as compared with one per ten thousand in the Punjab? Then, Sir, our staff was not prepared for an abnormal time like this. The gigantic scale at which we had to distribute seeds and other things—they were not used to. There was a country-wide demand for seeds of *aman* and *aus* paddy, because on account of the distress the agriculturists had eaten up the seeds. So we had to make the best of a bad job. I say there had been many difficulties. Many of the seeds were probably not of the desired kind; but that could not be prevented when things had to be done in such a hurry and on such a large scale. At the same time, I do not believe that there has been no result out of that. A bumper crop of both *aman* and *aus* after the distress of such a magnitude we could not expect without Government help. A large proportion of the seeds distributed must have gone to the poorer section who had none at all. Some portion might have been frittered away—I do not deny that; but a very large portion must have gone to the needy people and was of real help to the cultivators and it contributed to the bumper crop of both *aman* and *aus*. I also admit that there have been some defects in the distribution of *rabi* crop, such as potato. On account of transport difficulty, on account of delay in getting sanction, and on account of the conditions imposed by the Government of India, the scheme partially failed. The Government of India directed that potato should be purchased and distributed to agriculturists at a subsidised rate. But even at the subsidised rate the price was high—Rs. 20 a maund, and the agriculturists would not purchase at that rate. The Agriculture Department could not sell at a lower rate without consulting the Finance Department. They had to refer the matter to the Finance Department. The Finance Department took a lot of time and the result was that some portion of the potato became rotten and a portion had to be sold at a low rate. Similarly with regard to wheat. There were transport difficulties: wagons could not be had and wheat coming from Bihar was delayed by six weeks on account of a railway accident. All these difficulties had to be encountered. This is the first year and we had to encounter difficulties but I think all these difficulties will not exist in future. But there are some deep-rooted difficulties which would require some time to be eradicated. From the experience of this year we have taken lesson and hope to be able to get rid of most of them in future. Then regarding observation of certain members that mere distribution of seeds

does not mean actual production of more food. We also never thought that by mere distribution of seeds we would guarantee more crops. We did not lose sight of this point: so not only we distributed seeds but we distributed manure, we distributed fodder as well as seeds for the production of fodder. We also considered small irrigation schemes. For this purpose, I am in close touch with the Irrigation Minister and small irrigation schemes will be got through within a short time. We have already taken up compost of water-hyacinth as has been suggested by one honourable member. We are going to tap this source on an extensive scale in East Bengal, where water-hyacinth is available everywhere.

As regards cultivation of waste lands, we have, after long correspondence with the Government of India, just been able to arrange that no land should remain uncultivated. Owners of cultivable waste lands will have to cultivate their lands within a fortnight of the issue of orders by Government in this respect. If the owner does not cultivate the waste land within the time, Government would take charge of the land and allot it to cultivators at a nominal rent. We have also been in correspondence with the Railway Department regarding the lands lying on the sides of railway lines and we are going to take over charge of these lands for getting them cultivated by the agriculturists.

We have a scheme regarding the breeding of cattle. We are going to start cattle-breeding in every subdivision which we had not hitherto done. We want to replenish the stocks of plough-cattle whose want the agriculturists have been feeling very much. We have also a scheme regarding poultry and fish culture before us, and another for manufacture and distribution of sulphate ammonite for manure purpose. We have all these schemes. But you cannot expect that all the schemes would mature in a day. Nobody can expect that. Nobody would be happier than me if they really matured overnight. But that will be asking for the impossible. (Dr. KUMUD SANKAR RAY: Have you inherited any scheme from the past Ministry?) I do not think that there was any scheme under the consideration of the previous Agriculture Minister. Then, we have a scheme for the artificial insemination of cattle-breeding. By this method good results have been achieved in Russia. Mr. Kamini Kumar Dutta had referred to the vernalisation of seeds in his Budget speech of last year and even that we are considering. We have asked for contribution from the Imperial Agricultural Research Institute to experiment whether by this method we cannot produce *aus* crops before the floods come in Bengal. We are doing everything that is humanly possible.

Sir, agriculture is a national cause. I have always been saying that we must not leave the agriculturists to their own fate, because we know that 66·6 per cent. of our peasants hold only 4 acres or less land per family. Is it possible for these poor agriculturists to get proper finance for cattle, seeds and implements for the cultivation of their land? If we want to get proper return from the land, we must treat agriculture as a national concern and not allow the agriculturists to shift for themselves.

Next, I should like to say a few words with regard to the remarks made by my honourable friend Mr. Hamidul Huq Choudhury in respect of the Rural Reconstruction Department. He said that this department is not at all necessary because the Agriculture and Public Health Departments should do this work. I wish to tell him that we met Colonel Brayne only yesterday and we heard from him how villages have been turned into heavens. I would tell my friend that rural reconstruction work can be done without spending money from the Budget but by infusing the spirit of self-help, and we are going to experiment it here. We have one Rural Reconstruction Director with only one Assistant; the staff has not yet been appointed because of war conditions, but if this department is properly organised a lot of work could be done, and we could show wonderful and spectacular results by infusing the spirit of self-help and voluntary labour. I am not sitting idle: I have been trying my level best to develop agriculture and place it on a firmer and sounder basis so that it may serve the agriculturists properly and may show tangible results. We are not satisfied with the present agricultural organisations. We have already decided upon bringing a gentleman of great experience from the Punjab, Khan Bahadur Alfaz Hossain, in order that by following his advice Bengal may become a surplus province like that of the Punjab. If necessary, we would go to other places and even to Egypt for specialists, because, in Egypt paddy is grown at the rate of 80 maunds per acre, as against 18 maunds in Bengal in spite of its proverbial fertility. We are not sparing anything to improve the condition of our agriculturists and we are doing it at any cost and at any risk.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it is very difficult to dovetail discussion on food on to a Budget discussion. References have been made to certain aspects of the Food Department. I shall try and give a general answer without any detailed discussion on our food policy. This is not the time and the opportunity to try to apportion responsibility for what has occurred and for the food crisis; but there can be no doubt about it that much of our disasters was due to war conditions in Bengal,—a position which some vocal people in this province not infrequently are unable to recognise on account of their factious outlook, a position which does not seem to have been appreciated sufficiently by other provinces or even by the Government of India or by the world public who are showing much sympathetic interest in the condition of Bengal. There can be no doubt about it, Sir, that much of our expenditure on food, on famine, on medicines and on schemes of rehabilitation have had to be incurred on account of the special war conditions in Bengal, and there can also be no doubt about it that Bengal is entitled to have these expenses re-imbursed. I do not know which is the Government that will ultimately pay to Bengal the expenses which it has had to incur on account of the incidence of the war near its borders; but certainly the people of Bengal should not be called upon to bear this terrible burden. Sir, a certain honourable member has referred to an inordinate increase in the expenditure on the staff of the Civil Supplies Department and has asserted that there was no valid reason for any increase on the staff. I may tell the

House that I consider that the staff attached to my department is wholly inadequate for the work that it has undertaken and is being called upon to perform, and we have requested the Government of India and other provincial governments to send us many more officers in order to be able to cope with the work. This will obviously need further expenditure on staff. While on this subject, I would like to mention a point which was raised by you, Sir, in respect of officers of the Bengal Junior Civil Service. I need hardly tell you that we greatly sympathise with them and that it is a matter which is not outside the scope of our consideration. We have come across many of them. They are fine young men from whom we expect a high standard of duty and a high standard of living and a high standard of honesty; the conditions under which they serve are of such a nature that they obviously find it very difficult in spite of their best endeavours to maintain those standards. I have the greatest sympathy with these conditions and I believe that these officers deserve the greatest *encomium* from Government, for they do their duty under very difficult circumstances. I have already said that that is not outside the scope of the consideration of this Government. Much has been said regarding the quality of rice which it has been my good or bad fortune to place here in Calcutta for rationing. I am prepared to admit it, and I have seen it not only from rice brought to me from these shops but I have gone round myself and inspected many shops and I found that in some places the rice is bad, and in some shops I found that the rice is inordinately good. My endeavour is to better the quality as time passes and we are taking steps to replace bad rice in these shops. To give you an example, I received from a certain gentlemen a sample of bad rice that was being sold in one of these shops; I had the matter immediately enquired into and all the rice in that shop inspected. It was found on examination that there were only two bags that were of bad quality and the rest were good Dehra Dun rice. It happened unluckily that this unfortunate person appeared in the shop when the bag containing the bad rice was being opened and doled out. The bad rice in that shop was immediately replaced. Now, Sir, most of this rice, as the honourable members know, and as a matter of fact, all the rice has come from outside Bengal. It is unfortunate, but it does happen in such critical periods, that every one takes advantage of his neighbour who is not so fortunately situated; and the rice that we have received from the other Governments does not do credit either to the mentality or to the honesty of those gentlemen who are entrusted with the task of procuring and sending rice to us. At that moment it was not possible for Bengal to create difficulties, or to refuse the rice that came, and we were so hard up at that time for foodgrains that even this bad quality rice was accepted by the people in preference to starvation. Even now when we have started sampling the bags and returning bad quality rice to the Government of India and to the other Governments we have come across bags which when opened have been found to contain at the top and lower layers good rice and in the middle, *kankar*, stones, sand and all sorts of things. That could only be done by persons deliberately. It is not possible when you are sampling the rice from outside by means of *bomas*—a sort of instrument for sampling rice to discover this method of cheating, but we are trying our best to detect

it and are bringing it to the notice of the Government concerned. But I suppose this will continue for some time. The solution obviously is to have inspection at both ends. The Government of India refused to accept the responsibility of inspecting rice that was being sent out by the various provincial governments to Bengal, saying that the various receiving provincial governments should set up their own inspecting agency. Now, this is something which is pretty nearly impossible and extremely difficult as the Government of India itself found to its cost. For instance, when we tried to set up this inspecting agency in the Punjab in the beginning, we found that we would have to inspect foodgrains in at least 400 different stations, and this mean that we shall have to keep a very large number of inspectors scattered all over India for the purpose of foodgrains to be sent out to Bengal. We have now been able to bring the inspecting agency in the Punjab under control and the quality of rice that we are now getting from the Punjab is good. But, Sir, it is not possible to have extensive agencies for all these areas from where we expect to get rice. So we are now inspecting rice when it arrives here, and when we come across a bad patch we forward samples and reports to the various Governments and to the Government of India. As for our ration godowns, we have taken steps to take out all rice out of the godowns of doubtful quality and which do not come to the accepted standards. Some of them we are reconditioning and some which are not worth reconditioning we are not putting on the market; but we propose to dispose of it either as cattle fodder or for industrial purposes. Added to this, honourable members can realise that it is extremely difficult to be sure whether the rice that is being supplied to the people is exactly the same rice which we have supplied to the ration shops for distribution. We are trying our level best to have a proper system of inspection and to be certain before rice is delivered that the rice is of good quality. It may be a matter of some relief to know that the quality of imported rice is now better than it had been last year and there are very few cases now in which we have to report to the various Governments regarding bad quality. But honourable members should realise that however much we may try to keep rice in perfect condition, its quality must deteriorate after some time. But there is no justification for receiving a bag of rice which has got 90 per cent. brokens or 50 per cent. mud or *bhusi* and so on. In that case there is no doubt that there is a deliberate intention to adulterate on the other side. (Mr. Shrish Chandra Chakraverti: What about less weight?) Well, there can be nothing wrong with the weight. Every shop has been supplied with weights and scales. There is a man who sits at the back who goes on weighing in the presence of the public and puts the foodgrains in certain measures. But if any person wants that his foodgrains which he takes out of the measures should be weighed again, that is weighed again in his presence. While we are talking about our ration shops, I must say that the incident referred to by my esteemed friend and *Buzurg* Khan Bahadur Momin is shocking. There can be no possible justification for the conduct of the officer that I can conceive of. It may be that he was probably overwhelmed with a large number of applications for new ration cards, because in spite of our advertisements and requests to the people to register themselves at these shops they did not

do so and rushed to these shops at the very last moment. At the same time there does not seem to be any justification why after all these days my esteemed colleague is still without his cards for his servants. I can only recount what had nearly happened to myself, the Minister of Civil Supplies. I was in a more advantageous position than he was; but I could only get cards for myself, my people and my servants in the very nick of time. I am not certain why Khan Bahadur Saheb did not refer to me; it may be because he did not want to put me to any difficulty or embarrassment, but if he had referred the matter to me I think I could have taken very early steps to have it remedied. When I say so it is not merely because Khan Bahadur Saheb happens to be a friend of mine and because we entertain high regard for him, but as a member of the public. I have had many cases which have been referred to me and have been immediately attended to. Similarly, I think if Khan Bahadur Saheb had done so, I would have treated him in the same manner.

Now I may come back to certain very important suggestions that have been made by Mr. Laidlaw——

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of information, Sir. While on this subject, may I know whether the Hon'ble Minister is aware of the fact that rice is not weighed in some of the shops but it is served and distributed in tin mugs of one seer, ½ seer, etc.

The Hon'ble Mr. H. S. SUHRAWARDY: I have already said that instructions have been issued that there shall be one person who will be weighing and going on serving the public with these weighed measures, but if the public desire to have their things weighed in their presence they are entitled to have them weighed. I think that by so doing there will be a certain percentage of loss to Government but Government will have to bear that loss which is made up by traders by the deft manipulation of their little finger, which our people have yet to learn.

Mr. Laidlaw referred to a very important aspect of our problems, namely, that of putting more consumers' goods on the market. That is what we are attempting to do and an officer of the Supply Department of the Government of India has been placed at our disposal to whom we assigned these duties. He has advanced very far in his attempts to provide these consumers' goods, and we are making every effort to obtain them and to put them on the market through trade channels. He also said that there should be a better recovery of loans. This we are certainly looking into, because these recoveries of loan mean more foodgrains coming into the market. But perhaps it has not been realised to the extent that is desirable that the richer agriculturist who made considerable sums of money last year and who this year has also got a good crop is not the person who is in difficulty or in debt. It is the smaller agriculturist who suffered last year and who probably has not been able to get his annual requirements this year that has incurred debts, now and for several years past; and it will be somewhat hard on him particularly after the famine that he has passed through and after all the efforts that we are making to rehabilitate the people, to force him to sell his goods in order

to discharge his loans when we find that he has not got a sufficiency. Therefore, although we are most anxious and we have issued instructions to our officers to gather in these agricultural loans—it can be only up to a certain point, namely, without oppression on the agriculturist. I agree with Mr. Laidlaw when he says that our trading operations should be on strictly business lines. That is, so far as procurement is concerned they are being conducted on strictly business lines and those trading operations are under the supervision of the best-known merchants that we have in this province. At the same time, I may say that the trading operations of Government as such cannot be on strictly business lines because we are paying higher prices and we shall have to sell at lower prices. As time passes, we are not slackening in our effort to bring down prices, marking down our stocks and depreciating stocks and in consequence we are incurring loss. We have to do this in order to bring the prices down to a level which we think will be fair both to the agriculturist and the consumer. As I said on the first occasion, in our opinion we have not reached that level yet. Before I sit down, Sir, I want to say one thing more to which reference has not been made but which perhaps the House ought to know and that is that we feel that the crisis which our people have passed through has left them in an extremely vulnerable position. The poorer section of our people are now in a much more dangerous situation than they were before the crisis overtook them. Many of them have disposed of whatever resources they possessed. The ornaments of their families, their *thalis* and *batis* and even the corrugated tins off their sheds. We have been trying to re-establish them as much as possible, particularly those who had to sell their lands in order to maintain themselves. But as a general proposition, in order to put these people on their feet we shall have to go in for extensive schemes of rehabilitation. Government have been examining these schemes and they are nearly ready. The cost of these schemes is likely to be tremendous but I believe that the House will support us in any measure that we may adopt for the rehabilitation of these people, however, costly it may be.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Mr. Deputy President, Sir, I am sorry I was not present yesterday when some criticisms and complaints were made by Dr. K. S. Ray against Budget provision relating to my department. But the Parliamentary Secretary kept notes. Now, Sir, his first complaint is that he has not found sufficient provision for medical relief in rural areas. According to him, a sum of Rs. 53 lakhs provided for additional beds in the hospitals is meagre. He complained that according to his calculation if the entire provision of Rs. 53 lakhs is spent, the expenditure per bed would be Rs. 30 a month or Re. 1 per day per bed and he was at a loss to find how it would be sufficient for maintaining the whole establishment. I think he is under some misconception, because the provision of Rs. 53 lakhs is for three months only. So the basis of the calculation of Dr. Ray is not correct, namely, Re. 1 per bed per day. We are not tied up for money for spending on medical relief and money is not our problem in giving sufficient medical relief. The real difficulty is want of sufficient number of doctors and nurses to cover the whole province with a large number of dispensaries, as we desire to do.

Then, there is another complaint made by Dr. Ray and that is that the 80 volunteers sent by the Indian Medical Association who volunteered to do work in connection with medical relief service have not been utilised on the ground of language difficulty. This I am afraid is not correct. We have not refused any doctors on account of the language difficulty. It is also not correct to say that we have refused offers from other provinces on this score. On the other hand, we appealed to the Government of India for doctors as far back as October last and I am glad to say that some doctors have been sent by them. In view of this, I do not know how it could be said that we have not accepted the offer of doctors by the Indian Medical Association or other provinces. The wrong impression is probably based on the fact that one of our officers told the Indian Medical Association on 'phone that so long as we get Bengalee doctors we would not go on recruiting doctors of other provinces. But it is not true that we have refused to take the doctors sent by the Medical Association. On the other hand, we have written to the Association for doctors and although some doctors offered their services they have not joined the service.

Dr. KUMUD SANKAR RAY: May I put a question to the Hon'ble Minister? Is it a fact that out of 50 doctors who know the Bengalee language only 33 have been absolved?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I do not think it is correct.

Dr. KUMUD SANKAR RAY: Is it a fact that the Government took one month to reply to the offer of the Indian Medical Association?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I am afraid, this also is not correct. On the other hand, we approached the Indian Medical Association for more doctors, because we have gone on recruiting not only doctors but also medical students for our services.

Now, Sir, another complaint has been made by Dr. Ray that we have made scanty provision for quinine. He himself admitted that there is a provision of Rs. 60 lakhs for quinine. We have got sufficient stocks of quinine this year. We have procured quinine from the Government of India and we have in the Budget estimates 18 lakhs for free distribution of quinine. As a matter of fact, we have made provision for over 13 lakhs. All told, we have got a stock of 60 lakhs rupees worth of quinine at the rate of Rs. 35 per lb. So far as this year's Budget is concerned, we will not feel any difficulty. We have arranged with the India Government for supplies as well as from other provinces. Now, the question has been raised as to whether we have any long-term or short-term policy regarding the increase of quinine output in Bengal which is necessary on account of the fall of Java. The Hon'ble Minister for Forests and Excise explained the position fully in reply to a question in the other House. But I may only say that the output of quinine in the Mungpoo plantation has been increased from 45,000 lbs. to 70,000 lbs. The Hon'ble Minister for Forests has explored other avenues for increased production by bringing more land under cultivation for quinine.

In order to accelerate the recruitment of doctors to make up for acute shortage of doctors for running so many hospitals, I may say that we are offering very attractive emoluments to the doctors. I hope patriotic doctors will come forward for this relief work. We are also thinking of conscripting doctors throughout the whole province, if the doctors do not come forward in spite of our attractive emoluments.

Then as regards nurses, I admit there is an acute shortage not only here in Bengal, but throughout India. When I was in Delhi, I discussed the matter in proper quarter, but the difficulty pointed out to me was that Indian nurses did not want to move from their localities. As regards Indian ladies and girls, we all know their number is very small in this profession. In spite of our best attempts in the past sufficient number of Indian ladies and girls have not joined in this profession. However, we will try our best to give them all facilities and attractive pay and other emoluments. We have arranged for more emergency hospitals and relief centres and we have added 500 hospitals of 20 emergency beds each. There are already extra beds attached to several charitable dispensaries in several thanas and union boards.

Sir, another honourable member raised the question of health visitors and increase in the number of maternity centres. Already there is a provision in the Budget for all these things. There is a grant for maternity centres and we propose to start more maternity centres.

With regard to increase in the number of Lady Health Visitors, I may say that we are considering how we can do it. Then as regards the criticism of Dr. Ray that there is no plan for Public Health or for medical service, I say that Dr. Ray has said this through lack of information. Because, already the question of post-war reconstruction is engaging our serious attention, and we are aware that there is need of medical service in the rural areas. For that reason we have started emergency hospitals in places where needed and at some places the service is being rendered by the military. So far as the military help is concerned, I certainly acknowledge their service with gratitude, but the extent of service which our department is rendering is much more. It is true that the quality of the military service is much better than ours and this is because we have not paid sufficient attention to our medical service in the past. Indeed, the speed and dexterity with which the military medical units work are certainly admirable. They have done one very good thing by showing to our medical profession how promptly and expeditiously emergency medical service can be rendered.

Mr. HARIDAS MAZUMDAR: Sir, I want to put some questions to the Hon'ble Minister in charge of Public Health——

Mr. DEPUTY PRESIDENT: Order, order. I am very sorry to say that the time at our disposal is too short to afford the facility asked for by the honourable member.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. Deputy President, the remainder of the time at the disposal of the House is very short. But the fact that three of my honourable colleagues have spoken on their respective subjects makes my task very easy.

With your permission, I shall first refer to the assistance from the Government of India. I must thank the honourable members for supporting my contention that we are entitled to assistance in a very ample measure from the Centre in view of the fact that the present dilapidated financial position of Bengal is largely due to the impact of war conditions. Between my Budget speech and the Budget speech of the Hon'ble Finance Member of India yesterday, I received intimation from New Delhi indicating the way the Government of India's mind was working on this question. Sir, yesterday the Hon'ble Sir Jeremy Raisman made his Budget speech, and I take the opportunity of quoting a passage from his speech which bears on the question of relief to Bengal. The Hon'ble Sir Jeremy Raisman said—

> "The Revised Estimates include provision for a grant up to 3 crores by way of Central assistance to Bengal in meeting the heavy expenditure the Province of Bengal has been called upon to bear on famine relief. Without attempting to assign causes or to impinge on the strict constitutional allocation of financial responsibility, we feel that the calamity which has overtaken large areas of the Presidency is so unique and of such magnitude as to justify substantial contribution from Central resources both this year and the next. The actual amount of the grant in each year will be a proportion of the booked expenditure under certain famine heads."

Sir, I am extremely grateful to the Hon'ble Finance Member of India for a recognition of our claim, but I hope I shall have the continued support of the House in pressing my claim further. For I find that his present proposals are entirely inadequate to meet the situation. To my mind what should be settled with the Government of India is a fair principle by which, say, at the close of the hostilities or at some specified date, Bengal will be free from all unproductive debts. I am grateful to the honourable members for their support. I hope I shall have their support in my contention that it would be inappropriate for me to argue my case with the Government of India on the floor of the House. It is a delicate matter but I repeat that the Finance Member of India has recognised the basis of our claim and the justice of our contention.

It would be unnecessary for me after my three preceding colleagues to deal with any other specific points. There is one point to which I would like to refer although it does not relate strictly to finance. It is the question of security prisoners. As regards our policy with regard to the release of the political prisoners, I think our policy is symbolised by the attendance registers in another House. Honourable members of this House have access to the galleries in the Bengal Legislative Assembly and they will find how much during the last ten months we have loaded the Opposition lists with members against us, how many honourable members of that House who had been in detention and whom we knew would vote against us, have been released. It is true that the pace of release of these political prisoners could not be accelerated. After all, there is the question of security. I hope, Mr. Deputy President, you will not suspect in me a budding bureaucrat when I say that; but there are many considerations which have to be taken into account

efore people who belong to various categories can be released. The security risoners do not form one category. Beyond that I hope you will not expect ıe to say anything. As regards allowances to families of security prisoners, 'e have within our financial resources tried to be as generous as possible. myself say this as Finance Minister that I am not satisfied that this scale f allowance is adequate; but I see no means by which I can augment he allowance beyond a certain limit. By this I do not wish to imply that shall not pay attention to the question of the revision of scales of the ımily allowances of the security prisoners.

I shall now, Sir, tread on somewhat delicate ground. It has been said hat I have provided a smaller amount than some honourable members ·ished I should, for famine relief next year. I can emphatically say that ıy budget for 1944-45 is not a famine budget: it is an after-famine budget. wish to declare here, notwithstanding what rumours may be spread, that here shall be no famine in Bengal in 1944. Sir, I feel very strongly on this oint because responsible public men have been trying to circulate the idea ırough whispering gallaries in the country that there shall be a famine in 944. I can understand Dr. Syamaprasad Mookerjee and pseudo-patriots ke him, because they might think that if there is no famine their occupation ill be gone—because with the end of famine their political occupation is most gone. I say their occupation is gone and they look forward to the ·currence of famine: but that famine will never come for their benefit and ·habilitation. I wish to say this—that our Budget for 1944-45 seeks to lay ·wn the basis of a permanent rehabilitation of Bengal and for the economic ·generation of our people, and I feel that by the care and caution with hich we are moving we shall soon be in sight of the promised land.

Mr. DEPUTY PRESIDENT: The House stands adjourned till 1 p.m. on hursday, the 2nd March.

Adjournment.

The Council then adjourned till 1 p.m. on Thursday, the 2nd March, 1944.

Members Absent.

The following members were absent from the meeting held on the 1st March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Mr. Altaf Ali.
(4) Mr. Kader Baksh.
(5) Mr. Moazzemali Chowdhury.
(6) Mr. Mohamed Hossain.
(7) Maulana Mohd. Akrum Khan.
(8) Mr. J. McFarlane.
(9) Mr. N. N. Moholanabish.
(10) Mr. N. N. Mookerjee.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur Kazi Abdur Rashid.
(13) Mr. S. N. Sanyal.
(14) Khan Bahadur M. Shamsuzzoha.
(15) Dr. Kasiruddin Talukdar.
(16) Khan Sahib Maulvi Wahiduzzaman.

BGP-44/5-1635A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 16.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 2nd March, 1944, at 1 p.m., being the sixteenth day of the First Session of 1944, pursuant to section 62 (*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PROSAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Cases stayed under Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940.

73. Mr. HARIDAS MAZUMDAR (on behalf of Mr. Nagendra Nath Mahalanobis): Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) how many suits, execution cases and other proceedings have been stayed owing to the operation of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940, since its enactment up to September, 1943, in the different districts of Bengal; and

(*b*) how long more Government propose to keep those cases stayed?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) A statement is laid in the Library.

(*b*) The cases will be stayed till the expiry of the term of the Bengal Non-Agricultural Tenancy (Temporary Provisions) Act, 1940.

Mr. LALIT CHANDRA DAS: Will it be convenient for the Hon'ble Minister to place all those things in the Council instead of in the Library? It is better that the custom of laying on the Library table is discontinued.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: As is the usual practice, I have laid the statement in the Library; but if the honourable member wants the information here it is: number of suits that came to the court is 477 and other cases are 67.

Discussion of Excess Demands, 1941-42.

Mr. DEPUTY PRESIDENT: The House will now take up the further discussion of Excess Demands, 1941-42.

Mr. HARIDAS MAZUMDAR: Sir, Excess over grants and appropriation for the year 1941-42 which is before this House for discussion contains five grants, namely—

(1) Forest,
(2) Ports and Pilotage,
(3) Interest Free advances,
(4) Superannuation allowance and pensions, etc.,
(5) Extraordinary charges.

Sir, the explanation given under that head does not appear to me to be satisfactory. The Finance Minister states that Government of Bengal expected the sum recovered in the year 1941-42, if such recoveries could not be made within the year and recoveries so expected for the year 1941-42 was actually recovered in the year 1942-43. If that is so, it means that money now being required by way of excess for the year 1941-42 actually came into the coffers of the Government in the following year, and I do not see any reason why by way of book adjustment that particular sum recovered under that particular head could not be shown by way of book adjustment against the year under review, instead of showing the amount as an asset for the following year, i.e., 1942-43. Had such adjustment been made then Budget would have shown deficit by that amount and it was up to the Government to ask by way of supplementary statement the amount required for the year 1942-43 instead of crediting the year 1942-43 with the amount which was actual dues recovered for the previous year, i.e., 1941-42.

This is only what I have said by way of suggestion of the book adjustment of accounts, as I am neither an accounts expert nor a trained audit officer; but from ordinary commonsense point of view I do not see any reason why the procedure suggested by me would not be possible.

I have only another remark to make under the head Superannuation allowance and Pensions—grants No. 31.

Here is an excess of Rs. 73,767. In the explanation given by the Finance Minister it has been stated that excess under this head is due to a larger number of cases of obligatory commutation of pensions towards the close of the year than could be anticipated.

Now, in this connection I would like the following points to be clarified by the Hon'ble Finance Minister. Sir, obligatory pesnsions and obligatory commutation of pensions seem to me to be two quite different things. I can understand that it is an obligation on the part of the Government to pay pension whenever persons are made to retire either on the completion of their services from Government or due to their superannuation; but I cannot understand how there can be cases of obligatory commutation of pensions, as commutation of pensions cannot be made obligatory.

It is the option of the man concerned to have commutation or not and it is also the option of the Government to allow such commutation or not. I would further like to know how many cases of such obligatory commutation of pensions arose during the year under review and towards the close of the year, as stated by the Hon'ble Finance Minister.

I would also ask the Finance Minister to inform this House as to the reason for each of such cases of obligatory pensions and commutation of pensions as the case may be and the amount involved for such cases. I would also like to know the amount involved by obligatory commutation of pensions for such cases and to know also how much of such amount was paid to Pensioners belonging to each of the following communities, namely—

(1) Caste Hindu, (2) Muslim, and (3) Scheduled Castes.

With these words, Sir, I close my discussion on this Excess Demands Statement.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, this is a matter of accounting and regularisation of expenditure relating to a period covered by the year 1941-42, and a detailed information is not readily available. I submit, Sir, that it is quite unnecessary. These have been regularised under the advice of the Public Accounts Committee.

Mr. HARIDAS MAZUMDAR: But we have no Public Accounts Committee. Therefore, these details are necessary for discussion.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is merely a recommendation of the Public Accounts Committee and is a post-mortem examination.

Mr. BIREN ROY: Sir, may I point out that the expenditure was incurred in the year 1941-42? Mr. Mazumdar was pointing out that the Budget should not have been affected but he did not mention which Budget. These Excess demands would have affected only the year 1942-43 and not the year 1943-44, because this Ministry came into office in 1943-44.

Mr. DEPUTY PRESIDENT: Order, order. The House will now take up Supplementary Demands of 1943-44.

Supplementary Demands.

Mr. HARIDAS MAZUMDAR: Sir, before taking up the details of the Supplementary Estimate, I should take up the broad question of famine which should influence all our activities at present. The Finance Minister said yesterday that the budget was not a famine budget but an after-famine budget and he further declared "there shall be no famine in Bengal in 1944". No one——

Mr. BIREN ROY: Sir, that was with reference to the budget of the year 1944-45. But here we are now discussing supplementary demands for the year 1943-44.

Mr. HARIDAS MAZUMDAR: I think, Sir, I am entitled to discuss the future, the present as well as the past year also in this connection, as "famine" forms a big item in the Supplementary Budget. No one will be more glad than we if his words come true and if our fears be falsified—we, who, bound by a hundred ties of the great Hindu joint family system, have had to incur heavy expenses to keep relatives going in this scarcity and who

in this splendour of the second city of the Empire have been unable to forget the tiny villages of our birth where everyone, be he a Hindu, a Muhammadan, a Bagdi or a Namasudra, is either a *khura*, *chacha*, *jatha*, or *dada* who could not be left to starve. While famine is of academic interest to some, it is a vital question to many who have to forego many things themselves and deprive the succeeding generation of many advantages when scarcity occurs. But can we put an end to famine only by wishing? If there be danger in undue alarm, is there not greater danger in undue complacency? Could not millions of deaths be avoided if the Ministry took due precautionary measures in a businesslike manner? Soon after the formation of the present Ministry the Hon'ble Mr. Suhrawardy said on the 8th May "There was a sufficiency of foodgrains in Bengal".

Mr. DEPUTY PRESIDENT: Why do you discuss all this?

Mr. HARIDAS MAZUMDAR: Sir, it is only by way of preliminary remarks. I am coming to the point later on. The result of the statement was that the rest of India, as was recently stated by a Punjab Minister, could not form an idea of Bengal's peril and there was delay in the arrival of charity from outside. If outside charity mainly at the inspiration of Dr. Shyamaprosad Mukherjee who did spade work in this respect at Bombay did not come, famine would remain at the overdramatised stage right through and Government would not have bestirred themselves at all or would have done so even later than the late hour in which they began to work. If Shyamaprosad Mukherjee were not born, then at least 70 lakhs of persons would have died in this famine instead of 35 lakhs. "কুলং পবিত্রং জননী কৃতার্থা।" (Blessed is the family and blessed is the mother that has given birth to such a son)—This saying of the Sanskrit poet was never spoken of any person with greater truth than of this great son of a great father of whose achievements India rings from side to side.

Mr. BIREN ROY: On a point of order, Sir. Is the honourable member discussing the general budget? Sir, is a member entitled to discuss the budget generally when the supplementary budget is discussed?

Mr. HUMAYUN KABIR: I think, Sir, the honourable member is in order.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I think Mr. Roy's point of order is not correct because an honourable member is entitled to criticise the general administration in this connection.

Mr. HARIDAS MAZUMDAR: Sir, Merchant princes of Bombay entrusted him with lakhs of rupees and Karachi wanted to charter ships loaded with foodgrain in his name. In the words of Bankim Chandra "যে জাতির মধ্যে এমন লোক জন্মগ্রহণ করে, এখনও তাহার আশা আছে;" (A race so long as it produces such men has still a future). It is a matter of the greatest sorrow not that such a man was vilified in this House yesterday in his absence but that there should be born any Bengalee to do so. The measure of a race is not only its greatest but its worst member too.

Today's *statesman* with unmeant but grim irony publishes this news of vilification side by side with the following, and Sir, I think I may be permitted to read the portion—"Despite the bumper *aman* crops and a decrease during late November and December of destitution, there has been a marked increase of begging in villages and a movement to the town (Chandpur) of people seeking relief," says the Rev. B. W. Eade, of the New Zealand Baptist Mission——

Mr. DEPUTY PRESIDENT: I am sorry Mr. Mazumdar I am interrupting you, but I would request you to confine your observations to the subject under discussion.

Mr. HARIDAS MAZUMDAR: All right, Sir. This is reflected in the admisisons to the Chandpur Destitutes Ashram and Orphanage where the number of inmates has increased from about 100 in December to nearly 700 now. The applicants have increased appreciably in the last fortnight——

Mr. HAMIDUL HUQ CHOWDHURY: Sir, he is still discussing the general policy underlying the budget which is out of place here——

Mr. HARIDAS MAZUMDAR: Yes, I am discussing the supplementary demands which are before the House—famine forming a major item.

Mr. HUMAYUN KABIR: May I submit, Sir, that the point of order which was raised by Mr. Roy that in discussing the supplementary estimates my friend Mr. Mazumdar could not bring in the general policy, is not relevant, because we have got under the supplementary budget grants for famine and Mr. Mazumdar was quite in order to mention about famine. Similarly, there is also voted charges on account of agriculture which form the main item in the supplementary estimates and if he is not allowed to mention these points, it is not understood why Government has placed the supplementary budget before the House at all.

Mr. HARIDAS MAZUMDAR: Sir, these servants of Jesus, ambassadors of peace and harmony in a strife—ridden world are worth thousands of our Ministers. Are they also talking famine into existence? Smugly entrenched in this cosy and costly Chamber built at the cost of poor Ram, Sham and Abdul, we may assume the faces of cherubs and pass off as decent Ministers and legislators but history will record that this man-made famine has only been made possible by the poor human material of which the present Bengal legislature is composed. These are the veritable paradise of job-hunters, *benami* contract-hunters, wards of courts and men whose only achievement in life is wasting of fortunes built by generations of thrifty, hard working, beneficent forefathers. During the last great war German newspapers stated with ridicule that the British War Secretary did not know how to ride a horse. People of this province may be pardoned if they think that men who have been unable to manage their own affairs are not the right persons to be entrusted with the finances of a great province.

Sir, with these preliminary remarks, I now come to the specific items of the supplementary estimates.

Grant No. 1 on salt.—I find from the explanatory memorandum that the original provision was made in the budget grant of the year for expanding the period of operation of the last year's experimental scheme for the development of salt manufacture as a cottage industry only for 4 months in the current year. I do not find any statement or remarks to show whether the experimental scheme that was launched in 1942-43 and extended to 4 months of the current financial year has produced any success for developing salt manufacture as a cottage industry. I would like the Hon'ble Finance Minister to enlighten this House as to how far the experimental scheme extended for 4 months of this year has been successful and if it was found to be a great success, why sufficient provision is not being made to extend the scheme not up to June 1944 but for whole of the next financial year, i.e., 1944-45? I cannot understand why the experimental scheme launched in 1941-42 is being extended only up to June 1944 and not throughout the whole of the next financial year. In the absence of any explanation coming from the Hon'ble Finance Minister, I think, either the experiment carried on for these two years has not been at all successful and, if so, I do not see any reason why the experiment should be extended. On the other hand, it may be that the experiment has proved very successful but as usual with Government they are not prepared to take a bold measure for developing salt manufacture in the province of Bengal which ultimately may be developed with the help of the Government to such an extent that such a system of cottage industry if developed properly with the aid of Government fund may make the province self-sufficient in the supply of salt. Sir, even at the present moment Bengal is not self-sufficient and though there is such a wide expanse of sea-board in the province, yet for want of development of this industry Bengal is to depend for salt on other provinces for her supplies with the result that during this year people of Bengal had to pass weeks and months with less salt than is normally consumed.

Under grant "Land Revenue".—I find in the explanatory memorandum under head "Charges of Administration" as follows:—

The increase is due mainly to the survey of land acquisition work on behalf of the Government of India for which recoveries will be eventually effected from the Centre. Sir, here is an item where Government admits that they have done works as an agent of the Government of India for which they have some credit against expenses already incurred under this head. I cannot understand why this sum has been invested by the Provincial Government on behalf of the Government of India and why it cannot be recouped from the Government of India during the year under review. I want to know whether Government had asked the Government of India to refund the sum so spent on their behalf under this head.

Under head "Police"—Grant No. 60.—Sir, I have got a few remarks to make under this sub-head (*a*) Presidency Police, paragraph (J)—Civic Guards. I find the total expense of about Rs. 3 lakhs being incurred by the Government of Bengal on the organisation of the Civic Guards. Sir, this organisation is required purely for the emergency of war thrown on the province not by its own choice but because the Government of India

as a whole being a subordinate administration of the United Kingdom was forced to declare war. And it is nothing but pure justice which demands that the whole sum should be recovered from either the Central Government or from the Government of the United Kingdom. I find that only recovery to the extent of about Rs. 93,000 under this head has been made against the total expenditure of about Rs. 3 lakhs. I do not see any reason why the Hon'ble Finance Minister is not forcing the Central Government to give back the whole sum of 3 lakhs which has been spent on this Civic Guard Force.

Under sub-head "Criminal Investigation Department".—I find item "Secret Service" money voted in which provision have been made for Rs. 50,000. I would like to know whether there is any audit about this sum just like the audit of any other expense on any other heads of expenses.

Grant No. 23—Charges on account of head "Agriculture".—I find in the experimental memorandum as follows: The increase under other charges—cost for the Jute Regulation is to continue and costs of the extra staff originally sanctioned up to December, 1943, in connection with the anti-hoarding drive and other works. Anti-hoarding drive of food campaign was completed long before the end of the year 1943 and I do not understand why such a staff is still being maintained during the months of January and February, 1944, at the cost of the rate-payers. Sir, whenever we find there is a deficit, Government comes out with a proposal of taxation and as soon as those sums are sanctioned by the Legislature, administration comes out immediately with a long list of appointment of staff and spend the same on unremunerative services. Sir, Government always justifies such an increase of expenditure on staff as being required temporarily for some particular purpose like Jute Regulation and other things. Once the staff is sanctioned by Legislature, Government will always try to retain that staff because they find that already money has been sanctioned by the Legislature.

Then I come to the explanatory memorandum under the same head—increased costs for "Grow More Food" campaign—cost of seeds is due to certain item of expenditure mentioned therein.

Sir, in the statement what do we find? We find only purchase of seeds and distribution of seeds. Sir, distribution of seeds irrespective of the fact whether cultivator has got sufficient bullock or other equipments for the purposes of helping Government in the "Grow More Food" campaign is of vital necessity. Sir, if this "Grow More Food" campaign is to be successful at all, it is not by distribution of seeds alone but by bringing more lands under cultivation of food crops, those lands lying uncultivated, forthwith. We would suggest that each District Magistrate, each District Board and each Municipality and each thana should find out within their respective jurisdiction quantity of such land available which can be brought under the cultivation of food crops. As soon as such survey of land is finished, Government would come forward with capital amount for being lent to all the owners of such waste land if they want any such help from the Government

for purposes of the development of land and changing them into plantation for more food crops.

Then, Sir, another suggestion which I can make is that in all civilized countries we find co-operative farming and not individual farming. Here in India I do not see any steps being taken for the purpose of educating the people on the line of co-operative farming. Sir, in co-operative farms, scientific equipment that is required for the purpose of better cultivation is utilised by certain number of cultivators; such equipment is used by each one for the purpose of having improved methods of cultivation and growing more food. Sir, the same facility can never be obtained by anti-diluvian way of ploughing the field by bullocks.

Therefore, if we want to develop this province which is mainly an agricultural lands we must try to obtain help from Russia and therefore I agree with the suggestion made by my friend Professor Humayun Kabir during the Budget discussion that we must make provision of a lump sum of money, say Rs. 10, Rs. 15 or Rs. 20 lakhs, to be set apart for the purpose of sending young boys, not graduates, but ordinary young boys with some education who are sons of the agriculturists, to Russia for the purpose of gaining first-hand knowledge as to how co-operative farming is run and how and what methods Russia adopted in getting better yield from their lands.

With these words, Sir, I close my speech.

Mr. HUMAYUN KABIR: Mr. Deputy President, I would at the outset refer once again to the standing grievance from which this Council has been suffering for the last 6 or 7 years. This is a matter, Sir, in which you also took considerable interest. I refer to the absence of a Public Accounts Committee which can go through the accounts and audit the Budget and present a report before this House. This has been promised again and again to this House by various Finance Ministers. In spite of promises by one Finance Minister after another, we are still without a Public Accounts Committee. The result is that very often we are not able to apply that amount of attention or go into the details of the Budget with that degree of accuracy which is necessary if we want to do proper justice to the accounts——

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I may inform my honourable friend that on the 6th March we were going to sit for the Public Accounts Committee.

Mr. HUMAYUN KABIR: Mr. Deputy President, Sir, I do not know since when my friend has been commissioned to speak on behalf of the Government and announce that the Public Accounts Committee was going to sit on the 6th March. Through you, Sir, I can certainly ventilate the grievances of this House. This House cannot do proper justice to budget accounts and discuss it properly without its Public Accounts Committee. By depriving this House of a Public Accounts Committee, we have been deprived of one of our fundamental rights. I would request the Hon'ble Finance Minister to expedite the matter and see that a Public Accounts Committee is appointed in time.

This is all the more necessary, Sir, on account of a fact to which I had occasion to refer on the last occasion. The convention which has unfortunately been established brings before us only statements about expenditure which have already been incurred during the past year. Now, Sir, this procedure has no precedent anywhere else. Elsewhere, moneys are sanctioned before they are actually spent. Here they are first spent and then the Legislature is asked to sanction what has already happened. Besides, in free countries, and even in the Central Government of India, the supplies have to be voted along with the demands. Here, the Assembly votes on demands, but neither the Assembly nor the Council is asked to vote on supplies. As for the Council, it has no voting even on demands. It is true that there is no provision in the Government of India Act for any Supply Bill; but we find that everywhere else where the Statute does not say anything definitely to the contrary, there is such a convention. This convention is followed in practice even at the Centre by bringing in a Supply Bill. Unless we know what are the funds at the disposal of the Government, unless we have some say over the distribution of supplies, our discussions are very often merely academic. It is all the more so in the Upper House, for in this House the different demands are not presented before us. We have no vote on the actual allocation of the Provincial Revenues, and our criticisms do not have behind them that sanction which the criticisms in another place have. My honourable friend, Khan Bahadur Momin pointed out last time that we do not have any control over the actual disbursement of the funds. It is all the more necessary that we should have a say in suggesting policies, if our criticisms is to be of any value at all.

I would suggest to the House that the convention of supply bills be built up. It is a convention which obtains even today in the Central Legislature where the actual amounts which the Government expect to obtain year after year are brought forward in the form of a Finance Bill. The different measures of taxation through which these amounts are collected are also mentioned in the schedule to the Supply Bill. If this procedure is followed in this House as well, we could have control over the disbursements through our influence on the items of income that Government placed before the House. It is true that even then we shall not have any direct control over actual disbursements; but we shall have control over the supply. The Government of India Act does not debar us from having control over supplies: it only debars us from voting on demands. We cannot discuss how the money is to be spent, but there is nothing in the Government of India Act to prevent us from voting on a Supply Bill.

This will also have another salutary effect. More than one member of this House has commented that we find that Government introduces a taxation bill as a temporary measure but once that taxation bill has been passed as a temporary measure, it has a habit of being automatically renewed from year to year. Even measures which are brought in for temporary relief to the provincial revenue are kept permanently on the statute book. And not only so; we also often find that Government bring in a measure

or a finance bill in which they say that the proceeds of that particular tax will be used for a particular purpose. I may here refer to the tax obtained from the sale of jute products. A definite assurance was given to the Legislature that the money obtained from jute sales would be used to improve the conditions of the jute agriculturists and give them certain amenities. We, however, find that the Honourable Finance Minister has himself admitted that the money was not spent in that way. If we had an annual Supply Bill, we could control the Government and say "This is a particular tax introduced by Government for a particular purpose and must be used for that purpose alone". We would have control over supply and also over the manner in which Government spend the money obtained from taxation.

Sir, once Government somehow manage to pilot a Bill through the Legislature, they are absolutely immune from all criticisms and charges. This is so though the money is not spent in the way in which it was proposed to be spent. We have no remedy in the matter. The Lower House has no doubt some remedy in the form of voting on demand; but if, in addition, we had votes on supplies, this would provide us with a salutary check over the administration and the general policy of Government. If this House had before it a Finance Bill, I suggest that it would then not only improve the administration but would also keep the Ministers up to the mark. I confess with regret that the Ministers do not always keep to the mark. I do not blame them very much for this, because after all it is human nature to take the line of least resistance. Very often Ministers, once they are installed in comfortable seats on the treasury bench, forget the promises they made before and go on in the usual manner. If this House had any control over the Supply, then it could from year to year discuss all the proposals of Government as embodied in the Finance Bill. If the items proposed together with the financial policy of Government came under our control, then not only would it do great good to the province as a whole but would help the Ministry as well. Sir, there is a proverb that friends warn and enemies strike. Therefore, anything which is done to guide the Ministers along the proper lines is not an unfriendly act. I would suggest on the contrary that it is a very friendly act, because it is only by accepting such friendly criticisms and warnings that the ministry can hope to do some good to the province. If they have no intention of doing good, then they have no business to occupy the seats which they actually do occupy today. These are the two general points I would like to make, viz., that this House has been deprived of a Public Accounts Committee and also that this House has been deprived of any opportunity of controlling the finances of the Province through an annual Finance bill. I think members of this House, whether on this side or that, will agree with me that if we have a Supply Bill, we can exercise control over Government and make the administration better than what it is today. I would go further and say that on this subject, both sides of the House should unite. We all want to have control over the actual supplies which the Government want to disburse. If on this point, we can present a united demand, I would say that he must be a very bold Finance Minister who could refuse the demand of the whole

House. I would appeal to the members opposite to unite with us and demand control of the supplies—demand a salutary legislative control over the finances of the province. After all, no one knows which party will be in power and which will be in the Opposition. About this time last year, my honourable friends opposite never dreamt that they would be occupying the benches they are now occupying. And after the incident of yesterday in another place, possibilities are perhaps not very distant when the tables may be turned. I think it is desirable that we should unite in cases where by our action we could increase the general powers of the House and exercise control over the supplies. Once such convention is established, not only the present Finance Minister but whoever may be the Finance Minister—whether from this side or from the other side—whoever he may be—will have to be cautious about the disbursements as well.

Now, Sir, I should like to discuss one or two items in the supplementary estimates which have been placed before the House. I find that one of the main items in the supplementary budget refers to famine and charges on agriculture. With regard to famine, I do not want to repeat what I have said on the previous occasion. I have said then that it is my conviction that this Ministry must take the responsibility for the famine. They must be held responsible for the huge loss of life as a result of the famine. Their delay in forming their schemes prevented importation of foodstuffs from other provinces and from other countries. Thousands of lives could have been saved if they had been alive to the seriousness of the situation. Their refusal to admit that there was shortage was not only foolish and short-sighted: it was criminal folly of the most serious type. With regard to this matter I said what I had to say clearly and I do not want to repeat all that I have said. I leave them to judge whether they could have done better to save the lives of thousands, whether they have done all that could be done in order to allay famine and prevent this huge loss of life. Let them think in their own minds and see if their conscience is satisfied. Let them feel if they can say with a clear conscience that they have done all that could be done in the circumstances. I leave it to their own judgment.

With regard to agriculture, I would repeat the suggestions which I have made on various occasions. Attempts should be made to increase the actual productivity of the land in manifold directions. Here, Sir, England is an instance in point. Formerly, she was not producing perhaps more than five or, six weeks' foodstuffs, but now I believe she is producing for five or six months within England herself. Is there a corresponding increase in Bengal? The conditions in India are analogous to those in Russia. The Russians have increased the productivity of the soil not one fold, not two fold but as much as five fold within a short time. When the Germans broke through Russian frontiers, Russians had to evacuate from the most fertile areas to some undeveloped and unfertile territories. They were yet able to effect a great reorganisation in agriculture in spite of great hardships, and they stand stronger today in spite of all these hardships and disabilities. Russia has set up an example before the world. She has proved that improved food production can be effected not only by long-time

policy but also that production can be increased within a short time. We should follow the example of Russia and thereby secure increased production within a year or two. I would suggest to the Government of Bengal, that they should grant scholarships to young men to go to Russia. Young men from Bengal should be sent to see the conditions in Russia. Let them get training there and come back. We shall see whether increase in production cannot be secured. This is certainly not a far-fetched plan. There is nothing unpractical about it. Russia is one of the most important members of the United Nations. This Government should not fight shy of sending young men to Rusisa so that they may see there the process of increasing the productivity of the soil. If the Government really want to increase the food production in this province, they must do this. This is essential for both a short term policy and a long term policy, if we want to improve the conditions of life in the rural areas.

In this connection, I may remind the House that the Government of India have, as a matter of fact, invited the help of Soviet Russia for fighting the locusts. The scientists from Soviet Russia have actually come and their aeroplanes are actually on the borders of India. If the Government of India can ask help from the Soviet Government in the matter of fighting locusts, I do not see any reason why the Government of Bengal should not go a step further and invite their help in increasing the productivity of the soil.

Then, Sir, we come to the "Extraordinary Charges". Government have undertaken the development of the huge Civil Supplies Department. Some evidence of its efficiency and serviceableness was offered in this House by my honourable friend Khan Bahadur Abdul Momin. He told us how this Department has been carrying on its duties to the discomfort and disadvantage of the public. But, Sir, I do not want to be carping in my criticism. After all, this is a new Department. It is inevitable that a new Department will have defects here and there. I am mentioning this matter only to draw the attention of the Cabinet as a whole to this aspect. The resentment of the public is growing. Unless the Hon'ble Ministers see that this Department is run properly, efficiently and its serviceableness is increased, the public discontent may reach a point which may be beyond the control of the Hon'ble Ministers.

The "Extraordinary Charges" also cover Capital outlay on purchase schemes. Huge amounts of money are locked up on account of purchase of foodgrains. I must say that I cannot agree that the Government have behaved either in a wise or an economic manner. If the Government had used the normal trade channels, this vast amount of capital expenditure would not have been necessary. Heavy amounts would not have been frozen in this manner. Companies which purchased rice had no experience of the trade. Unnecessary expenditure and unnecessary loss has thus been incurred by the Government. As for the Government shops which have been started in Calcutta, they have been placed in charge of people who have no experience of the trade. I cannot help feeling that there were perhaps an ulterior motive in the mind of the Hon'ble Minister in giving out these

shops. Whether consciously or unconsciously, the shops have been used as avenues of patronage to keep the party in power. The Ministers are sustaining and supporting these shops out of the public revenues. I submit, Sir, this is a sorry state of affairs. The Finance Minister must be held responsible for such inefficiency, and in some cases corruption, at the cost of the public exchequer. The Ministers are supporting and maintaining people who do not deserve it. This aspect of the matter was discussed at great length elsewhere and I do not want to go very deep into the matter. I would only like the House to exercise more vigilance. This brings me back to the remarks with which I started, namely, that the House should have control over the accounts. That is the best instrument whereby the Ministry might be compelled to behave like good boys. This compulsion by the House is not only desirable but absolutely necessary.

I come to the next item, namely, expenditure on Police and General Administration for maintaining Law and Order. Now, Sir, I was very sorry to hear the speech of the Hon'ble the Finance Minister when he said yesterday that though the detenus ought to get more allowance, it could not be managed.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I did not say that it could not be enhanced, but I was experiencing difficulty owing to lack of resources.

Mr. HUMAYUN KABIR: I am glad that as yet there is an inkling of hope in the Hon'ble Minister's mind that the amount may be increased——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I may be permitted to interrupt my friend Mr. Kabir and tell him for his information that the allowances have been nearly doubled than that of last year and that that increase in allowances has been given restrospective effect from April last.

Mr. HUMAYUN KABIR: That may be true, but the Hon'ble Finance Minister should know better than any body else that prices have increased, not by two-fold or three-fold but many-fold. In any case, I am not concerned with two-fold, three-fold or four-fold increase but what I am concerned with is the amount which has been actually granted. Does the Hon'ble Finance Minister care to know what amounts Government have granted to these political sufferers? In some cases the magnificent sum of Rs. 20 has been granted for a family of eight members and Rs. 15 for a family of five. These too are for persons who are respectably placed in society and were earning a quite decent income from honourable profession. If the Hon'ble Finance Minister can find the financial resources for additional grants in other directions, if crores of rupees can be spent or misspent on the Civil Supplies Department, if crores of rupees can be spent for stocking foodgrains when the Government should have utilised the foodgrains available in the market and in the country through control over the traders, if crores of rupees can be spent for various other purposes, why can he not find sufficient funds for these poor political sufferers? I refuse to accept his plea that in place

of Rs. 20 or Rs. 15, he cannot find at least Rs. 40 or Rs. 50 for the detenus and other political prisoners. The Hon'ble Finance Minister himself knows that these detenus and political sufferers were detained without any trial. We must regard them as innocent. Till a man is not actually tried, he must be held innocent. They are persons whom Government have deprived of their liberty and all the amenities of life by shutting them behind the prison bars for five, ten or fifteen years. I refuse to be satisfied with his statement when the Finance Minister says that he has doubled their former pittance. It may be that he has doubled it, but I am not conent unless the amount is actually adequate. I have a resolution before this House that a person who is under detention without any trial should be granted allowance at the very minimum at the rate of Rs. 20 per member of his family. Rs. 20 should be the absolute minimum, for one cannot now a days live for less. I would also suggest that many of these political sufferers are persons who are held in as much respect as members of this House and whose position in society is much higher than that of the members of the Cabinet.

I find the Hon'ble Finance Minister is smiling, but I will recall to him an incident which occurred in this very legislature about a year ago, or it may be one and a half years ago. A particular party singled him out specifically as an agent and spokesman of the Fascist Party of Bengal. If at that time a certain change had not taken place, he might have found himself included with the unfortunate persons who have been thrown behind the prison bars without a trial. He would then have seen that there is no justification for giving the pittance which political prisoners are getting. He would then have admitted that rupees twenty is not sufficient as an allowance to the political sufferers. Perhaps that experience would have done him good. If after detention without trial and an allowance of fifteen rupees per month, he came and said that the grant was adequate, I would listen to him, but till he does so, I think it does not lie with him to smile or take up an attitude of complacency, to sport a vein of superiority and simply to nod his head and say that he will see what can be done. He must do at least the little I have suggested if he is to justify his retention of the position which he is actually holding today.

I now come to the question of the price of jute. At one time, Government held that prices could not be fixed. We pressed the Government till they were forced to yield and some years ago a minimum price was fixed. That price was not enough, but still it marked a step in the right direction. But what is the position today? Prices which now obtain for jute are so low and so unsatisfactory and uneconomic that today the jute cultivator is faced, if not with ruin, at least with financial crisis of a very grave magnitude. When prices of all commodities have gone up, we find that jute is the only commodity of which the price has not gone up. And not only that, Sir; in the case of jute, a maximum price has been fixed. This is a strange procedure. I do not understand why this Government has seen fit to bless this idea of the European Jute Mills Association and fix a maximum price for jute. Formerly, when we tried to lay down a minimum price of jute which would enable the cultivator to carry on, there was opposition, and

it was often suggested that prices were not subject to political control but must be left to the free play of economic factors: all that has gone today. We are at least going to get one good out of the sufferings of these three years. All loose and vague and indefinite talk about the forces of economics being allowed a free play has gone for good. In future it shall be the duty of every Government to see that prices of all articles are controlled, not from the point of view of only economic interests, not the profits of merchants and capitalists and employers nor even the wages of the employed alone but from the point of view of the greatest social good. Today everybody recognises them. In such circumstances, I fail to understand why this Government have given their blessing to the idea of a maximum price for jute at a time when the price of rice has already overshot the maximum price of jute. In normal times, one maund of jute fetches one and half maunds of rice. That is the basis upon which the economy of Bengal has been built up. By disturbing that ratio, the Government are undermining the economy of the province. I would warn the Government and ask them to remember that those who sow the wind must be prepared to reap the harvest of whirlwind and destruction and death.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, Mr. Kabir's very able speech has provoked me to say a few words in this debate. Mr. Kabir started very well but ended by being abusive. He started by mentioning his grievance about a Public Accounts Committee of this House. I should say that it is the duty of this House itself to have its rights recognised and not to appeal to Govrnment. My friends were in the Government for 18 months but they never thought it fit to see the rights of the House established. It is for this House to set up such a Committee. The House can do so by a resolution. All that the Government of India Act, 1935, says is that the report of the Auditor-General shall be placed before the legislature. And the Legislature has got to do its duty and agree to set up a machinery for the purpose of examining those accounts. Therefore, the House must set up its own committee. This House has to move a resolution for this purpose and——

Mr. LALIT CHANDRA DAS: Well, a committee was set up and nominated by the Chair some 2 or 3 years ago, but the Government refused to co-operate with this House in this matter.

Mr. HAMIDUL HUQ CHOWDHURY: If a committee had been set up and the Government refused to co-operate with this House in the examination of provincial accounts and if this House has been flouted to this extent, then that has been a breach of its privileges of a serious nature. I am informed that the question is being closely examined by the Government and we hope that some solution will be arrived at soon. So far as the second point made by Mr. Humayun Kabir is concerned, namely that there should be a supply bill; that is, of course, desirable and it is in vogue in most of the Legislatures. There are certain items of taxation which are annual in such legislatures. They are renewable every year and it is renewed annually so that the Legislature may get better control over the Government

expenditure and over taxation measures. This House can very well add a clause in every Bill of taxation saying that this Bill shall come to an end by the end of the current financial year. But has the House done it?——

Mr. SHRISH CHANDRA CHAKRAVERTI: We have tried to do it without effect.

Mr. HAMIDUL HUQ CHOWDHURY: If the House do not do so whose fault it is? When these measures come from time to time you do not take much interest and do not vote for it and allow them to be passed. If you wanted a particular Bill to be renewed, you could have done so.—— (Mr. SHRISH CHANDRA CHAKRAVERTI: You were one of the members why did you not do it?) The House did not protect its own right.

Coming to the criticisms made by my friend Mr. Humayun Kabir of the Government policy we find that he has condemned the policy of Government for not relying on the private shops only for the distribution of ration. If I understood him aright, he said that in the matter of allotting shops for ration party politics and patronage came into play. I must say that his experience in this respect is limited to what they themselves have done. We are all aware of the doings of the last Ministry—as a matter of fact members of all sections know that if they were in power now there would have been scandal throughout the length and breadth of the country: every one knows about the scandals that were perpetrated by their leaders and they are now talking with their tongues in their cheek. During their time what did these private shops do when prices were rising by leaps and bounds? In spite of there being millions of maunds of rice in these shops, the day price was controlled all food-grains disappeared in a few hours as if by magic. Who was made to suffer? Not the members sitting on this side of the House only, but the citizens of Calcutta: citizens whose names are often paraded and whose sufferings are exploited not to help them but to derive some political advantage. For this purpose there was a conspiracy hatched up in the house of a prominent member of the Opposition. One of the members of the Viceroy's Executive Council was in that meeting. The whole plan was to devise a means whereby the food situation could be made more difficult so that the position of the ministry might become more insecure. That is the genesis of the propaganda against opening of state-managed shops. The demand was made that the very people who out of their tremendous greed starved out hundreds of thousands of people should be entrusted with the distribution of government-acquired food-grains, irrespective of what may happen to the consumers. Sir, I plead for some honesty on the part of the members of the Opposition.

Government are doing whatever is possible. They have not rejected the directions of the Government of India. They could say "we do not agree with your policy; we shall be responsible for feeding the people of this province and set up our own machinery and no dual control we shall have". The Government did not try to bring political consideration into it. They accepted the direction and are trying honestly to

give effect to Government of India's policy. The Opposition now becomes the advocates of the black-marketeers and profiteers, those persons who had denied us food at a time we were starving and they had plenty.

With regard to the Agricultural policy, I agree with all that has been said by the Opposition members. There cannot be two opinions about this question. Government also fully realise that the problem of agriculture is not merely bringing potato or wheat seeds from outside and distribute them amongst the cultivators. That is not the problem. The real problem is to increase the production, to grow two maunds where one maund is growing now. For that we must have a programme. First of all, we must have Research Institutes. This is one of the most fundamental things. We must get more scientific staff to bring about improvement in the field of agriculture. We must start research stations wherein experiments can be carried on continually and continuous improvement maintained. We must also have seed-multiplying stations where large-scale multiplication can be had. These are essential if the Agriculture Department has to do any good for the agriculturists of Bengal. This Department had been neglected for over 30 years. The Budget grant under this head never exceeded Rs. 29 lakhs during the last 20 years, in a province where the agricultural population of the province was 5 crores. In the Punjab with half the population of Bengal they have been spending Rs. 60 lakhs for the last 20 years. Therefore, it is not the fault of the Opposition nor is it the fault of the present Government but the fault of the past. The present government is employing every possible means and taking necessary steps to implement their schemes; but now-a-days properly trained scientists are very difficult to get and we are in dire need of specialists. The Government is prepared to go as far as Egypt which is also an agricultural country to bring specialists from there. Government policy in regard to agriculture has to a great extent been hampered on account of war and their policy cannot be given that impetus which the Party behind this Government desire.

So far as jute is concerned, my friend Mr. Humayun Kabir has for some time past been urging Government to fix the minimum price of jute. At present the order of the day is to control prices in the interest of all classes of people, of agricultural products as well as factory products, so that the prices of commodities do not go beyond the reach of people. Those who had agricultural products sold them and got money, but a section of the people were starving because they had nothing to sell and not the necessary money to buy even a maund of paddy or a maund of rice. Control of prices had to be accepted as a general policy. Section 102 of the Government of India Act, 1935, is in operation, and Bengal is being ruled by the Government of India. So long as Bengal will continue to be ruled partly by the provincial government and partly by the Government of India in the name of war and for war interests, the responsibilities will be divided.

Mr. LALIT CHANDRA DAS: What did they do in the year 1937-38?

Mr. HAMIDUL HUQ CHOWDHURY: What has happened in the past has been forgotten.

Several members from the Opposition Benches: What is the achievement of the present Ministry? Everything negative and everything minus.

Mr. DEPUTY PRESIDENT: Order, order. I would appeal to the Hon'ble members not to indulge in unnecessary interruptions which do no good to anybody. I would request the Hon'ble members to allow discussion under cooler and calmer atmosphere. If any Hon'ble member is willing to ventilate his views or offer his comment on the points raised here, I shall be very glad to allow him full facilities.

Mr. LALIT CHANDRA DAS: But, Sir, cross-interrogation and cross-questions are allowed, as they are quite parliamentary.

Mr. HAMIDUL HUQ CHOWDHURY: So far as fixation of the maximum price of jute is concerned, the decision was taken by the Government of India. The Government of India wanted to fix a lower maximum. The Government of Bengal successfuly fought and raised the price at a proper economic height, and that was no mean achievement. A minimum price has also been fixed not only on paper but with a sanction behind it, namely, that if the agriculturists do not find anybody ready to buy the jute at that minimum price, then the Government of India has undertaken to buy the whole lot. And further, the Government of India has agreed in this difficult time to finance this province for setting up in the interest of the jute-growers a machinery, an organisation for the marketing of jute. That, again, is no mean achievement, and this Government is proud of that.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I must first of all thank Mr. Hamidul Huq Chowdhury for the very able manner in which he has met most of the points of the Opposition.

As regards the speech of the honourable member, Mr. Haridas Majumdar, so far as the part of his speech which was at all relevant is concerned, I find that he was practically reading out some of the Explanatory Memoranda and asking questions which show that he did not understand what he was reading out. The best way in which he can be answered is by asking him to apply his mind a little more closely to the explanatory memoranda.

With regard to my honourable friend, Mr. Kabir, I hope he will not ask me to think aloud on the floor of this House on the question of the Public Accounts Committee today, because the Honourable President has summoned a conference which will be held on the 6th of March and I hope some arrangement satisfactory to everybody will be arrived at. It would not be to anybody's interest therefore, for my part to express my own opinion or anyone else's today. I quite realise that the House is keen on being associated with the examination of public accounts.

As regards Mr. Kabir's suggestion about a Supply Bill, I suppose he meant a Bill analogous to the annual Finance Bill of the Government of India. Well, Sir, I may say that as early as 1937 when this legislature was

first constituted under the Constitution Act of 1935, it did occur to me—for I was then for the first time a member of a provincial assembly—a little odd that there was no Finance Bill here analogous to the Finance Bill in the Centre. Of course, I did apply my mind a little to the question but I thought that even if I did come to any conclusion about it I had no voice or authority to give effect to it. Later on, about the end of April, 1943, when it became possible for me to effect improvements in the budget system, I considered this question. I must confess I did not consider it as assiduously as I ought to have done. I realised at once that there were some difficulties. I shall not discuss these difficulties here because unless the matter is brought forward in a concrete form, it is no use having an academic discussion here. Perhaps Mr. Humayun Kabir will be content with this reply—namely, that I was perhaps too lazy to create an innovation. But it would have been a startling innovation as many other questions would have been involved. I may say that constitutional difficulties were also pointed out to me.

I thank the House for having taken into consideration the Supplementary Estimates.

Mr. DEPUTY PRESIDENT: The House stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 3rd March, 1944.

Members Absent.

The following members were absent from the meeting held on the 2nd March, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. Altaf Ali.
(3) Khan Sahib Nurul Amin.
(4) Mr. Kader Baksh.
(5) Mr. Moazzemali Chowdhury.
(6) Maulana Mohd. Akrum Khan.
(7) Mr. J. McFarlane.
(8) Mr. N. N. Moholanabish.
(9) Mr. N. N. Mookerjee.
(10) Mr. R. S. Purssell.
(11) Khan Bahadur Kazi Abdur Rashid.
(12) Rai Sahib J. N. Ray.
(13) Mr. S. N. Sanyal.
(14) Khan Bahadur M. Shamsuzzoha.
(15) Dr. Kasiruddin Talukdar.

BGP-44/5-1673A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 17.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 3rd March, 1944, at 2-15 p.m., being the seventeenth day of the First Session of 1944, persuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY, J.P.) was in the Chair.

QUESTIONS AND ANSWERS

Islamic History and Culture.

74. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if it is a fact that the University of Calcutta has made provisions for teaching of Islamic History and Culture in the University Post-graduate classes?

(*b*) Is it a fact that no provision has been made for the teaching of Islamic History and Culture in the high schools and colleges of Bengal?

(*c*) If so, do the Government of Bengal propose to make Islamic History and Culture a subject for teaching in the high schools and colleges of Bengal? If not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes.

(*b*) and (*c*) No provision has yet been made in the high schools; but it is proposed to make provision for teaching the subject in the Islamia and Lady Brabourne Colleges in the I.A. classes from July, 1944.

Destitute girls.

75. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact that taking advantage of the acute food distress in Bengal, some evil-minded people are carrying on trade of gathering helpless destitute girls and widows and of selling them to prostitutes?

(*b*) If so, what measures have been taken by the Government of Bengal to protect such helpless girls and women from such unscrupulous persons?

(*c*) Do the Government propose to extend the provisions of the Bengal Suppression of Immoral Traffic Act to such places where such bargaining in girls and women is going on? If not, why not?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Enquiry shows that some such cases have occurred. It is impossible to estimate the extent of the evil.

(*b*) Where possible, prosecutions are launched against the procurers.

(*c*) No. There are no well-defined areas in which this traffic can be said to be flourishing and it is impossible, for financial reasons, to apply the Act to the whole Province. The provisions of the Indian Penal Code are sufficient for dealing with the sale of young girls.

Mrs. LABANYAPROBHA DUTT: Arising out of (*b*), will the Hon'ble Minister-in-charge be pleased to state whether the Government intend to form a committee for the establishment of Homes for the protection of young destitute girls?

Mr. BIREN ROY: Actually such Homes have been established; and as regards (*b*), Government has in view the formation of a committee.

Mrs. LABANYAPROBHA DUTT: Arising out of (*c*), will the Hon'ble Minister be pleased to state whether Government intend to take in such committees women representatives?

Mr. BIREN ROY: Certainly Government would like to have many women representatives on such committees to look for the protection of destitute girls.

Rai Bahadur KESHAB CHANDRA BANERJEE: When are these committees likely to be constituted?

Mr. BIREN ROY: Very soon.

Rai Bahadur KESHAB CHANDRA BANERJEE: Arising out of (*b*), may I know how many prosecutions have been launched against procurers up till now?

Mr. BIREN ROY: Actually a number of prosecutions have been made, and I may cite some cases which have come to our notice and prosecutions have been launched against some procurers of Khulna——

Rai Bahadur KESHAB CHANDRA BANERJEE: What is the total number of prosecutions made?

Mr. BIREN ROY: I was going to give the number but the honourable member stopped me. However, prosecutions have been started against 4 in Khulna, 2 in Kurseong, Darjeeling 3, Midnapore 2 and in Netrokona 25.

Rai Bahadur KESHAB CHANDRA BANERJEE: How many prosecutions have been started in the district of Dacca?

Mr. BIREN ROY: I want notice.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Hon'ble Minister in charge of the Department aware that such cases have occurred in Dacca district?

Mr. BIREN ROY: I have already asked for notice. Before me there is no such report from Dacca.

Mr. HARIDAS MAZUMDAR: Arising out of (*a*), what measures the Government have taken to make an accurate survey of the extent of this evil?

Mr. BIREN ROY: Reply has already been given that some such cases have occurred, and that it is impossible to estimate the whole extent of this evil; but enquiry is being proceeded with and we have no reports, district by district, and I have already stated the cases in respect of some districts.

Rai Bahadur KESHAB CHANDRA BANERJEE: With reference to answer (*c*), will the Parliamentary Secretary please state in what way finances are involved in connection with the launching of prosecution under the Bengal Suppression of Immoral Traffic Act?

Mr. BIREN ROY: It is not launching of prosecution. The question was to extend the provision of the Bengal Suppression of Immoral Traffic Act throughout the whole of Bengal, and in that respect answer (*c*) is quite clear.

Rai Bahadur KESHAB CHANDRA BANERJEE: What are the financial implications? How the finances of the Province are affected?

Mr. BIREN ROY: I want notice in that respect.

Registration of sale-deeds.

76. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) if it is a fact that the volume of work in the registration offices in the various districts of Bengal have considerably increased on account of registration of overwhelming numbers of sale-deeds, especially of sale-deeds relating to transfer of agricultural holdings by cultivators;

(*b*) if so, what was the total number of sale-deeds relating to transfer of agricultural holdings by cultivators in each district of Bengal which were registered in all registration offices in Bengal, during the year 1942 and up to 30th November, 1943; and

(*c*) if the Government propose to take steps to enact legislation to give relief to such cultivators who have been compelled to sell their holdings owing to extreme food distress?

The Hon'ble Mr. TAMIZUDDIN KHAN: (*a*) Yes.

(*b*) The figures are not readily available nor is it possible to obtain them within a short time.

(*c*) The honourable member is referred to the Bengal Alienation of Agricultural Land (Temporary Provisions) Ordinance, 1943 (Bengal Ordinance No. IV of 1943), and to the complementary Bill now before the Legislature.

Rai Bahadur KESHAB CHANDRA BANERJEE: In view of the importance of the question, will the Hon'ble Minister be pleased to have an enquiry made in order to ascertain the total number of such registrations?

The Hon'ble Mr. TAMIZUDDIN KHAN: I shall see, Sir, if that can be done.

Point of privilege.

Mr. HARIDAS MAJUMDAR: Sir, may I rise to a point of privilege? I hope in doing so I am going to voice the feeling of the entire House. I understand that the Civil List is not going to be supplied to us from now. As a matter of fact, we have got a Circular to that effect. This I consider to be an infringement of the privileges of the members of the House. Therefore, I move that this matter may be referred to the Committee of Privileges for consideration and recommendation.

Mr. DEPUTY PRESIDENT: May I request the Honourable the Leader of the House to make a statement on this point of privilege?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, if I remember aright, on a previous occasion also this matter came up before the House. We made an enquiry and were told that in view of the shortage of paper it was decided by Government that Civil List would not be distributed among the members of the Legislature, as hitherto. Sir, the shortage of paper is so great that it has become impossible now to supply this List to honourable members of the Legislature.

Mr. AMULYADHONE ROY: Is the Bengal Weekly being published regularly?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think so.

Mr. AMULYADHONE ROY: Is the publication of the Bengal Weekly absolutely essential?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think in the opinion of the Publicity Department it is essential.

Mr. AMULYADHONE ROY: More essential than the Civil List?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Certainly. The Civil List does not do what the Bengal Weekly does.

Raj Bahadur KESHAB CHANDRA BANERJEE: Is it not a fact that the Bengal Weekly serves only a propaganda purpose and no other?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not think so, Sir.

Mr. DEPUTY PRESIDENT: Does Mr. Majumdar want to say anything further?

Mr. HARIDAS MAJUMDAR: I feel, Sir, that this matter should be referred to the Committee of Privileges of this House and be considered by them. The House can take action on their report afterwards and their recommendation may be sent out to Government for consideration.

Mr. DEPUTY PRESIDENT: Is it the pleasure of the House that this matter should be referred to the Committee of Privileges of this House?

Several members: Yes, Sir.

Mr. DEPUTY PRESIDENT: All right, the matter will be referred to the Committee of Privileges.

Motions under Rule 112.

Mr. DEPUTY PRESIDENT: The House will now take into consideration motions under Rule 112 of the Bengal Legislative Council Procedure Rules.

Mr. NUR AHMED: Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council, requesting His Excellency to make a strong representation through the Government of India to His Majesty's Government in England to arrange for immediate shipping of cereals and other foodgrains and milk powder to Bengal from North and South America, Australia, South Africa and such other places in view of acute food shortage in Bengal.

Sir, I come before this House with a simple request, viz., a request to His Excellency for importation of foodgrains to Bengal and I do not think I need not take much time of this House over a motion of this nature. Bengal was once self-sufficient in its production of foodgrains but since then the time has changed with its ever-increasing population, and there has been deficit in this province. Bengal underwent a terrible ordeal of famine last year from the effects of which we are still suffering and we do not still know whether we are out of the woods and whether there will be no recurrence of famine this year. Sir, at one time even in this House the reply was given that Bengal was self-sufficient but then gradually it was given out that there was a deficit of 5 per cent., 10 per cent. and so on. Sir Azizul Haque, a distinguished son of Bengal, *ex*-Speaker of the Bengal Legislative Assembly, *ex*-Vice-Chancellor of the Calcutta University, and a prominent figure in the public life of India published a book entitled "Man Behind the Plough". In that book published in 1939, he gave a warning. In his book he quoted figures for the last ten years from 1927 to 1937, of the production of foodgrains in Bengal, and its requirements, taking the population at that time as 5 crores only. According to his estimate Bengal's annual requirement at that time was 500 millions maunds of paddy and Bengal's average production then was 340 millions maunds of paddy. So according to his estimate there was an average shortage of 160 million maunds of paddy every year. He also quoted figures from the Government Annual Report on the acreage of yield of crops to show that Bengal was suffering a chronic

deficit. He sounded a warning and asked Bengal to take time by the foreloc and make up the deficit: if it did not do it there would be a major calamity He proves himself to be a prophet. The Agricultural Marketing Adviser t the Government of India published his report in October, 1941. In tha report he stated that India's rice production is not sufficient. Accordin to him Bengal used to import rice—15 to 25 millions of tons—from Burma Siam, Indo-China and other places. Taking the basis of Sir Azizul Haque' estimate, what will be the present quota of Bengal's requirements of th chief foodgrains, that is rice? Sir Azizul Haque's estimate of populatio at that time was 5 crores. Now, Sir, according to the census of 1941 th population of Bengal is 6 crores. According to that estimate now Bengal' requirements would be 600 million maunds of paddy and if I take int consideration the increased yield, its production would be 400 millio maunds of paddy: there will thus be still a deficit of 200 million maund of paddy. After a bumper crop still Government has been compelled t incur the huge loss of 5 to 7 crores in selling rice at reduced price. W do not know how long Bengal will be able to bear this sort of loss. It ma be said that Bengal should try its utmost to be self-sufficient by increasin its yield per acre and by bringing under cultivation more land for paddy. It will require time—it will require money. But we must utilise all fallo lands for cultivation. Vast tracts of land require water for cultivation. S this will be a long-drawn affair on the part of the Government and it is a question of time and money. In the matter of irrigation Bengal is lagging behind as compared with other provinces.

Bengal's percentage of acreage of irrigated land is ·6, whereas it is 8 in Sind, 32 in Madras, and 46 in the Punjab. Bengal has a meagre amoun of capital outlay on irrigation. Madras has invested about Rs. 260 lakh on irrigation and its price of crops from the irrigated land comes to Rs. 217 lakhs; Bombay about Rs. 1,075 lakhs whereas Bengal has invested only Rs. 531 lakhs and the price of crop from irrigated land comes to Rs. 111 lakhs. The Punjab has invested Rs. 3,492 lakhs and the price of crop comes to Rs. 4,721 lakhs. So in order to make up the lee-way Bengal should have well-planned scheme for irrigation and that is a question of time, because there are so many things as manuring, fertilising, giving up-to-date information and making them known to the cultivators, by means of demonstration farms and so on and so forth. We shall have to take up all these things in order to save Bengal from the recurrence of a second famine. Sir, the last year's famine was due to the non-fulfilment of promise by certain provinces and by Government of India in regard to the sending of foodgrains to Bengal. We shall have to arrange for shipping in order to get wheat from Australia, rice from America and rice and wheat from South Africa. These countries are willing to send us the foodgrains.

So, I hope my motion will be whole-heartedly accepted by the House.

Mr. DEPUTY PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make a strong representation through the Government of India to His

Majesty's Government in England to arrange for immediate shipping of cereals and other foodgrains and milk powder to Bengal from North and South America, Australia, South Africa and such other places in view of the acute food shortage in Bengal.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, in addressing the Joint Houses of the Central Legislature, His Excellency the Viceroy struck an optimistic note with regard to the food situation in Bengal, although at the same time His Excellency said that we were not out of the woods yet. A consistent and steady supply of foodgrains will be necessary in order to meet the situation. This is a very important motion which my friend Mr. Nur Ahmed has moved, and I whole-heartedly support it. Sir, in connection with my Budget speech the other day I explained the food position in England and the provision that the British people had made to meet the situation by keeping in reserve sufficient quantities of foodstuffs for the use of the people of the British Isles in case of an emergency. Sir, I do not know how far the food procurement scheme in Bengal has been progressing and what quantity the Government have now actually in stock. I am not here to make any forecast as to what the position will be next year, but I think the Government would do well to take time by the forelock and make ample provision beforehand, so that like last year the people of this Province may not have to suffer and die of starvation. Sir, it is very unfortunate that some time ago the Secretary of State for India Mr. Amery said that there was no need for sending foodstuffs from Canada because in his opinion arrangements had been made for the import of foodgrains from other countries. We want not only the Bengal Government or the Central Government but also the British Government in England to realise that it is not only necessary in the interests of the people of Bengal to make ample provision of foodstuffs for next year's consumption, but that it is also in the interest of the British Government to keep the people of Bengal well-fed, for the simple reason that any recurrence of famine next year is bound to react on the war efforts which the country is putting forth at the present moment. Sir, it may be said by that Government that there is a dearth of shipping. We have read in the newspapers that both the United States and Britain have built sufficient number of ships not only for the purpose of convoys but also for the purpose of carrying foodstuffs to the Allied countries for civilian consumption. Sir, I do not think that there would be any difficulty in providing Bengal with the necessary shipping for the purpose of importing foodgrains from outside if Government so desire. With these words, Sir, I support the motion.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to support the motion I should like to speak a few words. I am glad that my honourable friend Mr. Nur Ahmed who is a member of the Government party has brought this motion before the House. The motion admits that there is an acute food shortage in Bengal. I do not know what attitude the Government, I mean the present Ministry, will take with regard to this motion. But if the Ministry supports the statement in the motion that there is an acute food shortage in Bengal and therefore His Excellency the Governor

should be requested through the Hon'ble President of this House to make a strong representation to the Government of India to import foodstuffs from foreign countries like North and South America, etc.—it would that the statement issued by Mr. Hutchings that there will be no question of any food shortage in Bengal in the coming year and that the present Government of Bengal think that the situation is well under control is not accepted even by some members who are supporters of the present Government. If that is so, then I submit that Government should immediately issue a statement that the statement issued by Mr. Hutchings is based on information which is not quite accurate and that it is time that the present Ministry should take the situation under their consideration and decide what should be their policy with regard to the food shortage in Bengal which is likely to happen if the present policy of the Government is continued. It is also necessary that the question of food shortage in Bengal should be considered in all its aspects by the present Ministry. With these few words, I support the motion which has been moved by my honourable friend, Mr. Nur Ahmed.

Mr. K. C. ROY CHOWDHURY: I also support the motion for more than one reason. In Australia the price of wheat is 7 s. 6 d. per bushel, as I have seen in the papers. I fancy two bushels are equal to one maund. In that case, wheat from Australia would be much cheaper than wheat from the Punjab. Therefore, there is a good deal of force in this motion. If Australia can spare wheat for us, I shall certainly welcome it.

The Hon'ble Mr. H. S. SUHRAWARDY: I welcome the motion on behalf of Government and will be very glad to forward the proposals to the Government of India. We have always pressed the Government of India for importation of foodgrains from outside and although compared with the previous year's crop this year's crop has been very satisfactory, still it is very difficult to state, in view of the psychological crisis which exists in this country, that there is a sufficiency which can help us to tide over the crisis. It must not be forgotten that there has been a tremendous influx of labour from outside, that portions of our lands have had to be evacuated and also that the additional food, which the people used to supplement their foodgrains, is being absorbed for other purposes. I think, therefore, that the Government of Bengal has a very good claim for foodgrains from outside. As a matter of fact, the Government of India have recognised it and are sending the cereals.

At the same time, I think it is opportune that the claim of Bengal is further pressed.

Mr. K. C. ROY CHOWDHURY: On a point of information, Sir. May I request the Hon'ble Minister to say what would be the price of Australian wheat when landed in Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: The price of Australian wheat is certainly much less than the price of the Punjab or the United Provinces wheat and is somewhat in the region of Rs. 7-8 per maund.

Mr. SHRISH CHANDRA CHAKRAVERTY: May I have your leave to put a question to the Hon'ble Minister in charge of Civil Supplies?

Mr. DEPUTY PRESIDENT: Is it on this matter?

Mr. SHRISH CHANDRA CHAKRAVERTI: On an allied question.

Mr. DEPUTY PRESIDENT: Order, order. The question before the House is the special motion under Rule 112 of the Bengal Legislative Council Procedure Rules, "that an address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council, requesting His Excellency to make a strong representation through the Government of India to His Majesty's Government in England to arrange for immediate shipping of cereals and other foodgrains and milk powder to Bengal from North and South America, Australia, South Africa and such other places in view of acute food shortage in Bengal".

(The motion was agreed to.)

Mr. DEPUTY PRESIDENT: The House will now take up the special motion of Mr. Nur Ahmed under rule 96 of the Bengal Legislative Council Procedure Rules. Before Mr. Nur Ahmed moves his motion will the Hon'ble Minister concerned be pleased to state if Mr. Ahmed has his consent to move the motion?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir.

Rai Bahadur KESHAB CHANDRA BANERJEE: May I submit, Sir, that the motion of Mr. Nur Ahmed under Rule 96 of the Bengal Legislative Council Procedure Rules appears to be a paraphrase of resolution No. 4 of which I have given notice with only this difference that he asks for a "type of Royal Commission" whereas I ask for the appointment of a Committee of Enquiry by the Government of Bengal. (The Hon'ble Mr. H. S. SUHRAWARDY: It is an improvement on your motion.) At the same time, I may say that the amendment given notice of by Mr. Nur Ahmed to my resolution No. 4 is practically identical—the wordings are practically the same.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, in explaining the position, I may say that I gave my consent to the special motion of Mr. Nur Ahmed because the resolution of Rai Bahadur Keshab Chandra Banerjee is so worded that I will have no other alternative but to oppose it. Mr. Nur Ahmed's motion is an improvement on that resolution and that is why I have accepted it.

Rai Bahadur KESHAB CHANDRA BANERJEE: Are we to take it then, Sir, that it is a clever move on the part of Mr. Nur Ahmed to move his special motion under Rule 96 in order to secure precedence over my resolution No. 4?

Mr. NUR AHMED: Sir, my motion is quite in order as according to the Bengal Legislative Council Procedure Rules the special motion under Rule 96 has always precedence over a resolution.

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of order, Sir. I should like to have your ruling as to whether the honourable member is justified in giving notice of a motion when a similar motion has already been given notice of, in order to take advantage of Rule 96?

Mr. DEPUTY PRESIDENT: Having compared Rai Bahadur's resolution with Mr. Nur Ahmed's special motion, I find that the two are not exactly identical. So, Rai Bahadur's point of order cannot be upheld.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. I think, Sir, Mr. Nur Ahmed wants to send this motion through the Government of Bengal, then through the Government of India to His Majesty's Government in England. Because the motion says "That this Council is of opinion that the Government of Bengal be strongly urged upon to convey through the proper authority in India to His Majesty's Government in England the opinion of this House that at a suitable time an enquiry should be held by an appropriate body....., etc."

Mr. DEPUTY PRESIDENT: Will you please state what is your point of order?

Mr. LALIT CHANDRA DAS: My point of order is this that Rule 96 of the Bengal Legislative Council Procedure Rules never contemplates a motion like this. Such a motion can only be brought under Rule 112. That is the only conceivable section under which this can be brought. Because this motion is a sort of prayer for the appointment of a Royal Commission, and not the appointment of a committee by this Government. Now, who is to give consent, who is the Minister concerned with this motion? Rule 96 contemplates only motions which are within the purview and the jurisdiction of the Ministers themselves. The mover wants that Government of Bengal to send it to the Government of India and through them to the proper authorities. I again say, Sir, that motions under Rule 96 must be connected with subjects which are administered by the Ministers themselves. There is nothing in this motion to indicate to which Minister this motion relates. This motion ought to have been a prayer for an Address to be presented to His Excellency to move the proper authorities to send it to the British Cabinet for the appointment of a Royal Commission and that could be done only under Rule 112. Moreover the consent has not been obtained from the Government of Bengal.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On a point of order, Sir. Is the honourable member competent to go behind the decision of the Hon'ble President who has already admitted this motion? Can he go against the President's decision? When the motion has actually been admitted under Rule 96, can any member question the decision of the Hon'ble President?

Mr. LALIT CHANDRA DAS: Sir, I am asking for a ruling from the Chair as to whether this matter can be admitted under section 96. When the motion is first formally admitted by the President and it comes before the House for discussion, then certainly a point of order can be raised to ask the President to give his ruling before the whole House.

Mr. NUR AHMED: Sir, I gave notice of this matter with a request that it may be admitted under Rule 112. The Hon'ble President wrote to me saying that it could not be admitted under Rule 112, but that it could be admitted under Rule 96. Accordingly, I sent the motion back to the Hon'ble President and it was admitted under Rule 96.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, so far as the motion is concerned, I understand that it has been admitted under Rule 96. If you look to Rule 96, you will see that it runs as follows: "Save in so far as is otherwise provided by the Act or by these rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution". Sir, I lay stress on the word "resolution" "moved in accordance with these rules, except with the consent of the President and of the Minister to whose Department the motion relates." Now, Sir, I find that the word "resolution" has been defined in Rule 88 of the same Part, i.e., Part IV. Rule 88 says: "Every resolution shall be in the form of a declaration of opinion by the Council". Therefore, I submit that the motion is not in order, because what can be done as a special motion under Rule 96 is by way of a resolution which has to be put in the form of "a declaration of opinion by the Council", and I submit that the point of order raised by my friend Mr. Das holds good, because what the motion says is this:—

> ".....that the Government of Bengal be strongly urged upon to convey through proper authority in India to His Majesty's Government in England the opinion of this House that at a suitable time an enquiry should be held by an appropriate body of the type of a Royal Commission to examine the whole question of the food shortage in Bengal, its terms of reference covering a thorough examination of the present food shortage in Bengal, and making of recommendations with a view to the prevention of the recurrence of the existing distress in Bengal."

Now, Sir, that can only be done by a proper authority by way of an Address under Rule 112. This cannot come in by way of a special motion under Rule 96, and I would submit that this is not in order.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the point that has to be decided first is: whether the members are at all entitled to go into the question as to whether it has been properly admitted or not by the President, and then and then only a discussion of this matter can arise. The President not only admitted the motion but before he admitted it he asked the member to put his motion not under Rule 112 but under Rule 96.

Mr. KAMINI KUMAR DUTTA: As to the point raised by my honourable friend the Leader of the House that the President has admitted the motion and that as such the point of order cannot be raised in the House

at all, Sir, it absolutely ignores the principle that when any resolution or any motion is admitted by the President not in the presence of the members of this House but in accordance with the view he takes himself in his office, that does not preclude consideration by the President of the views that may later on be placed before him by members of the House and listening to what other views may there be different from his own view. Every member of the House has a right to raise a point of order and the President is quite competent to consider the matter in view of the submissions made by us on the floor of the House. I maintain, Sir, that this point can be raised as a point of order in the House and that that right has not been curtailed by any action that the President may have taken not on the floor of this House but in his office without giving us an opportunity to place our views before him. Then, as to whether this motion can at all be admitted under section 96, I may say that that section is not an unfettered section at all. It occurs in Part VI of our Rules which deals with resolutions. There is some general principle enunciated as to the restriction on the form and contents of resolutions in Rule 89. In Rule 89 it has been distinctly laid down that a resolution shall not relate to a matter which is not primarily the concern of the Provincial Government. So this Rule 96 cannot be a rule which is absolutely unfettered in its working. Anything and everything can be moved under it, the only thing required being the consent of the President and the Hon'ble Minister in charge of the department to which the motion relates. And this part of Rule 96 says that resolutions must be confined to subjects relating to the department of the Hon'ble Ministers. That recognises by implication the limitation which has been put in Rule 89 and that is the only reasonable interpretation of section 96. The only advantage which is conferred by Rule 96 is that with the consent of the President and the Hon'ble Minister in charge it may be considered on any day, even when non-official business is not put down for consideration. I think another matter which should be considered seriously in this connection is as to whether there is or is not a general rule about the priority of resolutions on non-official days. And if this sort of things is allowed, then one may be inclined to say that on a non-official day anybody may resort to the device of giving notice of a motion under Rule 96 and anyhow he can get the consent of the Minister to whose Department the motion relates and also of the President. A motion under Rule 96 should relate to a matter of general public interest and the consent of the Minister to whose department the matter relates must be obtained; but here who is the Minister whose consent is required? It is, I think, negativing our right by giving priority to the special motion over the resolution as arranged in the ballot. If the Government is agreeable to a subject being discussed under Rule 96, I should think that the special motion may be considered on a day fixed for Government business and not on a day fixed for the consideration of non-official resolution. So far as the non-official business is concerned, it has been distinctly laid down that it shall be taken for discussion in the order of priority as determined by the ballot. I do not think that special preference should be given to the motion under Rule 96 and I do not find any reason for doing so. I think it would be taking away the right of the members of the House.

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out that the consent of Government does not necessarily imply that the Government accepts the resolution or the special motion? The consent of Government is only for a discussion of motion that may be moved and my view will depend on the discussion and will be made apparent to the House when I reply. But when Government gives consent to a resolution it means that Government is prepared to have a discussion on the subject and considers it of sufficient importance.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, there is another aspect of the question. If I remember aright, a similar resolution for the appointment of a Royal Commission has already been accepted by the Central Legislative Assembly and in view of that I do not think any necessity arises at all for moving a special motion in a Provincial Legislature for the appointment of a Royal Commission. I draw the attention of the House to the wording of the motion "at a suitable time an enquiry should be held by an appropriate body of the type of a Royal Commission". He does not ask for "a Royal Commission" but "a committee of the type of a Royal Commission". It may or may not be a Royal Commission and when this Commission will be appointed I do not know. As I have said, that is a clever move on the part of the honourable member to secure precedence over my resolution No 4 of which I had given notice.

Mr. LALIT CHANDRA DAS: Sir, may I say a few words about what the Hon'ble Mr. Suhrawardy has suggested? He said "consent of the Government". But our rule does not say anything about "consent of the Government": it says "consent of the Minister to whose Department the motion relates": so I submit he is not correct in what he said. The motion says "type of a Royal Commission": is it going to be appointed by the Hon'ble Minister's Department? Will he appoint the Royal Commission? Then Sir, why does he say "consent of the Government"? The subject matter does not relate to his Department. It is a matter to be referred to the Government of India through the Governor. The motion prays that a Royal Commission should be appointed: this prayer must be referred through the Government of India and the appointment would be made by the British Cabinet. The British Government is to appoint the Commission of the type of a Royal Commission—that is the prayer. It certainly does not relate to the Hon'ble Mr. Suhrawardy's Department. Had the resolution been to the effect that an enquiry committee be appointed by the Government of Bngal to enquire into the causes of famine, that would have been all right and in that case we would not have stood in the way of Mr. Suhrawardy saying that as he was satisfied he gave his consent to it. But, as I have said, the motion asks for the apointment of a Commission of the type of Royal Commission which means a prayer to the British Government through the Government of India, because the appointing authority is the British Cabinet itself. I am surprised that a lawyer of the standing of the Hon'ble Mr. Suhrawardy could have said what he has said. The motion does not relate to the departments under any of the Hon'ble Ministers. As far as can be understood from the motion itself, let me repeat, it is a prayer to the British Government for a Royal Commission. Rule 96 does not apply.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, if the honourable members of the Opposition accept the proposition that they are not going to move any resolution for which this Government is not directly responsible, I can assure on behalf of Government that we shall have no occasion to object to the proposition that has been put forward by them. So far as we know, it has been the practice of this House to move resolutions which request for action by authorities other than this Government.

In this particular case, this motion has already been admitted by the Hon'ble the President and so, I think there can be no objection now to the motion being moved. That will be something like going behind the decision of the Hon'ble the President who has already given his permission to move this motion.

Mr. LALIT CHANDRA DAS: Sir, it is like threatening the Chair.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I also submit that if objection is taken to the moving of this motion, that will be going behind the decision of the Hon'ble the President. Never before it was allowed to question the decision of the Chair. The Chair always held that its decision cannot be questioned by anybody.

Mr. DEPUTY PRESIDENT: Order, order. I have given my anxious consideration to the point of order raised by Mr. Lalit Chandra Das. In the ordinary course, the Hon'ble President himself can revise his views and even after admitting a resolution he may allow any honourable member to raise a point of order. But having gone through the file, I find that the Hon'ble the President has considered this question carefully. It appears from the file that the notice was first given under Rule 112 and then on the suggestion of the Hon'ble President himself Mr. Nur Ahmed again gave notice to bring this motion under rule 96. But whatever it may be, in going to decide this point of order, I do not feel called upon to decide whether I can go behind the decision of the Hon'ble President or not, if I find that on other ground I may decide this question. I have very carefully considered the points raised by several honourable members in connection with the discussion of this motion under Rule 96, and I am not convinced that I can rule this motion out of order, as suggested by the Opposition.

Mr. Nur Ahmed, you move your motion.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, in view of what has fallen from the Chair, I would request you to keep this resolution in abeyance until the next day fixed for the discussion of resolutions so that the Hon'ble the President may consider it afresh after hearing the honourable members of this House and then give his ruling.

Mr. DEPUTY PRESIDENT: I am afraid, I cannot do that unless the member himself decides not to move it.

Mr. NUR AHMED: Sir, I beg to move—

"That this Council is of opinion that the Government of Bengal be strongly urged upon to convey through proper authority in India

to His Majesty's Government in England the opinion of this House that at a suitable time an enquiry should be held by an appropriate body of the type of a Royal Commission to examine the whole question of the food shortage in Bengal, its terms of reference covering a thorough examination of the present food shortage in Bengal, and making of recommendations with a view to the prevention of the recurrence of the existing distress in Bengal."

Sir, with your permission I want to make certain verbal alterations and additions to my motion with a view to making it more clear. This is that after the word "Bengal" on the sixth line of the motion the figures "1942 and 1943" should be added and the word "existing" be omitted from the penultimate line of the motion.

Mr. DEPUTY PRESIDENT: Order, order. If you want to make certain alteration and addition in the motion, then please let me have a copy of your motion as amended.

Mr. NUR AHMED: All right, Sir, I am handing you a copy of my amended motion.

Sir, I fail to understand why so much opposition was made in this House to moving this motion which is a simple and at the same time important motion relating to the future of Bengal. Sir, the motion is a request to the Government of Bengal to convey to His Majesty's Government in England through the Government of India the opinion of this House that an enquiry should be held by a Royal Commission to go into the whole question of the food shortage in Bengal and also to make recommendations as regards the prevention of such famine or distress in Bengal. Sir, many opinions have been expressed both in this House and outside that it was a terrible crisis through which Bengal passed in 1942-43. Sir, this terrible crisis is due to many causes. According to His Majesty's Government and the Secretary of State for India, it was due to the Provincial Autonomy and also to failure on the part of the Provincial Government to do their duty at the time of such crisis. According to others, it is due to the bungling on the part of the Central Government that this famine could not be prevented; and there are others who think that the present Government, i.e., the present Ministry of Bengal is responsible for it; and there are still others who say that the past Ministry was to blame for the situation.

It is desirable that a body of persons unconnected with any party in India should enquire into the causes of the famine and also the cause of food shortage in Bengal and that they should make recommendations. This is a simple proposition and why so much opposition should be raised against the moving of such a simple proposition, I do not know. Is it not desirable that Bengal should avert such a famine in future? Is it not the duty of everybody to save Bengal and to see that this province should be saved from any such recurrence of famine in future and that every possible step should be taken by every patriotic Bengali to prevent such terrible sufferings to humanity? Therefore, all this opposition is quite unnecessary and it has

many times from the platform and in the newspaper editorials we find that the present Government has been unjustly accused for being the authors of this famine. If an enquiry is made it will be seen that this Government has only done its duty and somebody else, namely, the past Government was responsible for this or the Central Government. So this opposition on their part when I was moving my motion raised this suspicion in my mind that perhaps they do not want to hold an enquiry after all, lest their assumption may be found untrue. But, Sir, is it not desirable that we should ascertain the causes of the famine and also devise means in due time to prevent the recurrence of such a famine? There is also another reason why such an enquiry should be made. Nobody knows Bengal's food requirements and its shortage. A body of people like the Royal Commission should go into this question from a broader point of view That Commission will enquire into the causes and ascertain Bengal's requirements and suggest means as to how to meet those requirements. I think I should not make a long speech on the necessity and importance of a motion like this. It is a very necessary one. I do not go into the question of apportioning blame to this Ministry or that, to this Government or to that Government or to some other person; but my intention is to ascertain the real cause of the famine. I do not want to pass any judgment beforehand. It should be the duty of the Royal Commission to ascertain who are the persons who are responsible or the agents who are responsible for it. I hope, therefore, that there will be no difference of opinion over this motion and that it will be accepted by the House without any dissension.

Mr. DEPUTY PRESIDENT: Motion moved—

"That this Council is of opinion that the Government of Bengal be strongly urged upon to convey through proper authority in India to His Majesty's Government in England the opinion of this House that at a suitable time an enquiry should be held by an appropriate body of the type of a Royal Commission to examine the whole question of the food shortage in Bengal in 1942 and 1943, its terms of reference covering a thorough examination of such food shortage in Bengal, and making of recommendations with a view to the prevention of the recurrence of such distress in Bengal."

Mr. DEPUTY PRESIDENT: The honourable member has since made a verbal addition, namely, figures "1942-43" after the word "Bengal".

Mr. LALIT CHANDRA DAS: To this motion I desire to move the amendment that stands in my name. I should like to read the whole amendments with your permission——

Mr. DEPUTY PRESIDENT: Are you taking all the amendments together?

Mr. LALIT CHANDRA DAS: Yes, Sir, because they are inter-connected.

I beg to move—

(1) That the words "at suitable time" occurring in lines 3 and 4 of the motion be omitted.

(2) That the words "an appropriate body of the type of" occurring in lines 4 and 5 of the motion be omitted.

(3) That for the words "whole question" occuring in line 5 of the motion, the word "causes" be substituted.

(4) That for the words "food shortage" appearing in lines 5, 6 and 7 of the motion the word "famine" be substituted.

(5) That for the word "distress" occuring in line 8 of the motion, the word "famine" be substituted.

Now, Sir, if my amendment is accepted, the motion would read like this:—

"That this Council is of opinion that the Government of Bengal be strongly urged upon to convey through proper authority in India to His Majesty's Government in England the opinion of this House that an enquiry should be held by a Royal Commission to examine the causes of the famine in Bengal, its terms of reference covering a thorough examination of the present famine in Bengal, and making recommendations with a view to the prevention of the recurrence of the existing famine in Bengal."

That is my amendment. My friend Mr. Nur Ahmed like a coy lady who does not take the name of her husband's elder brother avoided all through his motion mentioning the word "famine". He says "food shortage" and "distress". It is not only food shortage or distress—it is famine. Why then does he fight shy in uttering the word "famine"? It is not merely distress of the sort to which we are accustomed every year for which we want a Royal Commission. My friend wants a Royal Commission not for ordinary distress or food shortage but for a regular famine which devastated Bengal. You want it to enquire into the causes of the famine—you want that it should go into the investigation of the question and make its recommendations so as to make famine impossible in future. Then, Sir, it appears that, as my friend Mr. Kamini Kumar Dutta has said, it has been a pre-arranged business to take up this special motion, which is really an official business, today suppressing our non-official business. This motion ought to have been taken up not on a non-official day but on an official day. Sir, the wording in the motion is "at a suitable time". When that suitable time would arrive? No one knows. It may be said "let this matter be held over till the termination of the war"—let it take place after the war. If it is after the war, no one can say when it will take place. The war started in September, 1939, and no one knows when that suitable time after the war will arrive. We do not know even if it would arrive in 10 years. All that we want is that the enquiry should proceed immediately. The war may end in 1945, 1946 or in 1947; but there is no definite date when it will end. So the words "at a suitable time" be dropped. Sir, the very importance of a matter is forgotten by lapse of time—the urgency of the matter is forgotten and the interest in the matter fades away. So my suggestion is that the words "at a suitable time" be dropped.

Sir, my next amendment is that the words "an appropriate body of the type of" be omitted. As a matter of fact, the mover does not want a Royal Commission or an indepenedent body consisting of men prominent for their intelligence. He wants to avoid the whole thing. He wants only a white-washing body to go into the whole question and submit a report which would also be white-washing the misdeeds of the Governments concerned. Now, Sir, we do not want "an appropriate body of the type of" to remain there in the motion. We demand a Royal Commission. Our recommendation should be explicit, clear and emphatic.

The next amendment is that for the words "whole question", the word "causes" be substituted. The reason for my amendment is that the words "whole question" are rather vague.

Now, as regards the next amendment in which I have moved that for the words "food shortage" the word "famine" should be substituted, I think the reason is very clear. We have seen food shortage in Bengal in the course of the last several years and that food shortage used to be compensated by imports of rice from Burma and elsewhere. Food shortage, I submit, Sir, cannot be the proper word here. As a result of this famine a huge toll of human lives has been taken away. And that is not a matter of joke. It will be the business of the Royal Commission to enquire into the causes of the famine.

The word "distress" is also not a very definite expression and so I have moved to substitute the word "famine" in place of "distress". The reason which I have given in the case of my previous amendment holds good here.

Sir, our object is that a Royal Commission should be appointed to consider the causes of the famine and apportion blame between the different Provincial Governments, the Government of India and the Secretary of State and state definitely who is primarily responsible for this famine, who is responsible for such a serious catastrophe and also to state definitely whether that is a man-made famine or a God-made famine. Sir, the words in this motion are very mild. A Royal Commission should be appointed to go into a thorough examination of the present famine in Bengal and they should recommend improvement following which there shall not be any more famine in Bengal. If my honourable friend, Mr. Nur Ahmed, has really his heart behind this motion, he should accept the amendments which I have moved with a clean heart.

With these words, Sir, I move my amendments.

Mr. DEPUTY PRESIDENT: Amendment moved:—

(1) That the words "at a suitable time" occurring in lines 3 and 4 of the motion be omitted.

(2) That the words "an appropriate body of the type of" occurring in lines 4 and 5 of the motion be omitted.

(3) That for the words "whole question" occurring in line 5 of the motion, the word "causes" be substituted.

(4) That for the words "food shortage" appearing in lines 5, 6 and 7 of the motion, the word "famine" be substituted.

(5) That for the word "distress" occurring in line 8 of the motion, the word "famine" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: In rising to support the amendments which have been moved by my friend Mr. Lalit Chandra Das, I would like to speak a few words. I support all the amendments moved by him. If we are at all serious and if we want that some action should be taken on the motion moved by my honourable friend Mr. Nur Ahmed, then it is essentially necessary that the vague words which have been used in his motion itself should be deleted and the resolution should be made more clear. In this view, I submit that the words "at a suitable time" should be deleted as proposed in the first amendment of Mr. Das. Sir, the words "at a suitable time" import a certain amount of vagueness and they imply that the time may never come when the proposed enquiry is to be started. We want that the Commission should immediately enquire into the causes of the disaster that Bengal witnessed during the last season of 1942-43, so that there may not be a recurrence of it in the coming year, and it is for this reason that the words "at a suitable time" should be deleted and if the resolution is to be of any use, the Royal Commission should be requested to be appointed forthwith. Then, Sir, with regard to the next amendment which has been moved by my honourable friend that the words "an appropriate body of the type of" should also be omitted, I find that here again they introduce an amount of vagueness which would make the resolution absoultely nugatory and meaningless: and it is very difficult to understand what the honourable member means by the words "an appropriate body of the type of a Royal Commission". He requests "that the Government of Bengal be storngly urged upon to convey through proper authority in India to His Majesty's Government in England———", that is to say, he requests that a representation should be made to His Majesty's Government in England for the appointment of a Commission. Then why does he introduce these vague words "an appropriate body of the type of a Royal Commission"? He should make it clear and definite. Therefore, Sir, I support the amendment of my friend Mr. Das. Then, Sir, the next amendment which Mr. Das proposes is that the words "whole question" should be substituted by the word "causes". Now, here again I submit that by the word "causes" we mean the causes of the particular famine or the distress that prevailed during the season 1942-43 which is necessary for the purpose of determining what led to the famine. The words "whole question" would introduce a generality which may mislead the Commission and the real cause of the famine of the last year may not be determined at all. We want the Royal Commission to consider the question as to the causes that led to the distress or to the famine which was prevailing in Bengal during the last season. It is not a question of the food shortage. The question of the food shortgae, as my honourable friend has pointed out, has got to be considered with reference to other matters and that by way of the "Grow More Food" campaign and other things. What we want to know is

what was the particular cause that led to the distress during the last year. Therefore, the words "whole question" should be substituted by the word "causes".

Then, Sir, the next amendment which has been proposed is that instead of the words "food shortage", the word "famine" should be used. I do not understand why Mr. Nur Ahmed fought shy of the word "famine". Even the present Ministry have used this word in their Budget estimates. Everybody admits that Bengal was in a condition of famine during the last year, and therefore we should not introduce these vague words "food shortage" but we should replace it by the word "famine", so that the Royal Commission may direct its mind to the question of famine and famine alone which prevailed in Bengal during the year 1942-43 and may make recommendations for preventing the recurrence of famine conditions that prevailed here last year. As a matter of fact, in order to determine the causes that led to the famine during the last year, other factors too have got to be considered—factors other than the policy pursued by the Government of Bengal, the last Government as well as the present Government, whether it was not a mistake in their policy, their bungling and mishandling of the situation which caused the disaster that was noticed and which caused the deaths of so many people of Bengal. With these words, I support the amendments moved by Mr. Das.

Dr. KUMUD SANKAR RAY: Sir, while I have every sympathy with both the mover of the original motion as well as with the mover of the amendments, I do not feel convinced that any useful purpose would be served either by the motion or by the amendments. In the first place, we all know more or less some of the causes which led to the famine of the last year. One is the war. Bengal being the frontier, transport facilities have been dislocated and a large amount of food was also withdrawn for Army purposes and some was also exported. Therefore, we know to some extent what is the cause of the famine. And I suppose the object of the mover in asking for an enquiry is to ensure that a similar thing may not recur in future. And, therefore, what he has suggested is a Royal Commission. I do not think that the British Government would agree to send down a Royal Commission when they are so busy with other matters concerning the war and probably that is why the mover of the motion has used the words "at a suitable time and date". That, however, practically defeats the purpose of the original motion and my friend Mr. Lalit Chandra Das wants to fix a time by putting in a certain date. But even if we fix a time, can we enforce a Royal Commission to come here by that time? I submit that they would not listen to this, for they are absorbed in other things. Simply because this House has passed a motion asking for the appointment of a Royal Commission, I do not think a Royal Commission is going to come. Then, again, I have my own misgivings about Royal Commissions. We have experience in the past of several Royal Commissions, for example, the Royal Commission on Agriculture, the Royal Commission on Labour and the Royal Commission on Education. What guarantee is there that their recommendations will be accepted? All sorts of Commissions have

come and reported and made their recommendations but those reports are all lying in the corners of the secretariat pigeon-holes. I would like to know how many of recommendations of these several Commissions have been given effect to.

The next question is that even if there is a sincere attempt and desire to give effect to the recommendations of the Royal Commission, it will probably take a considerable time for the Commission to arrive in this country and submit a report and in the meantime a thousand and other things may happen. The war may end and the situation may change and we may not have the same condition as now. Therefore, I submit that no useful purpose would be served by asking for a Royal Commission, as suggested by the mover or in the amendments. On the other hand, I would welcome a proposal to appoint a local committee of people in whom all parties in the country have confidence, so that they can go over the situation quickly and submit a report to the best of their ability. Their report would be available within a reasonably short time. We can wait till then and see whether we can accept their recommendations and prevent the recurrence of a famine in future.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I do not know whether the honourable mover of the motion drew his inspiration from the Hon'ble Minister-in-charge of the Department concerned in giving notice of his motion under section 96 of the Bengal Legislative Council Procedure Rules. For, I feel that while the resolution which stands in my name, lays down certain specific issues on which the enquiry should, in my opinion, be conducted by the committee, in the motion now under discussion asks for the appointment of "an appropriate body of the type of a Royal Commission" for the purpose of carrying on the proposed investigation. Besides, the motion does not mention any time by which the Royal Commission is to be appointed, nor any terms of reference. It may be during or after the war. It should never be after the war, because if the war prolongs—and no one knows when it will end—the appointment of a Royal Commission may be delayed. If the appointment of the Royal Commission is deferred, our purpose will be frustrated. Strike while the iron is hot. It is a famine, Sir, which is unprecedented in the history of India—a famine before which the famine of 1770 commonly known in Bengal as ছিয়াত্তরের মন্বন্তর pales into insignificance. There is no reason why there should be any delay in having an enquiry made into last year's famine. It is not my intention to blame this Ministry or that Ministry who may be responsible for the state of things last year but what we do want to know is: why should such a famine occur in the land of our birth which was সুজলাং সুফলাং and শস্য শ্যামলাং in days gone by, where people lived for centuries without any difficulty whatsoever regarding food—why should the people now witness calamities of such magnitude which were unknown in the past? My friend, Mr. Lalit Chandra Das, has moved certain amendments. I intended to move exactly similar amendments but as I could not give notice of them in time, I have no other alternative than to support the amendments moved

by him. In the first place, I think, the expression "at a suitable time" in the original motion should be expunged. It means nothing. Secondly, the expression "appropriate body of the type of a Royal Commission" is equally vague. It is not the Provincial Government that will make the appointment. We do not know whether a Royal Commission will be appointed at all to enquire and report on last year's famine. We cannot, Sir, agree to a proposal regarding the sincerity of which we have grave doubts. So, I think it would be better to delete these words altogether.

With regard to the other question, namely, the substitution of the word "causes" for the words "whole question", I have nothing to say for it practically means the same thing with this difference that the word "causes" implies a more definite meaning. With regard to "food shortage" and the word "famine", the latter is certainly happier. Even the Hon'ble the Finance Minister has himself used the word "famine" several times in his Budget Statement. There is a good deal of difference between the words "food shortage" and "famine". Sir, the dictionary meaning of the word "food shortage" is quite different from that of the word "famine". Mere shortage of food would not have brought about such an unprecedented situation in Bengal. There is no denying the fact that there was real famine, man-made or God-made; it may be that the famine was brought by circumstances over which we had no control. In this view of the matter, the word "famine" would, I think, be more suitable.

With these few words, I support the amendments moved by Mr. Lalit Chandra Das.

Mr. KAMINI KUMAR DUTTA: Sir, first of all, I should explain the position of my party particularly in view of the astonishment expressed by the mover of the resolution that some sort of opposition was offered to his resolution by raising points of order by this party. As the leader of my Party, I participated in discussion on the point of order and I must explain the position of my Party. It was far from the intention of my Party or of myself, as the leader of the Party, to avoid any enquiry into the causes of the famine. We are very anxious to have an enquiry into the matter, but we want a real enquiry to be made and not a sabotaging enquiry. It was a resolution which was calculated to sabotage the real enquiry into the causes of the famine. The point of order was raised because in the list of non-official resolutions we found that there was a resolution, number 4, standing in the name of my friend Rai Keshab Chandra Banerjee Bahadur and there was every chance of its being taken up today. Now a suspicion did arise in our mind that anticipating the discussion which would arise out of this resolution, the special motion of my honourable friend Mr. Nur Ahmed has been brought to sabotage the real discussion of the matter. The wording of the special motion is magnificently indefinite and vague and does not ask for anything particularly. That shows really the mind of the mover. This is the only reason which prompted my Party to raise the point of order. We want a real discussion. Dr. Kumud Sankar Ray has appropriately expressed the view of my Party. Sir, it is said that out of the fullness of the heart the mouth speaketh, but here out of emptiness

of heart, mouth was speaking. Really, there is no sincere desire behind this special motion. There is no desire to ask for an enquiry. The mover is asking for an enquiry to be made. If the mover is sincere he might suggest that the Commission suggested by him should come by air and hold the enquiry. I submit, Sir, that this is necessary in order to get a speedy enquiry. An enquiry should be held immediately to ascertain the causes of the famine and find out the remedy to remove the causes. Sir, it was hinted by the mover that we had a desire to say something about the present Ministry and to save the past Ministry by a discussion about their default.

I say on behalf of my Party that we are not anxious to allocate the liability or the default of the past or of the present Ministry. We must say here that both the past and the present Ministry, if they are placed before the bar of the public, will be found guilty. Therefore, with the object of this motion we have every sympathy. We do desire that an enquiry be held to find out the causes of the famine and to suggest the remedies. But we think that this special motion is only an attempt to avoid it. So it is very difficult for us to support the motion which has been placed before us. This motion is absolutely vague and it is crying for the moon.

Mr. HARIDAS MAZUMDAR: Sir, I want to associate myself with what has fallen from the mover of the amendments, Mr. Lalit Chandra Das. I whole-heartedly support the amendments. Sir, with one suggestion I shall finish my speech, because we have talked about the effects of the famine and other things on this floor repeatedly. The only suggestion that I can make is the appointment of a special Tribunal under the Royal Charter, if necessary, to bring the criminals—these famine-criminals to be hanged, and if necessary, to be hanged by the neck till death.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have every sympathy with the motion as moved. I find, Sir, that I cannot support the amendments. There is, Sir, a general opinion in the country that at a suitable time an enquiry should be held. The matter was mooted in the Central Assembly by the Muslim League Party, and at that moment, so far as my recollection goes, the Hon'ble Member for Food on behalf of the Government of India could not see his way to accepting the resolution; but thereafter in the Council of State overwhelmed presumably by the mass of opinion on the subject he agreed that there should be an enquiry by a body of the type of a Royal Commission. Now, Sir, it is not for us to suggest when would be the best time to have that enquiry and what should be the personnel. His Majesty's Government will, when it suits them or when it is feasible, appoint such a body. I hope at any rate that it will do so and that it will choose the requisite personnel which we all trust will have nothing whatsoever to do directly or obliquely with the political parties in this country. Now, Sir, it would appear from certain forcible statements made by the gentlemen opposite that unless the word "famine" is used liberally throughout the resolution, we cannot be serious in our demand for an enquiry. I do not think, Sir, that the honourable members mean it at all seriously when they make their statements. I think it is only for the

purpose of introducing a factious spirit into the debate that the honourable members repeatedly utter the word.

I do not know whether famine has got any technical significance. But if it has a technical significance, then it has to be studied technically before we accept the word "famine". And this word should not be used by the honourable member in a resolution without having given to it the attention which it demands. That there has been acute distress and in those places at any rate where there was acute distress it could be called famine, is undoubted and I too have on several occasions referred to the conditions in Bengal as famine conditions. Speaking ordinarily, one could say that there was a famine in certain parts of Bengal but whether that is technically equivalent to a famine or not is not for me to say and I would far rather accept the words "food shortage" and "distress" which we find are embodied in this motion.

Mr. LALIT CHANDRA DAS: On a point of information, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: I would, therefore, accept the special motion as it stands——

Mr. LALIT CHANDRA DAS: On a point of order, Sir——

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the honourable member first rose on a point of information and he rises now on a point of order——

Mr. DEPUTY PRESIDENT: What is your point of order?

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister entitled to use the words "acute distress" when the Hon'ble Finance Member of the Government of India declared that he was going to make provision of crores of rupees as a contribution to Bengal for the "famine" there? So, how can the Hon'ble Minister object to the word "famine"?

The Hon'ble Mr. H. S. SUHRAWARDY: I am entitled to use any word I like and I think my expression of it is much nearer the mark than the liberal use of the word "famine". I am not fighting shy of the word "famine"; only I have not examined the word technically and do not quite understand when a famine can be declared and when not. As a matter of fact, we have demonstrably proved to the House that the Government of Bengal have undertaken those steps for the relief of distress which even the Famine Code did not contemplate. The Famine Code has placed certain responsibilities on the shoulders of Government and certain responsibilities on the shoulders of non-official organisations and of the public. The Government of Bengal have, however, accepted even those responsibilities which under the Famine Code are not placed upon Government but upon the public. Therefore, Sir, I think that the conditions in Bengal can very well be expressed by the words "acute food shortage" or "distress" which express the situation just as well as the word "famine". I, therefore, see no reason why I should accept the amendments of Mr. Das. I think the resolution as moved and as altered by the mover gives the correct lead to the House. It asks that when feasible an enquiry should be held. It leaves to His Majesty's Government the choice of the

ersonnel and it calls upon that Government to examine the situation in engal and make recommendations so that those conditions do not recur in ıture.

From our point of view, Sir, the recommendations to avoid a recurrence such conditions would be of the greatest value and would also help to a reat extent in restoring confidence. For that reason, I would welcome the ppointment of such a body and an enquiry at as early a stage as would convenient to His Majesty's Government. I would, therefore, accept the otion that has been moved by Mr. Nur Ahmed.

Mr. DEPUTY PRESIDENT: The question before the House is: that ıe words "at a suitable time" occurring in lines 3 and 4 of the motion of r. Nur Ahmed be omitted.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is: that ıe words "an appropriate body of the type of" occurring in lines 4 and of the motion be omitted.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is: that r the words "whole question" occurring in line 5 of the motion the word ;auses" be substituted.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is: that r the words "food shortage" appearing in lines 5, 6 and 7 of the motion, e word "famine" be substituted.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is: that r the word "distress" occurring in line 8 of the motion, the word "famine" substituted.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is: the iginal motion of Mr. Nur Ahmed, as slightly amended—that this Council of opinion that the Government of Bengal be strongly urged upon to nvey through proper authority in India to His Majesty's Government in ıgland the opinion of this House that at a suitable time an enquiry should held by an appropriate body of the type of a Royal Commission to :amine the whole question of the food shortage in Bengal in 1942 and 43, its terms of reference covering a thorough examination of the such od shortage in Bengal, and making of recommendations with a view to e prevention of the recurrence of such distress in Bengal.

(The motion was agreed to.)

Mr. DEPUTY PRESIDENT: The House stands adjourned till 1 p.m. Monday, the 6th March.

Adjournment.

The Council then adjourned till 1 p.m. on Monday, the 6th March, 1944.

Members Absent.

The following members were absent from the meeting held on the 3rd March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Khan Sahib Nurul Amin.
(4) Mr. Kader Baksh.
(5) Mr. Moazzemali Chowdhury.
(6) Mr. Mohamed Hossain.
(7) Mr. Humayun Z. A. Kabir.
(8) Maulana Mohd. Akrum Khan.
(9) Mr. W. B. G. Laidlaw.
(10) Mr. J. McFarlane.
(11) Mr. N. N. Moholanabish.
(12) Mr. N. N. Mookerjee.
(13) Mr. R. S. Purssell.
(14) Khan Bahadur Kazi Abdur Rashid.
(15) Mr. S. N. Sanyal.
(16) Dr. Kasiruddin Talukdar.

BGP-44/5-1741A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 18.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 6th March, 1944, at 1 p.m., being the eighteenth day of the First Session of 1944, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Detenu Srijut Birendra Chandra Saha.

77. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if it is a fact that Srijut Birendra Chandra Saha of Daulatganj, Tippera, is a detenu; if so, how long he has been in detention;

(*b*) if the Government are aware of the fact that this detenu lost his father and mother while in detention, and has two brothers, one aged 12, another aged 8, and a wife with none to look after them and without any means of subsistence; and

(*c*) whether the Government propose to consider the question of providing a suitable allowance for the maintenance of the family of this detenu and give necessary direction in the matter?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes, since the 5th February, 1943.

(*b*) Yes.

(*c*) A family allowance of Rs. 40 per mensem has been granted.

Assistance to the families of air raid victims.

78. Mr. LALIT CHANDRA DAS (on behalf of Mr. Birendra Kishore Roy Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state the nature of assistance, if any, which has been extended to the families of the male workers, who died or were fatally injured at Kidderpore as a result of last Japanese bombing?

(*b*) Do the Government propose to bring any pressure upon the employers of such persons who were injured or killed while on duty, to pay adequate compensation to their dependants? If so, what is likely to be the measure of the compensation? If not, why not?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Khwaja Shahabuddin): (*a*) Family pension and/or children's allowance has been awarded in some cases under the War Injuries Scheme, 1942. Certain applications are pending with the Claims Officers and will be disposed of as soon as the verification of dependants of the deceased persons, most of whom live outside the Province, is completed.

(*b*) No. The families of such deceased persons as come under the War Injuries (Compensation Insurance) Act, 1943, will also have compensation admissible under that Act.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state how many applications are under consideration and how many cases have already been dealt with?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, it is very difficult to give figures as to how many cases are actually pending. I would refer the honourable member to my answer in which I have stated that some such petitions are pending.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state what is the amount of allowance that has already been awarded to each case?

Mr. PRESIDENT: I do not think that question arises.

The Hon'ble Mr. Khwaja SHAHABUDDIN: It depends on the person as to how much he is entitled to under the War Injuries Scheme and if the amount falls short of a certain amount, then his case is again considered under Women's Compensation Act.

SHORT-NOTICE QUESTION.

Mr. LALIT CHANDRA DAS: Sir, I have a short-notice question which runs as follows:

Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether at dawn yesterday——

Mr. PRESIDENT: Mr. Das, where is the short-notice question? I have not seen it. I find one question which has just been received by me, but how can you expect the answer today?

Mr. LALIT CHANDRA DAS: Then, Sir, may I mention it tomorrow?

Mr. PRESIDENT: There is no question of your mentioning the short-notice question tomorrow in the House. First of all, I shall have to examine the question and decide whether I shall admit it or not. It is not the practice to mention about short-notice questions on the floor of the House.

Mr. LALIT CHANDRA DAS: Then, Sir, when I can mention that?

Mr. PRESIDENT: First of all, I shall examine the question for deciding whether it can be admitted or not. If it is admitted, then the short-notice question will be sent to the department concerned, and you can mention the question only when the department does not reply to it.

Mr. LALIT CHANDRA DAS: Then, Sir, it will be a matter for 3 or 4 days, by which time the importance of the short-notice question will be gone. If a short-notice question is not accepted at short-notice, there is no meaning in putting the same.

Mr. PRESIDENT: As regards the date, I cannot give you a guarantee when the short-notice question will be replied to. I think short-notice questions are being answered regularly after they have been admitted. So, why should there be an exception in your case? If you were so very anxious to obtain information, you should have sent the notice in time. It has been received just now. If you had sent it on Saturday, probably it would have been admitted.

Mr. LALIT CHANDRA DAS: Sir, how could I send it on Saturday? The accident happened only yesterday, and so I have mentioned it today.

Mr. HARIDAS MAZUMDAR: Mr. President, Sir, with regard to the *bhog*-ration—that oft-repeated and vexed question—the Hon'ble Minister in charge of Civil Supplies has done nothing as yet. I have got copy of a letter addressed to me by the General Secretary, Hindu Mahasabha, in which he states that he has received 115 applications. Sir, this matter is very urgent, and it is essential that arrangements should be made without any further delay.

Mr. PRESIDENT: Are Government in a position to make any statement?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, since the Minister for Civil Supplies is engaged in very urgent work and is not in the Chamber just now, I do not think anything can be done now. The matter may be mentioned as soon as he comes to the Chamber.

Mr. PRESIDENT: Mr. Mazumdar, please mention the matter again towards the end of the meeting today.

Mr. LALIT CHANDRA DAS: On a matter of information, Sir, may I mention one thing? A list has been circulated to us regarding the number of questions that had been held over. It will appear that in the first session of 1942, the Home Department did not answer two questions. In 1943, first session, there are 7 questions; second session, 9 questions; third session, 3 questions—

Mr. PRESIDENT: Mr. Das, will you kindly mention it tomorrow immediately after the questions?

The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

The next item is consideration, clause by clause, of the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944. Here is a list of amendments. We have received notice of two amendments standing in the name of Khan Bahadur M. A. Momin. Unfortunately, they were received in the office of the Council after the appointed time. I am, however, prepared to relax the rule and admit the short-notice amendments. But these amendments require previous sanction of the Governor. So, the Preamble and the long title must stand over as usual till the end and the moving of this amendment which comes after clause 8 cannot be done till tomorrow. I hope in the meantime we shall obtain the Governor's previous sanction.

Order, order. Let us now proceed with the consideration of the clauses.

Clause 1.

The question that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in sub-clause (*1*) of clause 2 of the Bill, for all the words beginning with "or any other officer" to the end of the sub-clause, the following be substituted, namely:—

> " 'and Subdivisional Officer' means the Subdivisional Officer of a division, and 'Court of a Munsiff' and 'Munsiff' have same meaning as in Bengal, Agra and Assam Civil Courts Act".

Sir, the purpose of my amendment is to provide that the Subdivisional Officers and Munsiffs should be empowered under the Act itself to exercise jurisdiction under the Act. So far as the Munsiff is concerned, I think it will be admitted on all hands that a Munsiff's court has got all the staff and other paraphernalia for carrying out the objects of the Act and is situated practically within a radius of 5 miles of 90 per cent. of the population of Bengal. Only in very rare instances it is that a Munsiff's court is situated beyond a radius of 5 miles. A Munsiff's court is also a Civil Court and a Munsiff has the necessary training to decide cases under this Act. For the litigants also it will be very easy to go to the Munsiff's court to present petitions under the Act for relief. The primary object of the amendment is to make the procedure as easy, as expeditious and as inexpensive as possible. So far as the Collector is concerned, his office is situated far away in the district headquarters and as the Collector has got multifarious duties to perform, it will not be possible for him to deal with these applications even if he has a mind to. I want to add the Subdivisional Officer because his office sometimes is situated nearer than the Munsiff's court. I have kept the Collector but have also added

the Subdivisional Officer and the Munsiff as officers who too should have the power to exercise jurisdiction under the Act. I, therefore, submit for the consideration of the House that the clause be amended so that the Subdivisional Officer and the Munsiff too may have the power. The power taken by the Provincial Government to make any other appointment to discharge the functions of the Collector in this respect is rather vague and we do not know what class of officers they intend to authorise under this Act to perform this duty. It would be better if there is a clear-cut provision in the Act so that these applications could be dealt with more expeditiously. If presidents of the debt settlement boards are authorised or intended to be authorised by the Provincial Government to deal with these cases, then I think the lot of the applicants would be very hard. We all know that these presidents of the debt settlement boards generally take six months, eight months and even one year to decide a simple case. Therefore, I submit that instead of leaving it vague as in the clause the words "Subdivisional Officer" and "Munsiff" may also be added as suggested in the amendment. It may be left to the applicant to approach whichever officer the applicant thinks fit, as it will make for more expedition and will be less expensive. With these words, I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 2 of the Bill, for all the words beginning with "or any other officer" to the end of the sub-clause, the following be substituted, namely:—

> " 'and Subdivisional Officer' means the Subdivisional Officer of a division, and 'Court of a Munsiff' and 'Munsiff' have same meaning as in Bengal, Agra and Assam Civil Courts Act".

Mr. HARIDAS MAZUMDAR: Sir, I support the amendment moved by my friend Mr. Mukherjee. I hope Government will accept it in view of the fact that in many places Subdivisional Officers and Munsiffs discharge the functions of a Collector.

Mr. LALIT CHANDRA DAS: Sir, I support the amendment moved by my friend Mr. Mukherjee. This question has been raised in the definition clause and it will have an intimate bearing on the subsequent amendments which have been proposed by myself and another member. There are several transfers which have taken place in Bengal and we know that transfer of land has been so innumerable that it is not possible for the Collector to deal with all these cases. It appears from the definition that it is contemplated that several persons will be appointed by the Government to do this work. "Collector" means the Collector of a district or any other officer appointed by the Provincial Government to discharge the functions of a Collector under this Act. So it is the function of the Collector under this Act. Now, Sir, Munsiffs have not much work to do. Several Munsiffs may be requisitioned for this purpose. The services of the Subdivisional Officers should also be utilised because the number of transfers is so many and various that it will not be possible for the Collector of a district to dispose all of them. Besides, it will mean expediting the whole business

if these officers are utilised to deal with these cases. Sir, these matters should be decided as expeditiously as possible. I have my suspicion that Government do not like that the matter should go into the hands of the Civil Court. Under section 9, Government is taking power in their own hands for carrying out the purposes of the Act. Then, Sir, clause 9 says "the manner in which the Collector is to determine the amount of any consideration allowed under clause (*c*) of section 4", the manner in which these officers will finish expeditiously all these things will be laid down by rules which the Government will formulate. There is no question really of any delay in the matter, as the Civil Courts if empowered to decide the cases will act according to the rules framed by the Government. We are anxious that these things are done justly and promptly, and I do not think that by going to the Civil Court there would be any delay in the disposal of cases: there should be no apprehension that the matter will be delayed in the Civil Court.

Sir, it should be the effort of Government to see whether cost of the administration cannot be lowered. And this can be made by appointing some Munsiffs who have not got sufficient work to do now. They should be appointed to try these cases.

Therefore, I strongly urge upon Government to accept this amendment.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, it appears from the two amendments of Khan Bahadur Abdul Momin that clause 2 of the Bill cannot be taken up today.

Mr. PRESIDENT: That is the danger of admitting short-notice amendments, as you now realise. Neither had I any time to go through the amendments nor the department could do it. I also find that sub-clauses (*3*) and (*4*) of clause 2 will be affected by Khan Bahadur Abdul Momin's amendments. So, what I propose to do is that these sub-clauses should stand over till tomorrow. I shall not put the entire clause to vote today.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I stand to oppose the amendment. The explanation that has been offered in support of this amendment is that officers who are available near at hand should be given these duties to discharge and therefore my friend has included the Subdivisional Officer and the Munsiffs. So far as that is concerned, there is no restriction in the Bill; but by the introduction of these words my friend has restricted the scope to only three classes of persons, namely, the District Magistrate, Subdivisional Officer and the Munsiff. Only these three persons are competent to discharge these duties according to his amendment. But the most important thing is that the Revenue Deputy Magistrates will be excluded if this particular amendment is accepted. The best thing would be to leave the matter as it is. Government would be able to name any person to discharge the functions who may be a Collector within the meaning of this Bill, he may be a Munsiff, a Deputy Magistrate or even a Subdivisional Magistrate. That would give the greatest lattitude to Government in selecting persons who might be available in the locality, thereby affording the greatest convenience also to the parties who will be approaching for relief.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I have nothing further to add to what has already been said by my friend Mr. Hamidul Huq Chowdhury. I oppose the amendment.

(The amendment was negatived.)

Mr. PRESIDENT: Mr. Mesbahuddin Ahmed.

The Hon'ble Mr. TARAK NATH MUKERJEA: Will you take it today or leave it for tomorrow?

Mr. PRESIDENT: Then amendments up to 16 and 17 also may stand over.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Why, Sir, we can go on with 17, because it deals with the main clause 3 and not sub-clause (*3*).

Mr. PRESIDENT: All right; we may take up 17.

Clause 3.

Mr. PRESIDENT: Mr. Nur Ahmed.

Mr. NUR AHMED: Sir, I do not move the amendment standing in my name.

Mr. PRESIDENT: The question before the House is that clause 3 stand part of the Bill.

(The motion was agreed to.)

Mr. LALIT CHANDRA DAS: On a point of information, Sir. What about our other amendments?

Mr. PRESIDENT: They stand over.

Mr. LALIT CHANDRA DAS: If they stand over, I am afraid some of our amendments will go by default. No more there will be any necessity for moving them. They will be sabotaged. Supposing, the amendment of Mr. Mesbahuddin Ahmed in clause 4 is accepted, where shall I put my words "or a proprietor his *nij-jote*" which I want to be inserted after the words "any holding" in line 2 in clause 4 of the Bill. The difficulty is this that we sent in our amendments to the main Bill, but here Government have recast the whole Bill thereby bringing in, in fact, a new Bill. Therefore, I ask Government to withdraw this Bill and bring in a new Bill altogether. Amendment No. 18 shows that the clause 4 which is the main clause of the Bill has been wholly recast.

Mr. PRESIDENT: I quite appreciate your difficulties.

As I said before, I had no opportunity of examining the amendments which have taken me by surprise. In view of the fact that they propose to widen the scope of the Bill, I suggest that they stand over till tomorrow. In the meantime, office will examine and I shall also examine them, and after examination they will be sent for the Governor's sanction. That is the proposal I make.

Mr. HUMAYUN KABIR: Sir, may I make one suggestion? In case of this nature, when the Government themselves have not quite made up their minds and they have to change their course in mid-stream, it would have been better if the Bill had been referred to a Select Committee. Since that has not been done, may I suggest that it be referred to a Committee of the whole House? That Committee will practically function as a Select Committee where we can consider the whole Bill. We cannot, I think, proceed with the clauses unless we know exactly where we stand. Till the definitions in the Bill are determined, how can we go on with the clauses? If it is referred to a Select Committee of the whole House, these difficulties will be obviated.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is why there is a rule that definitions have got to be taken up after the whole Bill is gone through, because there may be additions and alterations.

Mr. PRESIDENT: It would be simpler, if Government are really keen on having this amendment made, to take it up elsewhere instead of trying to move it here at this eleventh hour.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not know, Sir. It is the Khan Bahadur's amendment that is responsible for all this.

Mr. PRESIDENT: It is these short-notice amendments that have upset the whole arrangement.

Khan Bahadur M. A. MOMIN: I am afraid, Sir, my amendment has not been rightly understood and perhaps much more is being made of it than it deserves. What is aimed at in my amendment is, as you too have said, Sir, that the Bill as at present drafted only covers the case of *raiyats* and under-*raiyats*. But in this connection, not only some of the Government party members but the Opposition also, I mean Mr. Lalit Chandra Das and Mr. Bankim Chandra Mukherjee and Shrish Chandra Chakraverty seem to have thought on the same lines, namely, that the tenure-holders and proprietors who are also in the same unfavourable position should also be protected by the Bill. And it is in accordance with almost unanimous opinion of the House that I thought that it would be desirable to table an omnibus motion brought in instead of separate amendments——

Mr. PRESIDENT: That is quite all right. But the point is this: Your amendments admittedly seek to widen the scope of the Bill. Amendments which were received in time were in respect of the Bill as it stands. So, there may be drafting difficulty at least. Suppose, your amendments are accepted and other amendments also are moved and accepted; they may be in conflict with each other, because the amendments of which notices were received were on the basis of the Bill as it originally stood. You no doubt now realise the difficulty, Khan Bahadur?

Khan Bahadur M. A. MOMIN: If my amendment is regarded as going beyond the scope of the Bill, for the same reasons most of the amendments shall go out——

Mr. PRESIDENT: No, no. I do not say that your amendments are outside the scope of the Bill. I have allowed your amendments and they may be moved with the sanction of the Governor. For the House has a right to widen the scope of a Bill if it chooses; so that question does not arise.

Khan Bahadur M. A. MOMIN: Let me submit, Sir, that my amendment is quite simple. Wherever the words "*raiyats*" and "under-*raiyats*" occur in the Bill, we simply add the words "proprietors" and "tenure-holders"——

Mr. PRESIDENT: But amendments will have to be moved formally to that effect.

Khan Bahadur M. A. MOMIN: Another point of information. If my amendments require the Governor's sanction, then why the amendments proposed by Mr. Das and others should not equally require his sanction, I mean the amendments which have already been admitted by you?

Mr. PRESIDENT: We sent those amendments for the Governor's sanction and sanction had been obtained with regard to them.

Khan Bahadur M. A. MOMIN: Does not that sanction cover my amendments also, Sir?

Mr. PRESIDENT: No, they have also to be submitted separately for the Governor's sanction.

Mr. HAMIDUL HUQ CHOWDHURY: If the Governor has given his consent to extend the provisions of the Bill by including the proprietors and tenure-holders——

Mr. PRESIDENT: In any case, we have got to submit the amendments separately for sanction. May I enquire from the Hon'ble Minister in charge what are his proposals?

The Hon'ble Mr. TARAK NATH MUKERJEA: If possible, we would prefer to go on with the Bill.

Mr. PRESIDENT: What do you mean by "if it is possible"? How do you mean to proceed?

The Hon'ble Mr. TARAK NATH MUKERJEA: I mean that we are quite ready to proceed with the discussion of the Bill today. I do not see any objection to taking up amendment No. 18 today.

Mr. PRESIDENT: What is your proposal by way of reply to Mr. Das's objection?

The Hon'ble Mr. TARAK NATH MUKERJEA: So far as that is concerned, sub-clauses (*3*) and (*4*) of clause 2 and clause 8 may be held over pending the Governor's sanction.

Mr. PRESIDENT: But does that exhaust all clauses that might be affected by the amendments of Khan Bahadur Abdul Momin?

I cannot take any responsibility without examining the matter. So I suggest that further consideration of the Bill should stand over till tomorrow.

The Hon'ble Mr. TARAK NATH MUKERJEA: But, Sir, in that view——

Mr. PRESIDENT: If Government are keen on having the amendments of Khan Bahadur Abdul Momin to which I have given my consent and which are going to be submitted to His Excellency for his previous sanction, then I suggest that the matter should stand over. But if Government do not support the amendments of Khan Bahadur Momin, then we can proceed with the Bill as it is.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, Government support the amendments of Khan Bahadur Momin.

Mr. PRESIDENT: Then let us adjourn the House till tomorrow. The House stands adjourned till 1 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1 p.m. on Tuesday, the 7th March, 1944.

Members Absent.

The following members were absent from the meeting held on the 6th March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Mesbahuddin Ahmed.
(3) Mr. Sultanuddin Ahmed.
(4) Khan Sahib Nurul Amin.
(5) Mr. R. W. N. Ferguson.
(6) Maulana Mohd. Akrum Khan.
(7) Mr. J. McFarlane.
(8) Mr. N. N. Moholanabish.
(9) Mr. N. N. Mookerjee.
(10) Mr. R. S. Purssell.
(11) Khan Bahadur Kazi Abdur Rashid.
(12) Mr. S. N. Sanyal.

BGP-44/5-1813A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944.—No. 19.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 7th March, 1944, at 1 p.m., being the nineteenth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Destitute families.

79. Mr. BIRENDRA KISHORE ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he is aware of the fact that a large number of destitute families which came during 1943 to Calcutta and other towns in search of food have been disintegrated due to some member or members thereof, who could not be traced at the time, being taken either to hospitals or rescue centres to the exclusion of others?

(*b*) What arrangements have been made by the Government to trace such cases and assist the family members to reunite?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) Yes.

(*b*) All destitutes separated from families were at first collected in the Relief Centre at 110, Lansdowne Road, and later on at 10, Nalin Sarkar Street, and the Superintendents of all Relief Centres and Relief Camps in and outside Calcutta were asked to trace out the relations of the destitutes on the basis of information supplied. Notices were published in the newspapers requesting the public coming across separated destitutes to send them to the nearest police-station or to the centre of collection and necessary instructions were issued to all police-stations in Calcutta.

In many cases, separated destitutes, particularly children, were sent out to their villages with escorts to find out if their relations had gone there previously.

As regards other towns, Government have provided [*vide* section 7 of the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1943] for repatriation of the destitutes at Government expense to their own villages to enable the separated members of the families to reunite.

Mr. HARIDAS MAZUMDAR: Is the Hon'ble Minister in a position to cite one or two instances of sending some children to the villages with escorts?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I do not understand what the honourable member means by asking me to cite one or two instances. I can tell him that hundreds of cases there have been in which children have been sent to their villages.

Mr. HARIDAS MAZUMDAR: Can the Hon'ble Minister name one or two such cases?

The Hon'ble Mr. TARAK NATH MUKERJEA: I cannot name the destitutes. How can I name them? There were hundreds of cases.

Mr. HARIDAS MAZUMDAR: Sir, the Hon'ble Minister has said that "as regards other towns, Government have provided for repatriation of the destitutes——". May I ask him how many cases have been dealt with under this section 7 of the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1943?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, it is rather difficult to give the exact number. But I can say, there were hundreds of cases.

Allegations against Jessore District Board.

80. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that the villagers of the Chandibarpur Union Board, police-station Narail, Jessore, submitted a memorial to him through the District Magistrate, Jessore, and Subdivisional Officer of Narail on the 12th October, 1943, containing the following allegations against the authority of the Jessore District Board, viz.:—

(*i*) the alleged unconstitutional removal of the President of the Chandibarpur Union; and

(*ii*) the removal of the Health Centre from Sakarpur which is situated at the central place of the said Union even when malaria broke out in an epidemic form?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken or is intended to be taken in the matter? If not, why not?

Mr. BIREN ROY, Parliamentary Secretary, (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) No.

(*b*) Does not arise.

Mr. K. C. ROY CHOWDHURY: Will the Hon'ble Minister please state if it is a fact or not that the President of the Chandibarpur Union was removed?

Mr. BIREN ROY: That is a fact.

Mr. K. C. ROY CHOWDHURY: If so, what steps have been taken to enquire as to whether unconstitutional methods were adopted for such removal?

Mr. BIREN ROY: That does not arise.

Adjournment motion.

Mr. HARIDAS MAZUMDAR: Sir, I have got an adjournment motion.

Mr. PRESIDENT: Yes, what is the ground of your adjournment motion?

Mr. HARIDAS MAZUMDAR: I beg to move that this Council do adjourn to discuss a definite matter of urgent public importance, namely, the situation that has arisen in various places of Bengal——

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. I do not know whether the honourable member is in order in reading out his motion before it is admitted; but I wish to bring to your notice that the motion contains matters which are rather prejudicial. They are not based on facts and they are likely to cause unnecessary alarm.

Mr. PRESIDENT: What is your ground, Mr. Mazumdar?

Mr. HARIDAS MAZUMDAR: I am coming to that, Sir. It appears from the *Calcutta Gazette*, dated the 2nd March, that in various districts of Bengal rice can scarcely be had in the open market at controlled rates.

Mr. PRESIDENT: Have you got any other ground?

Mr. HARIDAS MAZUMDAR: The all-important ground is that rice is not available in various districts, and on that basis I have tabled my motion.

Mr. PRESIDENT: I am sorry I cannot agree with your point, Mr. Mazumdar, because here you refer to certain districts specifically, and also to certain subdivisional towns, but none of these places appear in the Gazette notification.

Mr. HARIDAS MAZUMDAR: Yes, Sir, they do appear in the Gazette notification. Here is a copy of the Calcutta Gazette in my hand——

Mr. PRESIDENT: I too have a copy with me.

Mr. HARIDAS MAZUMDAR: Here is a copy of the Supplement to the *Calcutta Gazette*, dated the 2nd March, and it runs thus—*A*,——

Mr. PRESIDENT: Just a minute, Mr. Mazumdar: Just look at the footnote where you will see the following.—Rice can scarcely be had in the open market at controlled rates—there is no cross mark here. There is a cross against a particular place but none against Chittagong. In fact, against none of the places mentioned in your adjournment motion I find any cross mark.

I also find that in the same Gazette there are two different statements. I am informed Government will enquire into the matter and find out what has led to this discrepancy. This matter will be taken up after it is enquired into by the Government and I waive the point of urgency if it is brought

up later. But I do not promise that I shall admit the adjournment motion. I shall consider the matter on its merits. In the meantime, let Government enquire and find out what has led to this discrepancy.

Point of information regarding "bhog"-rationing.

Mr. HARIDAS MAZUMDAR: Sir, there is another very important matter, that is, what arrangement he has made about the *bhog*. Fortunately, the Hon'ble Minister in charge of Civil Supplies is present today and we shall be glad to hear from him what arrangement he has made with regard to this matter. It has been repeatedly promised by him on the floor of this House that something will be done very soon. The Hindu Mahasabha has received hundreds of petitions and representations——

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the position is that if I have got to attend to the legislative work along with my other important work I must take some time to come to a decision——

Mr. HARIDAS MAZUMDAR: But, Sir, the Hon'ble Minister from time to time——

The Hon'ble Mr. H. S. SUHRAWARDY: In spite of my preoccupation with other very important work I am trying my best to expedite the matter. I dare say it is not humanly possible for any one to do more——

Mr. HARIDAS MAZUMDAR: It is humanly possible: it is also a very urgent matter. Sir, if he cannot cope with the work let him——

Mr. LALIT CHANDRA DAS: Sir, the point is that the Hon'ble Minister has promised the appointment of a committee so often here; but actually up to this time he has not done anything in the matter.

The Hon'ble Mr. H. S. SUHRAWARDY: I must consider whether it is necessary to have a committee. I propose to call a conference in order to gather information whether it is necessary to set up a permanent committee for this purpose. If after consultation it is found that it is necessary to have a permanent committee for this purpose, I shall do it.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to say when he is likely to finish these preliminaries? May I know when? This week—next week?

The Hon'ble Mr. H. S. SUHRAWARDY: Sometimes I have to do work other than legislative work and then I find it extremely difficult to attend the meeting of the Council, and in this way work goes on. Honourable members also know that the Ministers have got other duties besides legislative work and when the House is sitting, legislative work is given the first preference.

Mr. LALIT CHANDRA DAS: This matter is of great urgency and if this is put off day after day, it will lose its importance. If the Hon'ble Minister for Civil Supplies is hard up for time, let him give this matter to some other Minister.

The Hon'ble Mr. H. S. SUHRAWARDY: I did that but the Hon'ble Ministers did not do it.

Outstanding Questions.

Mr. LALIT CHANDRA DAS: Sir, may I mention about the outstanding questions today as suggested by you when yesterday I mentioned this? A large number of questions remain unanswered and there is a list of such questions circulated to all the members. From the list I find that there are outstanding questions of as far back as 1941, of which one question belongs to the Education Department and in 1942, first session two questions, 1943, first session 13, second session 20, third session 41. Now, we are in 1944. Therefore, the questions are more than one year old and we do not know where we stand as regards these questions.

Mr. PRESIDENT: The list that has been circulated to honourable members has been sent also to Government. May I know Government's reply to the point raised.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, some of the questions have become wholly out of date and are without interest to the present generation of members. Now, the question arises whether it is worthwhile to answer these questions and whether it is at all necessary. I think that it would mere waste of time of the House if these questions are answered. It has been suggested that these ante-diluvian questions might be placed before the Hon'ble President who might go through them and reject such questions as have lost topical interest.

Mr. HUMAYUN KABIR: On a point of privilege, Sir——

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, can he interrupt me?

Mr. PRESIDENT: Yes; he has risen on a point of privilege.

Mr. HUMAYUN KABIR: Sir, the remark that has just now been made by the Minister for Civil Supplies has no sense because in many instances Government have tried deliberately not to answer questions——

Mr. PRESIDENT: Order, order, Mr. Kabir, you better allow the Hon'ble Minister to finish the statement. Then, I have got my observations to make and after that if necessary you may raise your point of privilege.

The Hon'ble Mr. H. S. SUHRAWARDY: Therefore, it is desirable not to waste the time of the House which could be better utilised than by answering such questions which have lost all interest and which I think might be withdrawn. The Hon'ble President might use the good office of the Secretary or the Government might get most of these questions withdrawn whcih are of no interest at the present moment. If you think that the questions ought to be answered however ante-diluvian they may be, we shall make every effort to answer them. As a matter of fact, I had to answer some questions on these lines, dated the 8th June, 1943, and today

is 7th March, 1944, when nobody cares what actually was the position on the 8th June, 1943. We have no objection whatsoever to answering the questions, some of which are probably of 1941 and which were put to the Ministers now out of office.

Mr. PRESIDENT: I think the objection raised by the Hon'ble Mr. Suhrawardy cannot be accepted by the House. Because in that case Government may make questions ante-diluvian by deferring the replies. But there may be some questions which could not be answered for want of information which could not be obtained in time from the District Officers or from other authorities responsible for supplying information. Now, if the Government departments find that some of the questions have become out of date are not of much importance to the House, the attention of the Secretary to the Legislative Council should be drawn to these questions. If that is done, I promise to examine the list of such questions and then request the honourable members to withdraw those questions in view of the fact that they have lost all importance. But otherwise I am not prepared to accept the general principle that because questions have not been answered, so they need not be replied to. If Government are prepared to agree to my suggestion, then I am prepared to examine the list.

The Hon'ble Mr. H. S. SUHRAWARDY: I shall send a list of such questions to the Secretary of the Council for examination by you, Sir.

Mr. HUMAYUN KABIR: Sir, in the suggestion which you have made and which is in the nature of a compromise one very valued right of this House is taken away. But I hope, Sir, you will not follow up the suggestion, for it will then always lie with the Government to delay answering questions——

Mr. PRESIDENT: I have touched that point.

Mr. HUMAYUN KABIR: So I shall submit, Sir, that if the Government pursue this dilatory tactics any more on the plea of pre-occupation —formerly we have sometimes prevented Government business being carried on—it will be the duty of the members of this House whether they belong to this side or that side to see that Government business is not carried on till Government are in a proper mood to answer any such questions which are raised here; otherwise this very valued right will be lost entirely to the members of this House——

The Hon'ble Mr. H. S. SUHRAWARDY: There is a large number of questions which have been hanging up in my department owing to my pre-occupations and I confess—(MR. HUMAYUN KABIR: Pre-occupations are only an excuse.) Today you may say that pre-occupations are only an excuse but at the time when I was working hard, at that moment I could have satisfied every single member of the House except perhaps certain members of the Opposition, that my pre-occupations were of such a nature that it was vital that I should carry on that work rather than answer certain questions. I do wish to state here that for a long time I did consider that the work on which I was engaged was of vital importance

and that although I realise and I very well value the high position which the Legislature occupies in the Constitution, yet I could not find either the time or the opportunity of answering certain questions. Now that the tension has diminished to a considerable extent, I am working on all the files and answering all the questions as rapidly as possible. No dilatory tactics has ever been pursuad by me, I can assure the House.

Mr. PRESIDENT: I presume that there is no wilful negligence on the part of Government to reply to questions. It may be, as Mr. Suhrawardy has said, that some questions could not be answered for lack of information or for lack of time on the part of some Hon'ble Ministers. Let us at least proceed on that basis. I am on my part quite prepared to go through the list of old questions if they are sent to me by the Hon'ble Ministers. I can go through them and if I find that some of the questions have really become out of date, then I should be prepared to make a reference to the honourable members concerned and find out whether they still insist on the questions being answered or not. That I think would be the best solution. I do not certainly subscribe to the view that Government have the right to make questions ante-diluvian; neither do I presume that Government have been non-co-operating with the House or are wilfully deferring replies to questions and are thereby making them ante-diluvian. That is my view and I hope the House agrees with me.

Mr. HUMAYUN KABIR: I agree that the suggestion made by you, Sir, is the best in the circumstances; but I want to record our protest because we are not satisfied that Government are not pursuing dilatory tactics. As for the statement made by Mr. Suhrawardy, you, Sir, know better than any member of the Government that the Hon'ble Mr. Suhrawardy does not run about Bengal collecting information in order to answer questions. It is the department which prepares the draft answers and gathers materials. It is only in their final form that answers reach the Hon'ble Ministers. And that is why the Ministers have often appeared in this House without knowing what the answers are——

The Hon'ble Mr. H. S. SUHRAWARDY: Not this Minister.

Mr. HUMAYUN KABIR: I am not referring to Mr. Suhrawardy personally.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, you are referring to me personally. I go through every paper in every file.

Mr. HUMAYUN KABIR: The Chair knows that I am referring to the Ministers and not to Mr. Suhrawardy personally. We have seen Ministers appearing with files but not knowing what was contained in those files. I challenge the Hon'ble Mr. Suhrawardy to say if he has to go about the whole of Bengal for information for answering questions relating to his department. The Minister in charge only exercises general control over the preparation of answers to questions. When questions are not answered for two or three years, the House cannot but feel that dilatory tactics are employed by the Government to take away the urgency of the questions.

Therefore, though we quite agree that the suggestion you have made, Sir, is the best and is the only course open to us to adopt, but nevertheless we record our protest against the way in which Government have been dealing with us——

Mr. PRESIDENT: I think that is the best solution and let us leave the matter there for the present.

Dr. KUMUD SANKAR RAY: It may be, Sir, that the Hon'ble Mr. Suhrawardy was busy with other work of an administrative nature but does his remark apply to all the other Ministers also?

Mr. PRESIDENT: Will the Hon'ble the Leader of the House make any statement?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I would request my colleagues to see that the questions concerning their departments are promptly answered.

Mr. PRESIDENT: I hope you will do it.

Mr. AMULYADHONE ROY: Sir, apart from our constitutional right, the statement of the Hon'ble Mr. Suhrawardy is not correct. There are questions which relate to corruption amongst responsible officers of Government——

Mr. PRESIDENT: Mr. Roy, we are not going into specific questions; we are discussing the general principle.

Mr. AMULYADHONE ROY: But, Sir, Mr. Suhrawardy remarked that the questions lost their importance——

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, there are some questions which may have lost their importance.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I want to make a submission with regard to the point raised by Mr. Suhrawardy in his statement just now. He has said that owing to certain pre-occupation at some time he could not answer the questions. Thereby he wanted to make out the point that while certain Ministers are pre-occupied otherwise, they would not answer questions. I submit, Sir, that it is the right of the Legislature to get answer of a question—a very important right which every member of this House has got, and if on the excuse that he has many other duties to perform at a particular moment he does not answer the questions can you, Sir, take this excuse as proper and justifiable for not answering it? I want a ruling from the Chair on this point if the Hon'ble Minister is entitled to do so.

Mr. PRESIDENT: So far as the statement of Mr. Suhrawardy is concerned, what he wants to convey to the House is that the province has been passing through an abnormal situation, and that his is one of the departments which has been dealing with the problems arising out of this situation; so he was behind-hand in answering the questions: that is the point

which he wanted to make. But as to the general principle whether Hon'ble Ministers when too busy with their administrative work can avoid answering questions, my opinion is that they cannot.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, we have got to perform our duties to our constituencies. Mr. Suhrawardy arrogates to himself the right of not answering questions owing to his pre-occupation with other pressing and urgent duties; but we also have got the right to put urgent and important questions concerning our constituencies and we have a duty to perform to our constituencies and put these questions in their interest. So it is equally important that the Hon'ble Ministers should answer the questions, although it may be inconvenient for them to do so. We have got our duties to perform and if the Hon'ble Ministers obstruct us you are to protect our rights.

Mr. PRESIDENT: Let us not again go back to the discussion of the general principle of the Hon'ble Ministers deferring answers to questions on the ground of their pre-occupations with administrative duties. What Mr. Suhrawardy said was that he had to deal with a very abnormal situation. Hence he could not reply to some of the questions in time.

Mr. LALIT CHANDRA DAS: Sir, may I say one thing——

Mr. PRESIDENT: Mr. Das, haven't we had a sufficient discussion on this point?

Mr. LALIT CHANDRA DAS: It is a personal explanation that has been given by Mr. Suhrawardy. So far as it relates to his department 46 questions are outstanding. But what about the Home Department——

Mr. PRESIDENT: Mr. Das, all those points have been discussed and the Leader of the House has promised to convey the views of the House to his colleagues. Let us wait for the reply.

The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

The House will now proceed to consider the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944. The House will remember that yesterday we had to adjourn for examining the amendments of Khan Bahadur M. A. Momin of which he gave notice. Now, it has been found by the Legislative Department that a large number of consequential amendments will be necessary if Khan Bahadur Abdul Momin's amendments are accepted by the House. In that view of the matter, Government have proposed an adjournment of this item. So, the business which is shown in the Order Paper of today will be taken up on the 15th and 16th March.

Therefore, I adjourn the House till 2-15 p.m. on Friday, the 10th March.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 10th March, 1944.

Members Absent.

The following members were absent from the meeting held on the 7th March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Nurul Amin.
(3) Mr. Hamidul Huq Chowdhury.
(4) Khan Bahadur Abdul Hamid Chowdhury.
(5) Mr. R. W. N. Ferguson.
(6) Mr. Mohamed Hossain.
(7) Maulana Mohd. Akrum Khan
(8) Mr. J. McFarlane.
(9) Mr. N. N. Moholanabish.
(10) Mr. N. N. Mookerjee.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur Kazi Abdur Rashid.
(13) Mr. B. K. Roy Chowdhury.
(14) Mr. S. N. Sanyal.

BGP-44/5-1838A-750

First Session, 1944—No. 20.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 10th March, 1944, at 2-15 p.m., being the twentieth day of the First Session of 1944, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Security prisoner Dr. Nripendranath Bose.

81. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state when Dr. Nripendranath Bose of Comilla was taken a security prisoner?

(*b*) Are the Government aware that he is a physician of great repute and of much charitable disposition, ready to help the sick and the poor?

(*c*) Do Government propose to release him? If not, what are the grounds for refusal?

Mr. BIREN ROY, PARLIAMENTRY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) He was arrested on 28th July, 1943, under rule 129 of the Defence of India Rules. An order of detention under rule 26, Defence of India Rules, was issued on the 17th September, 1943.

(*b*) That is a matter of opinion.

(*c*) His case is now under review. He will be released when his further detention is no longer necessary in the interests of public security.

Mr. LALIT CHANDRA DAS: Arising out of (*c*), is his case still under review?

Mr. BIREN ROY: Yes. I think orders will be passed within a very short time.

Grievances of tramcar passengers.

82. Mr. HARIDAS MAJUMDAR: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if he is aware of the grievances of the tramcar passengers regarding—

(*i*) non-issue of transfer tickets;

(*ii*) overcrowding and want of sitting accommodation in tramcars;

(*iii*) insufficiency of the number of ladies' seats;

(*iv*) increase of monthly fare; and

(*v*) incivility and rashness on the part of the ticket collectors and conductors particularly in connection with the stopping and starting of the car?

(*b*) If so, do the Government propose to take immediate and urgent steps to remedy these grievances of the tramcar passengers? If not, why not?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Barada Prasanna Pain): (*a*) (*i*) I am informed that issue of transfer tickets was suspended to minimise difficulties in collection of fares, and that their reintroduction in some form is now under consideration.

(*ii*) Overcrowding in tramcars is due to shrinkage in other forms of transport vehicles, mainly caused by petrol rationing, in face of growing demand of public traffic.

(*iii*) In view of the number of passengers of both sexes travelling by the tramcar, the number of ladies' seats in a car is not out of proportion with the general requirements. Reservation of additional seats for ladies without an increase in the total number of seats would further add to congestion.

(*iv*) In order to adjust the additional operating cost due to opening up of three new lines which have opened extra facilities in tramway travelling to the holder of an all-section monthly ticket, the Tramway Company have increased the fare of all-section monthly ticket by not more than 25 per cent.

(*v*) I am assured by the Tramway Company that they do not condone incivility and rashness on the part of their employees and that they would take every possible precaution that no friction between their staff and the public is unnecessarily created.

(*b*) The Government have already taken up with the Company the question of remedying the grievances of the public as far as practicable in the present emergent circumstances created by the war.

Mr. HARIDAS MAZUMDAR: Can the Government fix some approximate time-limit when the grievances of the public are going to be removed?

The Hon'ble Mr. BARADA PRASANNA PAIN: It is not possible to fix time-limit.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Hon'ble Minister aware that coins and changes are not given by the conductors even when they are in possession of such coins?

The Hon'ble Mr. BARADA PRASANNA PAIN: Does not arise.

Town near Kanchrapara.

83. Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether he is aware that near Kanchrapara, a suburb of Calcutta, a big industrial town is being planned by the American industrialists, with a network of wide roads on both sides of which palatial buildings are being constructed, for the development of post-war American industry in India on the most gigantic scale; and

(*b*) if so, whether any permission was obtained from the Government of Bengal for laying out plans of a separate new town near Calcutta, the Provincial capital of Bengal?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) It is not in the public interest to disclose information regarding this matter.

(*b*) Does not arise.

Mr. SHRISH CHANDRA CHAKRAVERTI: Arising out of (*a*) are not the public interested in this matter?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is a matter of opinion.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister please state whether it is a fact that the public are not concerned in the matter at all?

The Hon'ble Mr. TARAK NATH MUKERJEA: May be.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it a fact that the new town which is now being built up at Kanchrapara is proposed to be named after the name of the President of the United States of America, Mr. Roosevelt?

The Hon'ble Mr. TARAK NATH MUKERJEA: Government are not aware of that.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Hon'ble Minister aware that another town is under construction, and it is proposed to be named as Washington Town?

The Hon'ble Mr. TARAK NATH MUKERJEA: I am not aware.

Mr. HUMAYUN KABIR: Is the Government aware of the fact that thousands of passengers are passing every day in both directions through the town which is being erected?

The Hon'ble Mr. TARAK NATH MUKERJEA: Certainly there are some constructions going on but whether they are for erecting a town or for any other purpose, Government have no information.

Mr. HUMAYUN KABIR: Is the Government aware that in view of the construction which the people actually see before their eyes speculations and rumours are rife?

The Hon'ble Mr. TARAK NATH MUKERJEA: May be.

Mr. HUMAYUN KABIR: Does the Hon'ble Minister consider that the spread of such rumours is desirable in the public interest?

The Hon'ble Mr. TARAK NATH MUKERJEA: I could not follow the honourable member, Sir.

Mr. PRESIDENT: Will Mr. Kabir please repeat his question?

Mr. HUMAYUN KABIR: Sir, I asked a supplementary question as to whether there were rumours regarding this construction and the answer was "may be". My supplementary question now is whether the Hon'ble Minister considers that the circulation of such rumours, founded or ill-founded, is desirable in the public interest?

Mr. PRESIDENT: It is a hypothetical question.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Hon'ble Minister aware whether the town is being constructed by an American industrialist or by the U. S. Government?

The Hon'ble Mr. TARAK NATH MUKERJEA: As I have already stated, in the public interest Government do not think it proper to disclose the facts.

Mr. PRESIDENT: Questions over.

Adjournment motion.

Mr. LALIT CHANDRA DAS: May I mention that I have an adjournment motion in my name? And may I move it?

Mr. PRESIDENT: But I have disallowed the motion.

Mr. LALIT CHANDRA DAS: Sir, is it permissible for me to point out with regard to my motion that you have disallowed——

Mr. PRESIDENT: No, as I have disallowed it, nothing can be mentioned in that behalf on the floor of the House.

Mr. HARIDAS MAZUMDAR: Is the Hon'ble Minister for Civil Supplies now ready to answer the point raised by in connection with my adjournment motion?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have looked into the paper and find that that discrepancy is no discrepancy at all. One list refers to the prices of the week and of the previous week and the other list to the prices prevailing at the end of the first half and the second half of January. So, from that point of view there is no discrepancy. I submit further that the motion does not raise any matter of urgent public importance or any matter which is definite or any matter which is not known to honourable members of this House. Why then should the adjournment motion be allowed? Is it because of the publication in the papers, or because it is only now that rice can scarcely be had in the open market at

controlled price in certain places? So far as the publication in the papers is concerned, that is nothing new. Take Barrackpur for instance, where rice was selling at $2\frac{5}{16}$ths of seers at a rupee: it has got an "A" mark, meaning that rice was not available there at controlled rates. But for the previous week similarly the position was the same, namely, $2\frac{5}{16}$th seers with the same "A" mark. Therefore, this is nothing new; it is not something which has happened this week and did not happen in the previous week. Similarly with regard to others. Prices for this week were also there as well as of the previous week. So, it is not a recent occurrence to which the honourable member may refer.

In the previous week also there was a similar publication—I have not examined the records previous to that; but I take it there must have been a similar publication the previous week and so on. The statement that rice can scarcely be had in the open market at controlled price is in itself causing the difficulty. There is nothing very terrible in the situation. The fact is that at certain places round about towns the cultivators are holding back their stocks waiting for higher prices, because from time to time factious resolutions are moved and factious speeches are made in this House that prices are bound to rise and the agriculturist falls a prey to these fears. Unfortunately, Sir, the cultivators and the people are not allowed to rest in peace even for a little while. I am certain that if this sort of cry that rice is not available in the open market is stopped for a while, prices will go down. These gentlemen by this sort of meaningless discussion induce the cultivators to hold back their stocks and push up prices. I think, Sir, such speeches in the House are definitely mischievous.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, is the word "mischievous" parliamentary?

Mr. PRESIDENT: Yes.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, it is parliamentary. Now, Sir, my submission in regard to the question as to whether this subject should be discussed is that there is no need of any discussion about it. So far as these points are concerned, I have already stated in this House and in another place that it is the policy of Government—and instructions have already been issued—to ration all the municipalities within the province and to ensure the people residing within the municipalities their supplies. So the question whether rice can scarcely be had in the open market at controlled price is of no significance at all if ration is introduced. Such a state affairs causes little inconvenience to the people. These places are set in rural surroundings where most persons have contacts with the country side and have their own paddy and rice, and they do not care whether rice is available or not in the open market. As an example, I may cite the case of Jhenida, round which is a surplus area full of rice, but where rice is not freely available.

Mr. PRESIDENT: On a careful consideration of the matter and after listening to the statement made by the Hon'ble Minister, I feel that it is not a matter of urgent public importance and so I refuse my consent.

Mr. LALIT CHANDRA DAS: Sir, before you take up the business of the day, may I mention one thing? I gave notice of a short-notice question on the 6th March and I understand that you admitted it. The Hon'ble Minister in charge of Communications is here: may I know whether he is willing to answer it? It is in connection with the Dacca Mail accident.

The Hon'ble Mr. BARADA PRASANNA PAIN: I have also given my consent. I have not got the file with me here now. I shall answer it on Monday next.

Non-official resolutions.

Mr. PRESIDENT: The House will now take up Non-official resolutions. On the last non-official day we were discussing the resolution of Mr. Haridas Mazumdar. Mr. Humayun Kabir was then in possession of the House.

Mr. HUMAYUN KABIR: Sir, I have nothing much to add to what I said on the last non-official day. I was then pointing out to the House that since Government declare that they intend to do something for the relief of the destitutes, they must realise that it cannot be done unless a proper census is taken. I pointed out that the objections of my friend Mr. Nur Ahmed were absolutely unjustified. In view of the fact that on both sides there is a desire that relief measures should be expedited and should be based on as scientific a basis as possible, I hope the motion will be accepted by Government.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, on behalf of the party which I have the honour to represent here, I whole-heartedly support the resolution moved by my friend Mr. Haridas Mazumdar. It is a proper request and in the fitness of things the Government should take census of the destitutes before they start on any relief measure. By this census they would be able to know the actual number of people who should get relief. I think, Sir, the resolution does not need much eloquence or arguments to be accepted. I hope the Government would accept the resolution.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, I too would like to express very briefly our sympathy with this resolution. It does seem desirable that the scheme of rehabilitation should be based on the facts such as would be revealed in a census of destitutes and persons who have been ruined and dispossessed by the famine. I am not so sure of the word "unemployed" in the resolution. In point of fact, there is a shortage of labour, as the House must know.

Mr. LALIT CHANDRA DAS: Sir, may I, on behalf of my party, support the resolution which has been moved by my friend Mr. Haridas Mazumdar. Practically it runs almost on a similar line with the resolution which I have tabled on the subject. I refer to resolution No. 19 in the list which runs as follows: "That this Council is of opinion that effective, ample and immediate measures should be taken by the Government of Bengal to rehabilitate the famine-stricken people of Bengal."

Now, I think that for this purpose it is very necessary that a census should be taken of the destitutes and the unemployed. Sir, I would not be surprised if the Hon'ble Minister opposes the resolution saying that he has already got a census of the destitutes as well as that of the unemployed taken. If that is so, we would be glad to hear about the number of the destitutes and the unemployed, as that would be helpful in moving our subsequent resolutions on the subject of rehabilitation of the destitutes.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, on behalf of Government I may point out that——

Mr. HUMAYUN KABIR: Sir, is the Hon'ble Minister replying on behalf of Government? I believe he has already spoken on the resolution.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have not yet spoken, it was Mr. Nur Ahmed who spoke on this resolution.

As I was saying, Sir, we are already collecting statistics of destitutes and the unemployed through the food committees. And not only that: we are collecting the names of the destitutes and the unemployed and preparing a priority list to find out as to how many persons require help immediately and how many persons may wait for some time. As a matter of fact, we are doing more than the resolution asks for. In view of this, I would request my friend to withdraw the resolution. We are already doing what the acceptance of this resolution would have required us to do. We cannot accept the resolution.

Mr. SHRISH CHANDRA CHAKRAVERTI: On a point of information, Sir. May I know from the Hon'ble Minister how long the Government would take to complete the census?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I believe it has already been completed in the mofussil areas. It was about two months ago that I saw the priority lists being prepared. (Mr. LALIT CHANDRA DAS: Can you give us the figures?) The list is being prepared in every union board and by the food committees.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the honourable members here are so divorced from realities that they do not know at all what is going on in the villages. In every union, in every food committee, even in every village such lists have been and are being prepared and consolidated. Three kinds of lists have been prepared "(A)", "(B)" and "(C)". "A" class is most needy, "B" class is better off and "C" class does not deserve any help at all. All these things are there. Apparently, Mr. Haridas Mazumdar wants certain "*kudos*" for himself as if he is responsible for these steps and for bringing this to the notice of Government. Let him have it.

Mr. HARIDAS MAZUMDAR: Sir, I am very glad to know that Government are doing all these things. But I do not find any reason why they should have objection to the acceptance of this resolution.

Mr. PRESIDENT: Is that your reply? Mr. Mazumdar do you not want to exercise your right of reply?

Mr. HARIDAS MAZUMDAR: That is all, Sir.

Mr. PRESIDENT: The question before the House is: that this Council is of opinion that a census of the destitutes and unemployed particularly of the rural areas of Bengal should be taken in time to tackle the urgent problem of rehabilitation and future emergency.

(The motion was agreed to.)

Mr. PRESIDENT: The next resolution stands in the name of Rai Bahadur Keshab Chandra Banerjee. But the House has already given its verdict on a motion moved by Mr. Nur Ahmed this session, so this resolution cannot be moved under Rule 40.

Rai Bahadur KESHAB CHANDRA BANERJEE: May I make my submission, Sir? The point is: that under Rule 96 Mr. Nur Ahmed gave notice of a special motion which was for the appointment of a Royal Commission and the recommendation was made to the Home Government——

Mr. PRESIDENT: Rai Bahadur, I would draw your attention to Rule 40.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, it raises two distinct issues, according to the ruling given by the Deputy President the other day on the point of order raised in connection with the Special motion of Mr. Nur Ahmed. The Deputy President after due consideration ruled that as these two resolutions raise two distinct issues, so Mr. Nur Ahmed was quite in order in moving his Special motion. Therefore, I think my resolution stands on a different footing altogether.

Mr. PRESIDENT: What was the point of order raised by you?

Rai Bahadur KESHAB CHANDRA BANERJEE: My resolution asks for the appointment of an enquiry committee. So I submitted that Mr. Nur Ahmed could not possibly move his Special motion. The Deputy President on hearing different speakers ruled that as the two resolutions raised two distinct issues—the Hon'ble Minister in charge also supported that contention——

Mr. PRESIDENT: The point of order raised by you was this that Mr. Nur Ahmed's Special motion was not admissible in view of the fact that there was already a motion tabled by you on the same subject. So you yourself felt that the motions were identical.

Rai Bahadur KESHAB CHANDRA BANERJEE: That is why, Sir—

Mr. PRESIDENT: I have ruled that under Rule 40 your resolution cannot be moved.

Mr. LALIT CHANDRA DAS: May I point out, Sir, as I understand Rule 40——

Mr. PRESIDENT: I have given my decision.

Mr. LALIT CHANDRA DAS: I may point out how this resolution is in order. You may hear us——

Mr. PRESIDENT: I have already given my decision. So there is no more room for argument. You could have done it a few minutes earlier.

Mr. PRESIDENT: Mr. Humayun Kabir.

Mr. HUMAYUN KABIR: Sir, I beg to move: that this Council is of opinion that the Government should immediately take the following steps for meeting the grievances of persons detained without any trial either under section 26 of the Defence of India Rules or Regulation III of 1818, viz:—

(*a*) Provision of study and examination allowances to those who are desirous of continuing their studies;

(*b*) transfer to one of the Calcutta jails of persons suffering from serious diseases;

(*c*) improvement in the terms of payment of family allowances providing a minimum of at least Rs. 20 for each dependent of the detenu;

(*d*) expedition in the despatch of applications for family allowances or increment thereof;

(*e*) arrangement for the rapid payment of such allowances once the allowances are sanctioned.

Sir, you will notice that this resolution is pitched in a very low key. I have not, in this resolution, raised the question of the release of the political prisoners or detenus. This is for the simple reason that the Government in their wisdom,—without any reason whatsoever, without any justification whatsoever, without any legal defence whatsoever for the action they have taken,—have seen fit to detain these people. I think it is in a way humiliating to us in India to go on continually appealing against a decision which is not a legal decision but is as good an illustration of Fascist methods as are to be found anywhere in the world. I know that my friends opposite will say that the Bengal Government is not primarily responsible for these arrests. They are largely correct. That is also another reason why I have not raised the question of their release. After all, we all know that in this matter the Provincial Government are not even in the position of agents; they are merely subordinates and carry out the orders of their Imperial masters who in their wisdom have seen fit to detain these persons. Therefore, till the actual political issue between India and England is settled, I do not think any useful purpose will be served by asking for their release and so. I have not raised that question. The day the political issue between India and England is solved,

the position of these men—not of all of them perhaps but of some of them at least—will be recognised as one of national honour. Till such time comes, the least that we can do for them is to remain silent on the point and abstain from petitioning continuously for their release as some persons are doing today.

Sir, once the fact is granted that these prisoners are detained today without trial, it follows that the position of these persons is in a sense analogous to that of the prisoners of war. This country has been engaged in a struggle for Independence for many years and these persons have been detained by Government, because the Government which function today in India think that the freedom or liberty of these people is incompatible with the maintenance of British rule in this country. Therefore, the position of these detenus is really the position of prisoners of war. Sir, there is everywhere the civilized convention that prisoners of war are given certain privileges. They are accorded a certain standard of treatment. People who have not been convicted in a trial can rightly claim similar treatment. It will be noted that these prisoners have not been convicted after trial. They are now in detention, not because of any moral offence, nor because they wanted anything for themselves but because they thought it their duty to struggle for the Independence of their country. This is true also of those who have been convicted of some political offence. Even then, I have left out their case and concentrated only on the cases of those who without any trial whatsoever have been detained either under the Defence of India Act or under Regulation III of 1818.

It will also be noticed that the demands which I make are not demands which this Government cannot satisfy. In the past it has been the convention for the Government of Bengal to grant allowances for study and examination fees to persons who have been detained in such manner. They have done so in order to enable the detenus to qualify themselves for earning their livelihood after release. I have received letters from persons from different jails. Some of them, as they put the fact pathetically, say "After all, the war is going to end some day. Government cannot keep us prisoners for an indefinite period or for the whole of our lives. Let Government then give us the opportunity of using our time profitably, so that we can play our parts in society with credit when we come out". I ask Government to consider this question deeply and with sympathy and understanding. When they come out, will these young men become useful members of society? Will they be able to find a livelihood and occupy an honourable place or shall they come out of the jail without any qualification whatsoever, without any means of improving themselves by education or in any other manner? In the past, Government sanctioned study and examination allowances in order to enable these detenus and political sufferers to qualify themselves for honourable avocations when they came out. This was done even by the bureaucratic government of the past. Will the so-called popular Ministry do even less than the old bureaucracy?

I do not understand why this time Government have refused this privilege. It is after all the minimum that Government can do to the persons they have detained without any trial—without any justification. I

can mention many cases in which petitions of persons who wanted to sit for examinations have been virtually refused. They have been given formal permission but refused the fees: and without the sanction of examination fees, permission to sit for the examination is merely an empty formality. I shall cite a few instances of the way in which petitions and representations of persons who want to sit for examinations are treated. There is the case of Mr. Dwijendra Nath Sen Gupta, who wanted to sit for the M. A. Examination, and who is under detention at the Alipore Central Jail. Then, Sir, there is another case of Mr. Jotirindra Nath Das Gupta of Faridpur. He also is a candidate for the M. A. Examination. There are many other similar cases. These persons are not being given any examination fees though their petitions to sit for the examination were approved. The public contributed to a fund for payment of their fees and out of that fund their fees were met. The public had done what the Government ought to have done, because it is the Government who have deprived them of their liberty. The Government should at least provide these unfortunate men with amenities by which they can become more useful members of society.

The second item of the resolution refers to the transfer to one of the Calcutta jails of persons suffering from serious diseases. I would again refer the Hon'ble Minister to the cases of persons suffering from grievous diseases. In some of these cases, although transfers have been recommended by the local authorities—actual transfers did not take place. I would like to draw the attention of the Hon'ble Home Minister to one particular such case—the case of Mr. Miafaruddin who is detained in the Mymensingh jail. This person has been recommended by the jail authorities for transfer to Calcutta. He is suffering from a serious disease and proper treatment could not be had at Mymensingh. Government have not even then moved at all in this direction. I do not understand why this attitude has been taken up by Government. In passing, I would like to draw the attention of the Hon'ble Home Minister to the fact that this time there has been a special discrimination in the case of Muslim prisoners. They have to suffer special hardships, it seems. Muslims detained since 1942 have been singled out for preferential, or shall I say, non-preferential treatment. I do not know whether it is intentional or not. Sometimes it may be oversight; or perhaps it may be that the British authorities do not like that in the movement that is going on, Muslims should have taken any part. Muslims, however, are not behindhand in spite of the so-called only Muslim organisation of Mr. Muhammad Ali Jinnah. That is perhaps the reason why Muslims who have been arrested in recent times have not received that consideration which every political prisoner ought to receive. Sir, I would also refer to the case of Mr. Mukbul Hosain Bhuyia who is at the Faridpur jail and who also comes under the same category as those I have cited before. These persons are suffering from diseases that cannot be treated locally. These persons have not been allowed amenities to which every political prisoner in every country is entitled.

Then, Sir, I come to the third item in my resolution. The third item refers to the improvement in the terms of payment of family allowances.

The other day the Hon'ble Finance Minister said that in some cases the allowances had been increased. I do not dispute that. But what is the increased amount they are getting? Mr. Dwijendra Nath Sen Gupta is getting the magnificent sum of Rs. 10! Mr. Jotirindra Nath Das Gupta is getting the magnificent sum of Rs. 10! I find again that Miafaruddin Ahmad in Mymensingh is getting the magnificent sum of Rs. 15. Is this sum enough? If Government think these allowances enough for the families of these detenus and political prisoners, I would ask them to consider what they would do if they were paid an identical amount per month for their families.

After all, Government know very well that Rs. 10 is not the price of even one maund of rice today. In many cases, these detenus and political prisoners have families to support. The person who has been arrested is often the only earning member of the family. After they have been imprisoned, the difficulties of their families can be easily imagined. I am sure no Government, however unimaginative it might be, would for a moment take such steps if it once considered the implications of these arrests. Very often it happens that these decisions are taken as a routine matter. It may even be that these matters do not come up to the Hon'ble the Home Minister or his associates at all but are done by his subordinates. Sir, the cost of living has gone up by 4 or 5 times. In view of the enormous increase in the cost of living, Government should examine the cases of detenus and other political prisoners and sanction an allowance at the rate of at least Rs. 20 per head. I have put the figure at Rs. 20 deliberately. Every honourable member knows that the cost of living per head is not less than Rs. 20 today. It is difficult even to have a servant on a lesser amount. These prisoners have often occupied responsible positions in society. Many of them are the flowers of our society. Many of them have given their all and devoted the best years of their life to the national cause and their only crime is their love for the country. It was bad politics to arrest them. They could be arrested only under the present lawless laws. It is up to a Government which claims to be a popular Government, composed of Indians, at least to alleviate their distress. Ministers have no power to release them, but let them at least raise their family allowance to Rs. 20 per head. Let the Ministers at least bring the allowances to a level which may enable their families to live in a decent human standard.

Then I come to the question of "Expedition in the despatch of applications for family allowances or increments thereof". I will not dilate on this point. The Hon'ble Minister himself knows that the Secretariat is proverbially slow. Files once started go on indefinitely. One can never know when they will end. You, Sir, with your long experience know very well that the bureaucracy love their formalities. Like snow-balls, papers go on accumulating till in the end the original point is altogether lost in the collected heaps. In the case of a file, it goes on and on and at last it reaches a point when it is found that the issue on which the file was started has ceased to exist. I would ask the Government to take steps to see that

the political prisoners or detenus who have been kept under detention without any trial whatsoever, do not suffer on that account. They would not have been detained thus by any civilized Government. Here they have been put in prison only to suit the political convenience of an alien Government who rule by force and not by willing consent. It is in the interest of such alien Government to put them behind the prison bars and to see that they do not come out till the International difficulties of the Government are over.

I now come to the last item "arrangement for the rapid payment of such allowances once the allowances are sanctioned." I think the Hon'ble the Home Minister will not be able to deny that there have been cases where even after the Government had sanctioned certain allowances, the allowances did not reach in proper time. The families of the detenus did not get the allowance in due course. In some cases, months elapsed between the grant of allowance and the actual payment of the allowances to the family of the detenus. In most cases, the sum was very meagre and inadequate. In many cases the prisoners who have been detained were the only earning members of the families concerned. The sufferings of the families can, therefore, be easily imagined. I would ask the Government to treat these prisoners in the only way possible to a Government claiming to be popular. Their only crime is their patriotism, their love of their country. Not one of them has been convicted, not one has any Government action against him. They have all been arrested on mere suspicion. And the suspicion is based on their patriotism. I hope the Home Minister will not forget the spirit of sacrifice, devotion and selflessness with which many of these prisoners have carried on their political activities so long as they were free.

In these circumstances, I would expect the Hon'ble the Home Minister to take an independent attitude towards this question and to tell us on the floor of this House that he would see that the grievances which I have pointed out to him are actually removed. I expect he will assure us that the families of these detenus who are, in effect, prisoners of war will be given the facilities which any civilized Government would have given them.

Mr. PRESIDENT: Order, order. Resolution moved: that this Council is of opinion that the Government should immediately take the following steps for meeting the grievances of persons detained without any trial either under section 26 of the Defence of India Rules or Regulation III of 1818, viz:—

(*a*) Provision of study and examination allowances to those who are desirous of continuing their studies;

(*b*) transfer to one of the Calcutta jails of persons suffering from serious diseases;

(*c*) improvement in the terms of payment of family allowances providing a minimum of at least Rs. 20 for each dependent of the detenu;

(*d*) expedition in the despatch of applications for family allowances or increment thereof;

(*e*) arrangement for the rapid payment of such allowances once the allowances are sanctioned.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Mr. President, Sir, I whole-heartedly support the resolution moved by my friend, Mr. Humayun Kabir, and I do not know how any member of this House can oppose it on any reasonable ground. The resolution asks for making provision for those persons who have been detained without any crime that the Government could charge them with openly and who have been detained only on suspicion. We do not understand how these people can be treated in such a callous manner as we find them treated to-day.

We know how the prisoners of war who were fighting for the Fascist cause in order to enslave the whole world have been brought over to India and are being treated as so many princes. They are being given better clothing and better food than they were actually enjoying when they were fighting against the united nations. But, here our own countrymen who were also advocating the cause of their own country, are being detained and treated quite differently. These persons did not commit any crime but they have been arrested and put behind the prison bars only on suspicion. This resolution only asks the Government to make provision for better treatment of these unfortunate persons and their wretched families. Therefore, I hope all members of this House will support it on humanitarian grounds and the popular Government, I think, will agree to remove their grievances, as far as possible. With these words, I support the resolution.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I rise to support the resolution which has been moved by my friend, Professor Kabir. Sir, this resolution is worded in very moderate terms. The persons who are security prisoners are the victims of suspicion. They have never been tried and they have never been convicted. My friend has pleaded for some conciliatory treatment of these persons. Sir, I would just like to remind the Hon'ble Home Minister in this connection that on the eve of his assumption of office he made a promise to make a very liberal treatment of the question not only of the release of the political prisoners but also of the allowances to be given to the family of these persons. Now, what is urged in the resolution is that a provision for study and examination allowances should be made to those who are desirous of continuing their study. Government have made arrangements so that these political prisoners whenever they desire may appear in the University examinations. When Government have conceded this much right to them, it follows quite logically that they should also provide them with books necessary for appearing in these examinations and also with examination fees to be paid to the University. They are now within jails and so His Majesty's guests. Therefore, they ought to be allowed all facilities for appearing in the examinations.

Sir one thing must be remembered in connection with the treatment of these political prisoners. Political prisoners everywhere in this world, whether in the West or in the East, after the cessation of hostilities become the political leaders of the country; that one central fact must be remembered by those who are in power today. They must also remember that the very flower of the youths of the country is in jail, and that nothing should be done to exacerbate their feelings in any way by those who are in possession of the reins of government. The second point urged by Mr. Humayun Kabir relates to the transfer of persons who are suffering from serious illness to Calcutta jails; it is also a very moderate demand. Instances have been cited where political prisoners suffering in the mofussil are not getting proper treatment. Many applications have been made by such persons but they are all pending still and the requests have not been acceded to. But that is a very easy question to deal with and specially so when they themselves express a desire to be transferred from one jail to a Calcutta jail in order to get the benefit of better treatment. We know of the case, Sir, where the leader of the Fascist party in England was actually released and we also know what trouble was created over the question of his release: I mean the release of Sir Oswald Mosley, who was suffering from serious illness. Questions were asked in the House of Commons as to why Sir Oswald Mosley who was actually leading a party of rebels should be released. The Home Minister of England took courage in both hands and defended his policy as best as he could. But here it is not the question of release but only a question of transfer of security prisoners suffering from serious illness to Calcutta jails for better treatment. As I observed in the beginning, the resolution has been couched in most moderate terms and I fail to understand why this request should be refused. The third point in the resolution is about family allowances to be granted to these prisoners. A demand of Rs. 20 has been made for each dependent of the detenus. This is not too much, if the surrounding circumstances are taken into consideration,—the rise in the prices of all the necessaries of life and all that as well as the stress through which the country has passed and is passing—all these things have got to be taken into consideration. If the Hon'ble the Home Minister coolly thinks of this matter and does not allow himself to be influenced by the Additional Secretary who is in charge of Political Affairs, then he is sure to realise that this recommendation is not at all over-much.

The next thing urged in the resolution is expedition in the despatch of applications for family allowance. I know that applications made for family allowances are lying unanswered and in spite of repeated reminders no final orders have yet been passed with regard to them. Therefore, this request for expeditious grant of family allowances is also very moderate, and I am sure the Hon'ble Minister will find no difficulty in agreeing to this portion of the resolution.

Lastly, comes the request for arrangement for the rapid payment of such allowances once the allowances are sanctioned. This also is a very easy thing. Nothing should stand in the way, once allowances are granted, of payment of allowances expeditiously. As I observed in the beginning,

the resolution is very moderate; I support it and think that it should be acceptable to Government also.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, as a non-official visitor of the Dacca Central Jail and as one who has been entrusted with the duty of looking after the security prisoners, I feel inclined to make a few observations for the consideration of Government. Generally, the terms of the resolution have my whole-hearted support. I would, however, like to confine my remarks to two or three points contained in the resolution, namely, to (*c*), (*d*) and (*e*).

The first is the improvement in the terms of payment of family allowances, providing at least for Rs. 20 a month for each detenu. During my visits to the Dacca Central Jail, I felt that some increase was desirable, although no specific demand was made by the detenus regarding the rate of increase of their allowances. Rs. 20 is, I think, a reasonable sum. Having regard to the fact that Government are spending money in various ways, it should not grudge this small amount. Then, Sir, there is real difficulty in regard to the actual payment of allowances to the families of detenus. Many complaints have been made: petitions after petitions have been submitted by them through the proper channel but there has been no response from Government. These representations and petitions urged prompt payment of allowances already sanctioned. In some cases, it was found that for four or fives months no allowances had been paid to the detenus in spite of repeated reminders. Same is the case with regard to the payment of family allowances of the political prisoners. Applications made by the persons concerned find their comfortable resting place in the rusty archives of the Bengal Secretariat. These are the more important points to which I would draw the attention of the Hon'ble the Home Minister. The Superintendent of the Jail was also with me on some occasions but he could not explain the reasons for the delay in the payment of these allowances. Then, Sir, regarding expedition in the despatch of applications for family allowances, if such applications are made through the proper channel, they take long time to reach the authorities in Calcutta. I do not now whether these petitions are delayed in the offices of the local authorities or in Calcutta; any way the feeling is there that abnormal delay occurs in the disposal of the petitions. I think the Hon'ble Minister will note these important points and see that delay does not take place in future: otherwise, members of the families of these prisoners will suffer very much, particularly in these days of soaring prices and economic hardship.

Mr. KAMINI KUMAR DUTTA: Mr. President, Sir, I rise to give my full support to the resolution of my friend Mr. Humayun Kabir. The resolution, it must be said, is a very modest one. All the clauses contain terms which are extremely reasonable. The number of detenus under section 26 of the Defence of India Rules is certainly much larger than the number under Regulation III of 1818. In Regulation III of 1818 there is some provision for grant of allowances and other facilities. But as regards the large number of detenus under section 26 of the Defence of India Rules, they are absolutely at the mercy of the Government. My friend, indeed,

reminded me that there has been some change in respect prisoners under Regulation III of 1818. Though, no doubt, Sir, in respect of detenus under rule 26 of the Defence of India Rules there has been some recent amendment, but those who are now in custody almost all of them were placed under detention before this amendment was made and at the time when they were arrested no notice was given to them as regards the charges against them. So these detenus are in custody without knowing what the charges against them are. Fortunately or unfortunately, I know several of them. I know many of them in their private life and considering their present attitude and their present mentality as to the situation in the country, I cannot reconcile myself to the position taken by the Government in the matter of their detention. But, of course, it is crying in the wilderness. The present resolution is not asking for their release but is only asking for some amenities to them and to their dependants who have been practically left uncared for. I myself put some questions to the Hon'ble the Home Minister in respect of some of the detenus, their family members, of whom I am personally aware. Really, even now when I think of the family members of some of them, it is very difficult for me to restrain my tears. It is no exaggeration at all when I say that the families of some of these detenus, who are bright young men, are absolutely living on starvation diet: they are living on the charity of their neighbours—their old father, their sisters and the wife of some of them—they have no means of livelihood. Sir, it is only human, not to speak of any other thing, that some provision ought to be made for the families of these detenus, and the sum asked for in the resolution is the minimum which one can think of now-a-days considering the high prices of foodstuffs. Only Rs. 20 has been asked for for each dependant of the detenu. If we go to a hotel, we cannot pay less than Rs. 30 per head. So Rs. 20 per head is the bare minimum.

As to the next provision (*a*)—the mover has suggested that "Provision of study and examination allowances to those who are desirous of continuing their studies". Sir, it is the elementary need for those who are prosecuting their studies and for whom it is not possible to continue unless the State makes some provision.

The next suggestion is "Transfer to one of the Calcutta jails of persons suffering from serious diseases". Sir, this requires no comment. The mover wants that persons suffering from serious diseases should be transferred to one of the Calcutta jails where it may be possible to get adequate and efficient medical help.

The next suggestion is with regard to "expedition in the despatch of applications for family allowances or increment thereof". Sir, we know of several instances where applications have been made, assurance has been given of a favourable consideration of the applications. Mothers, sisters or wives have been waiting for the final decision in the matter but though long time has elapsed there is no reply yet.....(Khan Bahadur ABDUL GOFRAN: Can you give one particular instance?) I can give you not one or two but fifty instances. The Additional Secretary to the Political Department,

Mr. Bapat, told me that favourable replies were being sent; but months have passed by since then, and yet no reply has been received by the families of the detenus. Ask your own conscience and ask those who are in charge of the administration. I have not got by heart all those names. If my honourable friend wants them, I accept his challenge and I give him the assurance that I will give him all the names. I equally hope that when he has accepted my challenge he will try his best really so that they may get their grievances redressed. Merely having the names will be useless. But I may also say why my friend asks for the names from me. I have put questions in this House not about one detenu but about a dozen of these detenus and only about two of them I have got reply up till now. I have not got any reply from the Hon'ble Minister about others. I put questions that no provision has been made for the families of these prisoners and about two of them I have got a belated reply, about one—a curt "No", and about another a small pittance. So the names are there in the record of the Minister himself. My question contained the names, the place of residence and all the details, and when putting my questions I have been careful to put the number of dependants of these people and the station in life occupied by them before they were put into custody and I also said that there was no other earning member in the family at all. It has really pained me to have that question from my honourable friend on the other side. I know that my friend is a lawyer and the spirit of a lawyer to cross-examine must have prompted him; but I really ask all those who live in this country with their eyes wide open to consider whether it is not a fact that there are a large number of these detenus still in custody and that no provision has at all been made for the maintenance of their dependants. It is a fact known to all that those who have been in custody—I mean the largest percentage of them—are not affluent but rather poor. They come from the poor *bhadralok* class. They were anyhow earning their livelihood by some means or other and if they had been free now-a-days, certainly they would have found some means to earn their livelihood and their families would not have been deprived of the means of subsistence. Therefore, it is only natural and human that any civilized administration should make provision for the maintenance of the dependants of these prisoners who have been placed in custody without any trial but only on information received by the State. I am not questioning the principle that some people ought to be detained during this emergency. At the same time there is the other side of the picture that if people are to be detained without any trial and without any chance being given to them to defend themselves openly in Court and if people are to be detained for the safety of the Empire and for reasons of the war, then it is only human that provision must be made for the payment of family allowances to these detenus and the dependants of these unfortunate people should not be allowed to die.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to support the resolution I would like to mention certain salient facts for the consideration of the Hon'ble the Home Minister. Sir, it is well-known that persons

who were detained originally under section 26 of the Defence of India Rules, and who had the courage and audacity to challenge their detention in the High Court, with regard to most of them their detention was declared illegal. But the Government of Bengal immediately re-arrested them in the precincts of the High Court building under Regulation III of 1818. And they have been detained without any trial and without being informed by the Government of the charges that they wanted to bring against them. Now, Sir, the resolution provides that there should be study and examination allowances for those who are desirous of continuing their studies. It is well known that among those persons who were arrested there were many students who had brilliant careers in the University and who want, therefore, to further prosecute their studies. We also know of instances in which detenus who appeared at the examinations from inside the jail have shown very good results even though they were without much opportunity of studying which other students who were outside the jails had. I, therefore, submit that if you want to keep these men inside the jail, you ought to give them sufficient allowances to pursue their studies. Government consider that these men have been placed in a safe place and can do no harm as they are likely to do if they are outside the jail. In this view, Government is bound to provide amenities for continuing further studies to these people. Therefore, Sir, Professor Kabir's request should be a liability on the Government.

The next item refers to the transfer of security prisoners to a Calcutta jail on account of serious illness. We all know that in the mofussil there are not sufficient facilities for examination and treatment of serious diseases and we have been told that in many cases where even the jail authorities have recommended that persons under detention should be transferred to Calcutta that recommendation has not been complied with. It is therefore necessary that this Council should request the Government that persons who are suffering from serious diseases should be immediately transferred to a Calcutta jail. The third item requires that payment of family allowances should be increased at least to Rs. 20 for each dependant of a detenu. I need not dilate on this point because it has been dealt with by many of my colleagues. Clauses (*d*) and (*e*) also have been dealt with and I need not dilate upon them. I say that the facts disclosed by my friend Mr. Kamini Kumar Dutta, if true, would cast a serious aspersion on the present Government and it would be a shame on any Administration whether civilised or barbarous. If the statement made by Mr. Dutta that there are detenus whose allowance in the jail is not sufficient for their maintenance and that they have to depend for their maintenance inside the jail upon the charity of their relations is true, it is then very difficult to see how Government can justify this action on their part. I would, in this connection, refer to a provision in the Regulation III of 1818 which imposes a statutory liability upon the Government regarding the persons detained under Regulation III of 1818. I refer to clause 6 of Regulation III—it runs thus: "Every officer in whose custody any State prisoner may be placed, shall as soon after taking such prisoner into his custody as may be practitable, report to the Governor-General in Council whether the degree of confinement to which he may be subjected appears liable to injure his health" (I draw particular

attention of the Hon'ble Home Minister to these words) "and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life."

May I ask the Hon'ble Home Minister whether he has considered the above provisions of Regulation III when he granted the allowances to those detenus who are detained under Regulation III? I admit that these provisions would not apply to persons detained under the Defence of India Rules. It has been held that these detenus have been detained illegally. But as they have no means to go up to the High Court and challenge their illegal detention, they are not as of right entitled to get the benefit of Regulation III prisoners. It is not any favour that the resolution asks for from the Hon'ble Home Minister. It is a statutory liability of Government that these persons should receive allowance to which they are entitled under Regulation III.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I shall be very brief. I am only concerned with the proposal relating to the family allowances of the detenus. I know of one particular case about which I wrote to Sir Nazimuddin more than once. I am referring to the case of Nobojati Barman, a labour leader, who was at one time a lieutenant of Mr. Suhrawardy in his quandom labour organisation in Calcutta. This man is now under detention. He was the only earning member of his family and is a Calcutta man. The family of this person is practically starving. I wrote to Sir Nazimuddin about this family but have not got any reply. It may be argued that Government have no money. My reply to that is—have not you thrown thousands and thousands of maunds of rice in the district of Jessore rotting there for want of transport facilities? And here the *bona fide* dependants of the only earning member who is under detention are starving and the question of money is raised. This is my concrete suggestion on the floor of this House—and it will please everybody to hear my suggestion. Let any member of the Council and a Parliamentary Secretary go and interview the applicants and their dependants and record their opinions as to whether the applications are *bona fide* and genuine and whether the families are really dependent on the persons under detention and then report the matter to Government regarding proper allowances.

Then, Sir, there is another case—one Chakraverti, son of a poor priest, who was a poor clerk in the office of the Bengal Telephone Corporation. He had no connection with revolutionary movements and was detained on mere suspicion. His father is a priest in Barisal. This man was under detention and after six months' petitioning and praying he was allowed an allowance of Rs. 20. Thank God, that he was released: I do not know through whom he was released. It may be Mr. Blair to whom I appealed. Let an independent man and not a police officer be sent to hold enquiry regarding the question of family allowance. Let him be given travelling allowance to go to mofussil districts and let that gentleman report as to the financial condition of the detenus' families and I will be satisfied.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, one cannot accuse Mr. Humayun Kabir of being modest in his demand in this House; but today he himself admits having pitched his demand very low though the speech with which he moved his motion was in a very high key. But, Sir, I would ask the honourable members to consider why Mr. Kabir has pitched his demand so low. The reason is that all reasonable grievances of the security prisoners have been met and Mr. Kabir has therefore found very little to demand for them. Sir, recently I had been to two jails where these prisoners are detained and met the representatives of the security prisoners and heard what their grievances were. In the two jails—the Dacca Central Jail and the Rajshahi Central Jail—the security prisoners have demanded practically nothing. I shall mention the grievances which they themselves considered to be their maximum; but before I do so, I shall deal with the points that have been raised in the resolution.

The first is the question of study and examination allowances to those who are desirous of continuing their studies. This is the only question on which Government have not so far come to a decision. We have given permission to those who want to sit for the examinations. To give one instance: I may say that recently in the case of a convicted prisoner even—which is most unusual—I decided that permission should be given to him to sit for the examination. I think it is important from the point of view of the province that these people should be in a position to occupy a legitimate place in society when they come out of the jails and not again join the subversive organisations, to enable them to earn a living and become useful citizens of the province. I may mention here that before these people were released under the Bengal Criminal Law Amendment Act in 1937-38, the then Government went in for various schemes for the training of the detenus so that the detenus may be enabled to earn a living when they are released and made free. (Mr. HUMAYUN KABIR: What is the decision about fees?) Well, if the Government are satisfied, they may agree to pay examination fees.

Next, I come to the question of transfer to one of the Calcutta jails of persons suffering from serious diseases. Sir, this has been our practice. There is nothing new that Mr. Kabir has brought forward. Our practice is that whenever a doctor of any jail writes to us that in his opinion it is necessary for the security prisoner to be detained in a Calcutta Hospital, we always effect the transfer.

The unfortunate part of the thing is: that sometimes the persons whom we sent to hospitals in Calcutta for treatment took advantage of this opportunity and abused the privilege that was accorded to them. There have been several such cases. I have learnt of one security prisoner who has absconded from the hospital, and so it makes it very difficult for us to send to the hospital persons whom we consider to be really seriously ill but whom we cannot afford to let loose. Whenever we have been advised by the medical authority that it is a fit case for treatment in outside hospital, we have always sent such cases to such hospital. But if this privilege is abused, naturally we will have to be very cautious in making this allowance.

Most of the honourable members who have taken part in today's debate have harped on the question of allowances to the security prisoners. One of them reminded me of the promise I made at the time when I took office. May I remind these honourable members and those who have taken part in today's debate that this Government have been increasing the allowance of the security prisoners in certain cases by 100 per cent. and in certain other cases by 50 per cent., subject only to two conditions. I believe—I am speaking from memory—that allowances sanctioned prior to January, 1943, were increased by 100 per cent. and those sanctioned between January and March, 1943, have been increased by 50 per cent. Since then we have taken into account the standard of life and income of these persons and their allowances have been fixed on that scale. But as I said, these increases have been subject to two conditions and when these people break these conditions, then it causes all the trouble and all these complaints in the House. These two conditions are: firstly that if a person who is detained was earning less, or let me put it like this, that in no case the allowance will be more than what the man was earning at the time when he was taken into custody. If he was earning Rs. 20, then although he is entitled to a 100 per cent. increase he will not get more than Rs. 20; and in the case of those who were not earning anything at the time when they were detained we do not give any allowance at all, because the family of that person or the dependant of that person has not been deprived of anything by the action of Government. The person was not helping the family at all; on the other hand he was just a burden to it. (Interruptions.) I am surprised, Sir, that honourable members do not understand this simple point.

Mr. PRESIDENT: Mr. Das, your running comments must not continue.

Mr. LALIT CHANDRA DAS: Sir, certain information is necessary from the Hon'ble the Home Minister and therefore it is necessary that I should ask for some information.

Mr. PRESIDENT: If that is so, then you may rise on a point of information, provided the Hon'ble Minister gives way. Running comments do not add to the dignity of the debate.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I know what Mr. Das wants to know?

Mr. PRESIDENT: Yes, what is your point of information, Mr. Das?

Mr. LALIT CHANDRA DAS: Is it the Hon'ble Minister's policy that nothing should be allowed to a detenu if at the time of his arrest he was not earning anything?

Mr. PRESIDENT: That is not a point of information; that is another comment.

Khan Bahadur Alhadj SHAIKH MUHAMMAD JAN: May I rise on a point of information, Sir? Is it the policy of the Hon'ble Minister that a detenu's allowance should not be increased to anything beyond what he

was earning at the time of his arrest? In that case, how can that sum of Rs. 20 be at all sufficient in view of the fact that prices have gone up several times?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know, Sir, what the honourable members mean. Do they mean to say that the employers in the shops and elsewhere have increased the wages of their assistants to the extent of the rise in the prices? It is extremely doubtful if they have done so. But I maintain that not to give any allowance to a detenu is a perfectly legitimate proposal as thereby we do not deprive the dependants of the detenu or security prisoner of any assistance which he was getting from the detenu and therefore there is no moral responsibility on the part of Government to provide anything for such a person, I mean, the dependants of such a person, because he was not helping the family and because his family was maintaining itself without his assistance. Actually the man was a burden on the family. But in extremely hard cases where we are satisfied that dependants are really suffering in spite of the fact that the man was not contributing anything towards the family income, we have gone out of our way and given small allowances of Rs. 10 or Rs. 15 as compassionate allowances under certain circumstances. When honourable members find that a person is getting one of these allowances of Rs. 10, or Rs. 15, I can assure them that the case comes under one of the categories—either he was not earning anything, or he was earning something like Rs. 10 or Rs. 15 at the time of his arrest.

Khan Bahadur Alhadj SHAIKH MUHAMMAD JAN: Sir, my point of information has not been answered.

The Hon'ble Khwaja Sir NAZIMUDDIN: If it is possible to reply to the Khan Bahadur, I will do so when I shall be replying to another point raised by Mr. Kabir's demand that the allowance to a dependant should be Rs. 20 per head. Sir, on this basis, a family containing 8 dependants would require Rs. 160 and a family containing 6 dependants Rs. 120. May I ask Mr. Kabir and Khan Bahadur Muhammad Jan as to how many men in Bengal earn Rs. 160 to Rs. 120 a month? What is the average income of a clerk in a municipal office and what is the average income of a shop assistant in Calcutta? Can it be maintained on that basis that we should provide an allowance on the scale recommended for those who are the dependants of security prisoners? There is another question, Sir. While Government are of opinion that when these persons are detained without trial their family should be assisted where there is really necessity for it, at the same time they feel that this facility should not be of such a nature as to do away with the deterrent character of the detention. One thing that makes a man on whom a certain number of persons depend for their living—a person whose earning maintains a family—one thing that keeps him away from these subversive activities is the realisation that his detention will cause his family to suffer and to starve. If he, on the other hand, thinks that his detention as a security prisoner will make no difference to the comfort and the standard of living of his family, then the

deterrent factor is gone and there is nothing to prevent him from carrying on with his subversive activities. Therefore, I feel that while fixing the allowance, regard should be had to the fact that the dependants do not suffer or starve but that it should not be as comfortable as the person desires. I maintain that calculating the average earning capacity of the people of Bengal, I do not think there is any necessity for giving further increase. Taking the average income of a poor *bhadralog* class the allowance granted is 100 per cent. above that average income. Mr. Humayun Kabir shakes his head, but I can give him the statistics to show that it is hundred times better than the average income of the poor *bhadralog* class and the percentage of people getting Rs. 120 is very small—I am excluding professors and successful lawyers (Mr. BANKIM CHANDRA MUKHERJEE: And not briefless barristers?) also *bhadrolog* pleaders and advocates with faded chapkans and shabby coats. I am excluding them from that category.

Then, Sir, about arrangements for payment of these allowances. I have from time to time impressed upon our offices the necessity of remitting the allowances regularly. At one time in one of the districts I came to know that there was delay in the payment of allowances for several reasons which caused hardship. But as far as my present information goes, that hardship is no longer there. I have not received any complaint recently. It may be possible that when increased allowances are sanctioned there is some delay in getting the payment. Our instructions are that these allowances should be paid as quickly as possible and there should not be any undue delay.

Now, Sir, I would like to assure the honourable members of the Opposition and the honourable members of the House that the policy of the present Government is to remove all the legitimate grievances of the security prisoners. We realise that these people are detained without trial and as such they are entitled to certain considerations and our policy is to meet their demands as far as possible. But it is unfortunate that these people are detained for a long period with practically having nothing to do and naturally a very simple thing appears to them to be a serious matter. For example, when I visited the Dacca Jail, the chief grievance which was revealed after 70 days' correspondence was about clothes. Sir, the procedure which obtains is: that at the time of the delivery of new clothes the old ones should be surrendered to the jail authorities; but these prisoners claim that they should retain the old ones with them. That was their main and the most important grievance, as far as I could see. I came to know from the jail authorities that these people have accumulated large stocks of old clothes. However, I decided that the old clothes of the security prisoners would be kept in their account and at the time of their release the jail authorities would hand over those clothes to them. Since then it has been further settled that they can send those clothes to their houses to be kept there.

The demand of the security prisoners in the Rajshahi Central Jail was as regards the date of delivery of new clothes and the subsequent delivery dates. Sometimes there is delay in the supply of new clothes, and the

prisoners claim that the date of delivery should be calculated not from the actual date of delivery but from the date on which the articles actually became due. Suppose, a pair of *dhuties* will be due after six months and if a pair be supplied to a prisoner on the 1st of March, the next pair would be due after six months, say, in September; but if the supply is not available in September but is actually delivered in October, then the next delivery would be according to them in February and not in March and so on. Now, Sir, this is the kind of grievances which the security prisoners put forward.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. May I know from the Hon'ble Minister whether this sort of security prisoners make the defence of India insecure? If that is so, why not release them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid this kind of questions can only be expected from Mr. Das and nobody else.

However, Sir, we are trying our level best to see that the legitimate grievances are removed and they get a fair deal while they are under detention. At the same time, I would like to tell them through this House that the security prisoners must realise that as long as they are detained they are subject to the discipline under the Jail Code; if they do not observe the discipline we have got to take disciplinary action and drastic steps against them. Therefore, I am prepared to go to the utmost limit to meet the reasonable grievances of these persons, but I also expect from them observance of rules laid down by Government while they are under detention——

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of information, Sir. When the Hon'ble the Chief Minister visited the Dacca Central Jail, was it not brought to his notice by certain security prisoners that they were kept under detention in spite of the fact that they were definitely anti-fascist and that they were for the war effort? Do the Government contemplate the necessity of releasing such persons?

The Hon'ble Khawaja Sir NAZIMUDDIN: Sir, I think the Rai Bahadur has missed an opportunity to move a resolution on the subject, so I ask him that if he does so, he will get his reply.

Rai Bahadur KESHAB CHANDRA BANERJEE: I will never do it again.

Mr. HAMAYUN KABIR: Sir, in spite of the Hon'ble Sir Nazimuddin's assertion that I have pitched my speech in a high key, I maintain that I kept my tone as studiedly moderate as I could. But I must confess, Sir, that some of the remarks which he has made do make one impatient, and it is with a good deal of effort, Sir, that I have to speak in the same studied and moderate tone. I do so because I want that these questions should be considered purely on merits without bringing in the element of passion which may easily come into a subject like this.

I will take up the last comments of the Hon'ble Home Minister first. He referred to the trivial demands, as he put it, of the security prisoners in

Dacca and Rajshahi, and dilated upon the triviality of the character of these demands. I am afraid, Sir, that he missed the tragic implication of their seemingly trivial demands. Of course, there are reasons why they did not put forward their other serious grievances. It is because they have been disappointed in their hopes. They felt that the Hon'ble Home Minister, as the custodian of the law that is in being today, would pay no attention to their more serious grievances. They felt also that the Hon'ble Home Minister, even if he had the desire, had not the power to do anything for them. Since they were quite conscious that he did not have the power to do anything even if he wished, they did not trouble him by raising questions which would only prick his conscience without in any way allowing him to meet their demands. Therefore, when the security prisoners demanded that their old clothes should be sent to their families and not returned to the Government, I could see what the implication of their demand was. Any man with the slightest imagination could have seen the real reason why these political prisoners wanted that their old and torn clothes should be kept apart for their families. It is the simple fact that these prisoners knew that their families, their brothers and their sisters, their parents and their children were practically half naked. They knew very well that if their tattered clothes which had already been used in the jail for six months or more could be sent to their families, it would be a great relief.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of personal explanation, Sir. It is not the security prisoners who wanted that their clothes should be sent to their families, but it is we who made this arrangement.

Mr. HUMAYUN KABIR: In any case, the position is that they wanted their torn clothes for their families. They thought that there would at least be some clothes for dependants who were with tattered clothes only or with no clothes at all. I do not think, Sir, that the demand was quite as trivial or insignificant as the Hon'ble Home Minister has tried to suggest.

Then, Sir, with regard to the demand from the Rajshahi prisoners. Their contention was that the supply of their clothings should date not from the date of the delivery but from the date on which they were actually due. I can only say that they are standing on their rights. They are insisting on the few privileges still left to them. I would like to ask the Hon'ble the Home Minister what he would do if a sum that is due to him on a particular day is not delivered on that day but after a considerably long period. Would he volunteer to give up the interest and the accumulated sums that might accrue? Whatever is due, whether it be clothes or money, it is due on a definite date. Members of the House who have dealings in such matters will perhaps agree that in doing so the Rajshahi prisoners were simply standing on their rights.

If these prisoners did not discuss with the Home Minister any serious grievances of theirs it is because—as I have suggested a moment ago—they thought that the Home Minister would not consider their point of view or because they took pity on the Home Minister in his task,—Home Minister under a regime where after all he is not a free agent, where very often he

has to carry out orders from elsewhere, where if he wanted to exhibit any independence, that independence would not be tolerated,—and they therefore spared him. It is presumably for this reason that they did not place their serious problems before him. And I would submit that the Home Minister should not build up his case on this. He should rather build up his case from the human point of view.

Sir, at the very outset I would point out one thing. I have not claimed their release, for I hold that they are prisoners of war. As long as the issue between England and India is not settled, the question of their release is premature. From that point of view, I have not pressed for their release for a single moment. But I do hold that when they are detained without any trial whatsoever, it is the duty of a Government which pretends to call itself civilised, to see that they are maintained in a proper standard of life. The Hon'ble the Home Minister refers to two general principles which he has followed in the matter of granting or enhancing the allowances of these detenus or political prisoners. He has probably missed what I said at the very outset. At the outset I admitted that the present Government had made certain increases in the rates of allowances. But what I wanted to know was what was the actual net amount. If a man is getting one rupee and you give him five or ten, it is a 500 per cent. or 1,000 per cent. increase, but can a man live on five rupees per month? It is no use whatsoever to say that I have given a 100 per cent., a 500 per cent., a 1,000 per cent. increase. That is not the point. The point is the actual amount. Is that amount sufficient in the conditions obtaining in Bengal at the present moment? Is that adequate? That is the only test which I want him to keep in mind—not the percentage of increase but what is the actual amount. I have given him more than one case where I know that the allowance sanctioned is not sufficient for the purpose. The allowance they have given is considerably less than the price of one maund of rice in the open market. Even now in many parts of Bengal rice is scarce except at Rs. 20 a maund.

Sir, the Hon'ble Minister has raised other points, viz., that the allowance paid should not be more than the amount that the detenu was earning at the time when he was taken in; and secondly, that in no case should an allowance be given to a detenu if at the time of his arrest he was not earning anything. I will take his first point first. At the outset, I made it quite clear to the Hon'ble Minister that prices of articles have increased by 300 to 400 per cent. The cost of living has increased at least fourfold. I do not know if the Hon'ble the Home Minister of the Government of Bengal has not yet found any difficulty with his domestic servants. Of course, the Home Minister can compel their attendance but apart from the Home Minister and a few other privileged persons of that type, every normal person in Bengal today finds that any sort of service has to be paid for at rates which are considerably more than what they were a year ago. The Home Minister has also referred to the pay of shop assistants and clerks. Sir, I for one have never defended low wages. It will probably be remembered that in a Bill I brought in, I sought to provide that no domestic servant would be paid a wage of less than Rs. 10 after his food

has been provided. I suggested Rs. 10 and food in the case of juveniles and Rs. 18 *plus* food in the case of adults. We have also attempted to the best of our abilities to increase the minimum pay and allowance of shop assistants. If the Hon'ble Minister agrees, it would be a great pleasure to me to find that nobody in the employment of the public receives less than Rs. 50 per month. With regard to menials, I hope the Hon'ble Minister will remember that for the menials, the inferior servants of Government, we have tried to increase the monthly pay to Rs. 30. We hold that it should be Rs. 30, if not more.

The suggestion that because the clerks get less, the detenus should also get less is palpably untenable. To say that they would not get more than what they used to get at the time of detention is also unjustified and cannot be maintained. You cannot justify one wrong by another wrong. The menials and the inferior clerks of the *bhadrolog* class are suffering great hardships today. Because they are so ill-paid, corruption obtains in the different departments. In the commercial world and in the different avocations of life, these poor people are compelled to resort to unfair means in order to supplement their meagre income. All corruption is thus finally due to the meagre income which is prevailing in these hard days. But, Sir, consideration of this point would take me too far wide of today's subject. I will come back to the particular issues raised by the Government. The Hon'ble Minister said that a person is given what he was drawing at the time of his detention. But what guarantee is there that he would not have earned more now? Many are earning more—why not the detenus? What guarantee is there that a detenu would not have in the present conditions earned more? Government have taken him away from his normal avocation of life and shut him away from all these opportunities and without any legal justification. I maintain, Sir, in spite of what Government may say, so far as these detenus are concerned, apart from the persons who were convicted by law after having been found guilty, they are persons whom the Government have illegally detained. Reference has rightly been made by one of the speakers that these detenus could not appeal against their detention under rule 26 of the Defence of India Rules and have the same declared invalid by the High Court for want of money. They are too poor to meet the cost. For want of money they could not come up to the High Court in order to get the benefit of Regulation III of 1818. If they had come under Regulation III, the rate of their allowance would have been somewhat higher. The position is that the income of persons outside detention is not directly the concern of Government. Persons outside can augment their income to meet the colossal increase in the cost of living. In the case of detenus and political prisoners, they have been denied the right of earning their livelihood. Therefore, the onus is on the Government to increase the allowances proportionately to the increase in the cost of living. If they do not do so, the implication would be that Government's policy is to starve the families of these persons detained without trial. Government should make their position in this respect clear once for all. The Hon'ble Home Minister cannot have it both ways. He cannot say that he sympathises with the sufferings of these political prisoners and also say

that he wants detention to be punitive and not merely preventive. He said he would limit the allowance to the minimum and not provide for luxury. It is known to everybody and even to the Ministers that Rs. 20 would not allow of any luxury to an individual in the year 1944. Many of the members and Hon'ble Ministers of this House spend Rs. 20 or more a day on cigarettes. If the Hon'ble Minister thinks that Rs. 20 would give luxury to the families of the detenus, I think he is living in a world of his own phantasy.

The second point the Hon'ble Minister raised was that the man who did not earn anything at the time of his arrest should not be given any allowance. The Hon'ble the Home Minister was pleased in certain cases to depart from that principle. Here, I would remind the Hon'ble Minister of cases where people who did not earn anything before but are now earning considerable sums. I would ask the Home Minister to remember the position about, say, 17 or 18 years ago, before 1926 or 1927, and the position thereafter. Perhaps the members of the family of the Home Minister himself gave up his case——

Mr. PRESIDENT: Mr. Kabir, I would request you to avoid personal references.

Mr. HUMAYUN KABIR: All right, Sir, I will speak generally. There have been briefless barristers or briefless pleaders who have earned nothing whatever up to a particular time and afterwards, they have earned large sums and even become leaders of the Bar. There have been persons who were hopeless *bekars* (unemployed), who were the never-do-weels and could not therefore contribute anything to thier family, but afterwards developed to be leaders in trades and professions. There are instances of this in the history of other countries as well. How then can the Hon'ble the Home Minister arrogate to himself the power of the Almighty and predict that because a person or persons were never-do-weels at the time of arrest, they would not be able to earn anything afterwards? The boys of whom the Home Minister is speaking might have been earning a lot in trade, commerce or industries today. They might have been successful businessmen in different spheres of life. I think, Sir, the Hon'ble the Home Minister is not justified when he says that simply because at the time of arrest some persons were not earning, they would be earning nothing now.

Mr. PRESIDENT: Mr. Kabir, how long will you take to finish your speech?

Mr. HUMAYUN KABIR: I shall take at least 10 minutes more.

Mr. PRESIDENT: You spoke for 30 minutes at the time of moving the resolution, and you have already spoken for 15 minutes now. Please try to finish as quickly as possible.

Mr. HUMAYUN KABIR: All right, Sir, I shall try to finish as quickly as possible. I want to ask the Hon'ble the Home Minister why he does not accept this resolution on the floor of this House. I ask why does he want to make a discrimination between one class of prisoners and another. He

wants to give allowances to persons who have been earning something but he does not want to give anything to the persons who had not been earning anything before. It is dangerous to introduce discrimination of this type. I find, Sir, the Hon'ble the Home Minister is having a conversation in which the Leader of the House is taking part. The Leader of the House is neither attending to his own duties nor allowing the Hon'ble the Home Minister to attend to his.

As I was saying, if the Hon'ble Minister wants to introduce this sort of discrimination it would be dangerous. There would be suspicion in the public mind that Government is making a distinction between one class of political prisoners and another, between one group of prisoners and another group. These people have different political affiliations, different political traditions and different political bias, and it would be dangerous not only for the Government itself but also for the future political life of the province to discriminate between them.

The Hon'ble the Home Minister has spoken a great deal as to what he would do with regard to the study and examination allowances. He benefited us by his opinion that it is desirable that such prisoners should be helped to become useful members of society by getting higher education. I entirely agree with him. He also told us that the Government of 1937 went to great lengths in order to provide them with opportunities of becoming useful members of society. Now, Sir, I only ask that what the Government of 1937 did should serve as an example to him in this respect at least. The 1937 Government were prepared to consider the cases of the detenus and political prisoners and give them study and examination allowances and also to try to absorb them in different types of productive industrialism. It is up to the present Government to do at least as much. In fact, they should do more than the previous Government and prove that the present Government is really a popular Government. Instead of doing so, the Hon'ble Home Minister simply tells us that the matter is under consideration. If after his admission that such prisoners should be given every possible opportunity of being re-absorbed in society as useful members he is still not prepared to give them even these slight concessions, then how can he expect that the process of their re-absorption in society will be facilitated?

Then, Sir, there was one other point to which the Hon'ble Home Minister referred towards the end of his speech. He threatened that drastic action should be taken against the detenus if they did not observe the Jail Code. I submit, Sir, that this threat was quite unnecessary. These prisoners know quite well that they are under the Jail Code and that all the might of the British Empire is behind the Home Minister. [Mr. HAMIDUL HUQ CHOWDHURY: (Whispered.) Sir, he is not finishing yet.]

Mr. PRESIDENT: I hope you will conclude now.

Mr. HUMAYUN KABIR: I have almost finished. May I also submit, Sir, that it breaks up one's trend of thought if one is interrupted too often.

Mr. Hamidul Huq Chowdhury has not taken upon himself the task of reminding on your behalf. You are quite able to take care of yourself.

Now, Sir, as I was saying, the threat on the part of Government was quite unnecessary. These people know quite well that Government can take any action, if they desire, against them. I do not know, Sir, if it was an unfortunate coincidence that when Sir Nazimuddin assumed office, there was a *lathi* charge in one of the jails in Calcutta. It may be a mere coincidence but it may also have something to do with the attitude of the Home Minister revealed today. When the Hon'ble Home Minister threatens drastic action against prisoners, I may tell him that these political prisoners are either persons whom the Government suspected of actual political action—they have no definite proof against them—or they are persons whom Government thought capable of such political action. Since Government are not infallible, I think that there are at least some persons who do not come under either of these categories. These are persons who have neither taken any political action nor are they desirous of any such political action. On any calculation, a large percentage of those who have been arrested are bound to be quite innocent of the charges which Government have seen fit to level against them.

Mr. MESBAHUDDIN AHMED: Sir, the time is up.

Mr. PRESIDENT: There is no such thing as time today.

Mr. HUMAYUN KABIR: I quite understand the discomfort of Mr. Mesbahuddin Ahmed and I also understand the discomfort of the honourable members opposite. If Mr. Mesbahuddin Ahmed would pay a visit to a jail as His Majesty's guest there for six months or more, then only will he feel a little more sympathy towards these political prisoners.

Mr. PRESIDENT: Does the Home Minister wish to reply to the speech of Mr. Kabir?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. PRESIDENT: The question before the House is:—

That this Council is of opinion that the Government should immediately take the following steps for meeting the grievances of persons detained without any trial either under section 26 of the Defence of India Rules or Regulation III of 1818, viz.:—

(*a*) provision of study and examination allowances to those who are desirous of continuing their studies;

(*b*) transfer to one of the Calcutta jails of persons suffering from serious diseases;

(*c*) improvement in the terms of payment of family allowances providing a minimum of at least Rs. 20 for each dependant of the detenu;

(*d*) expedition in the despatch of applications for family allowances or increment thereof;

(*e*) arrangement for the rapid payment of such allowances once the allowances are sanctioned.

AYES—11.

Mr. Altaf Ali.	Mr. Humayun Z. A. Kabir.
Rai Bahadur K. C. Banerjee.	Alhadj Khan Bahadur Sheikh Muhammad Jan.
Mr. S. C. Chakravorti.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Mr. A. D. Roy.
Mr. B. C. Dutta.	Khan Sahib Maulvi Wahiduzzaman.
Mr. K. K. Dutta.	

NOES—17.

Mr. Mesbahuddin Ahmed.	Mr. W. B. G. Laidlaw.
Mr. Nur Ahmed.	Mr. Abdul Latiff.
Khan Sahib Abdul Aziz.	Khan Sahib Subidali Molla.
Mr. D. L. Barua.	Mr. T. B. Nimmo.
Mr. Hamidul Huq Chowdhury.	Khan Bahadur Muklesur Rahman.
Khan Bahadur Abdul Gofran.	Rai Radhica Bhusan Roy Bahadur.
The Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain.	Mr. Yakub H. S. Sattar.
Mr. Latafat Hossain.	Khan Bahadur M. Shamsuzzoha.
	Dr. Kasiruddin Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The Ayes being 11 and the Noes 17, the motion is negatived.

The House now stands adjourned till 1 p.m. on Monday next.

Adjournment.

The Council then adjourned till 1 p.m. on Monday, the 13th March, 1944.

Members absent.

The following members were absent from the meeting held on the 10th March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Fariduddin Ahmed.
(3) Mr. Sultanuddin Ahmed.
(4) Khan Sahib Nurul Amin.
(5) Khan Bahadur Abdul Hamid Chowdhury.
(6) Mrs. Labanyaprobha Dutt.
(7) Mr. R. W. N. Ferguson.
(8) Mr. Mohamed Hossain.
(9) Maulana Muhammad Akrum Khan.
(10) Mr. J. McFarlane.
(11) Khan Bahadur M. A. Momin.
(12) Mr. N. N. Mookerjee.
(13) Mr. R. S. Purssell.
(14) Khan Bahadur Kazi Abdur Rashid.
(15) Mr. B. K. Roy Chowdhury.
(16) Mr. S. N. Sanyal.

BGP-4/15-1847A-760

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 21.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 13th March, 1944, at 1 p.m., being the twenty-first sitting of the First Session of 1944, persuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Debt Settlement Board.

87. Mr. NAGENDRA NATH MOHOLANABISH: Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) whether the Government propose to dissolve the Debt Settlement Boards which are still functioning in view of the relief that the debtors may have under the Bengal Money-Lenders Act;

(*b*) if not, how long more the Government intend the Debt Settlement Boards to function?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Minister in charge of the Co-operative Credit and Rural Indebtedness Department): (*a*) No, as agriculturist debtors are likely to get more relief under the Bengal Agricultural Debtors Act than under the Bengal Money-Lenders Act.

(*b*) The Debt Settlement Boards will continue to function till the disposal of the applications made to them.

Mr. NAGENDRA NATH MOHOLANABISH: Was not the original Act intended to function for only 5 years?

Mr. BIREN ROY: That was so, but unless and until all the cases are disposed of and the utility of the Debt Settlement Board ceases, the boards are not going to be dissolved.

Mr. NAGENDRA NATH MOHOLANABISH: Does that relate only to pending cases or for future applications also?

Mr. BIREN ROY: For future applications also.

Railway Accident in Dacca Mail.

87A. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that at dawn on the 5th March, 1944, there was an

accident in the Dacca Mail between Bagoola and Aranghata stations on the Bengal and Assam Railway about 58 miles from Calcutta resulting in injuries to several persons?

(*b*) In this accident how many were injured? Of them, how many are women? Was there any death so far? Are the injuries serious? What were the injuries due to?

(*c*) Do the Government propose to move proper authorities to cause a sifting inquiry into the whole affair as speedily as possible and publish the report thereof?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. BARADA PROSANNA PAIN): (*a*) Yes.

(*b*) Eighteen persons are reported to have been injured, of whom 9 are women. One of the injured persons died in the Campbell Medical Hospital. Six persons are said to have sustained serious injuries, including the person who died in the Campbell Medical Hospital. The passengers are said to have received the injuries by jumping in a panicky state out of the coaches which caught fire and which then unfortunately stood on a culvert at the point where the train was brought to a stand. The cause of the accident is under investigation.

(*c*) A railway departmental enquiry which will also be attended by the Government Inspector of Railways has been already arranged by the Bengal and Assam Railway administration.

Mr. NAGENDRA NATH MOHOLANABISH: Is it not a fact that this accident was mainly due to want of light in the train?

The Hon'ble Mr. BARADA PROSANNA PAIN: That is more than I can say.

Point of privilege.

Mr. HARIDAS MAZUMDAR: Sir, before I seek your permission to move the adjournment motion that stands in my name I rise on a point of privilege and a point of order too. Sir, on the last occasion, i.e., on Monday last I sought leave to move an adjournment motion regarding the non-availability of rice in the open market in various parts of Bengal at controlled rates. The Minister for Civil Supplies, the Hon'ble Mr. Suhrawardy, stood up saying that the motion was not based on facts and that it was prejudicial——

Mr. PRESIDENT: What is your point of order? You should come to it at once. You are not expected to make a speech on your point of order.

Mr. HARIDAS MAZUMDAR: Sir, this report has already been published in various newspapers of Calcutta, it is bound to create a prejudicial impression against me. When the Hon'ble Supply Minister was confronted with the original copy of the *Calcutta Gazette*——

Mr. PRESIDENT: That is not a point of order.

Mr. HARIDAS MAZUMDAR: Sir, the Hon'ble Supply Minister said that my motion was not based on facts, but I showed to you the supplementary gazette and the very language which I quoted in my motion but yet I was not allowed to move my motion on the 10th. The Hon'ble Minister said something in favour of his contention——

Mr. PRESIDENT: It is no use discussing the matter in the absence of the Hon'ble Minister, because no one can reply on his behalf.

Mr. HARIDAS MAZUMDAR: Then when he comes will you please allow me to raise the question at that time?

Mr. PRESIDENT: But what is your point of privilege?

Mr. HARIDAS MAZUMDAR: Sir, the point is that the Hon'ble Minister should withdraw his statement that my motion was prejudicial and that it is not based on facts and all that. As a matter of fact, Sir, my motion was based on facts supported by the official document, and my motive was not to do any injury to the Government. This is my point, Sir.

Mr. PRESIDENT: But I must go through the Hon'ble Mr. Suhrawardy's speech of that day before I express any opinion on the subject. What he actually said I must go through, and if I find there was anything which affected your privilege as a member of this House, then you can make your motion, and not otherwise.

Mr. HARIDAS MAZUMDAR: Thank you, Sir.

Adjournment motion.

Mr. HARIDAS MAZUMDAR: Sir, I ask the leave of the Chair to move the following adjournment motion that stands in my name:—

> "That this Council do adjourn its business to discuss a definite matter of urgent pubilc importance, namely, the failure of the Government of Bengal to requisition wagons from the Central Government to remove paddy from the various railway stations of Jessore, such as Gadkhali, Navaran, Banapole, etc., in time as stated by the Railway Member of His Excellency the Governor-General in the Central Assembly in reply to a question."

Sir, this motion is based on——

Mr. PRESIDENT: What is your ground in support of this motion?

Mr. HARIDAS MAZUMDAR: The matter relates to the accumulation of a huge quantity of paddy in certain stations in the district of Jessore, which was not removed in time for distribution to the people of the locality where during the last famine thousands of men were dying for want of rice. We have been told in season and out of season that paddy could not be removed for want of wagons and with regard to this particular matter fault was definitely found with the Central Government. Sir, in reply to a question of Mr. Khitish Chandra Neogy in the Central Assembly the Railway Member of the Government of India stated that the movement

of foodgrains in Bengal was arranged in accordance with the programme prepared by the Bengal Government and this paddy was not included in these programmes.

Mr. PRESIDENT: Mr. Mazumdar, will you kindly make out how the motion is urgent and also how it is a definite matter of public importance?

Mr. HARIDAS MAZUMDAR: All right, Sir. The removal of paddy from certain stations is involved here; therefore it is definite: there is no doubt about it. As regards the urgency, owing to famine the removal of paddy and distribution thereof among the people is certainly an urgent matter.

Mr. PRESIDENT: But when did it happen? So far as I can make out it happened a long time ago.

Mr. HARIDAS MAZUMDAR: It happened some time ago, Sir, but its results are still continuing.

Mr. PRESIDENT: When did it happen? The reply of the Hon'ble Railway Member that you have quoted refers to an incident that happened several months back.

Mr. HARIDAS MAZUMDAR: May be, Sir; but it shows the failure of the Bengal Government to requisition wagons for removal of paddy which was useful for the protection of the lives of the people.

Mr. PRESIDENT: Mr. Mazumdar, please take your seat. I have understood your point. I do not consider that it is a definite matter or a matter of urgent public importance. I therefore refuse my consent to your motion.

The Bengal Finance (Sales Tax) Amendment Bill, 1944, as passed by the Assembly.

Mr. PRESIDENT: The next item on the Order Paper is the Bengal Finance Sales Tax Bill, Hon'ble Mr. Goswami.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, I beg to move that the Bengal Finance (Sales Tax) Amendment Bill, 1944, as passed by the Bengal Legislative Assembly, be taken into consideration.

Sir, it is less than a month ago since I presented the budget estimates for 1944-45. In those estimates I anticipated a deficit of 7½ crores on revenue account and I have told the House that our indebtedness on the 31st March, 1945, would be 17½ crores. Since I presented the budget estimates we have been told that the Government of India will grant a subvention of Rs. 3 crores and Rs. 1½ crores towards the cost of our expenditure on famine relief in the years, 1943-44 and 1944-45 respectively.

The receipt of subventions will reduce the anticipated deficit in 1944-45 to 6 crores and our indebtedness on 31st March, 1945, by 4½ crores, thus bringing it to 13 crores. Against this background it will, I feel, not be necessary for me to labour our need for additional revenue.

I shall now turn to the Bill itself. The provisions of the Bill are briefly—

(1) to double the rate of the tax;

(2) to make a consequential increase in the deduction admissible under clause (*b*) of sub-section (*2*) of section 5; and

(3) to make an important addition to the Schedule of tax-free goods.

I shall deal with the last of these provisions first. In the Statement of Objects and Reasons I have claimed that the only necessity of life not already included in the Schedule of tax-free goods is "the poor man's cloth". It is true that handloom woven cloth is already exempt, but the bulk of the cloth used by the poorest sections of the community is the cheapest kind of machine-made cloth. In order that the proposed enhancement of the rate may not throw any additional burden on the poorer classes, it is proposed to substitute for the existing item 16 of the Schedule an entry by virtue of which all *dhutis*, *lungis* and *sarees*, whether handloom woven or machine-made, the price of which does not exceed amounts to be fixed by the Provincial Government, shall be exempt. Even when doubled, the rate of tax will amount to only 3 per cent. By comparison with the rate of sales-tax in force elsewhere, this is most moderate; and, taken in conjunction with the very comprehensive exemptions, will not, I am satisfied, cause hardship. The provisions in (*b*) of clause 2 of the Bill require a word of explanation. Most dealers exhibit the tax separately in their bills: but this is not obligatory and whether the tax is shown separately or included in the price quoted by the dealer, in law the total of a dealer's bill is the "sale-price" or the price which the dealer charges for the article. The tax payable by a dealer to Government is calculated on his turnover—the aggregate of the sale-prices received by him—and if we are to avoid taxing the dealer on that portion of his takings that represent his collection of the tax, it is clear that in determining his taxable turnover we have to allow him some deduction. When the rate of tax is one quarter anna in the rupee, a deduction of one per cent. is really insufficient for this purpose and dealers are in fact required to find 1·6 pies out of the Rs. 1-8-9 that Government collect from him on every Rs. 100 of his turnover. If the tax is raised to one-half anna in the rupee, it will be necessary to raise the deduction admissible under clause (*b*) of section 5(*2*) to 3 per cent. Even with this deduction, the dealer will still be required to find ·18 of a pie of the Rs. 3-0-6 that Government will collect on every Rs. 100 of his turnover.

At this stage, Sir, I do not propose to make general observations on the principle of the Bill itself.

Mr. PRESIDENT: Motion moved: that the Bengal Finance (Sales Tax) Amendment Bill, 1944, as passed by the Bengal Legislative Assembly, be taken into consideration.

Mr. HARIDAS MAZUMDAR: Sir, I beg to move that the Bengal Finance (Sales Tax) Amendment Bill, 1944, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1944.

Sir, when the Bengal Finance Sales Tax Bill was originally passed at the rate of one pice per rupee on the sales turnover, Government on the basis of the existing prices then prevailing expected certain amount of revenue

which would enable them to spend more liberally on the nation-building departments such as the spread of compulsory primary education, enlargement and improvement of village sanitation, establishment of dispensaries and a net work of hospitals all over the province and the alike. But, Sir, just after the Finance Sales Tax was passed, prices of commodities went up by 300 to 400 per cent. which means that Government instead of getting the estimated revenue got out of that tax about 3 or 4 times more. Sir, so far as that point is concerned, Govenrment has not given us any very good explanation as to what they have done with the unexpectedly increased revenue which they derived from this taxation owing to circumstances due to war. Therefore, Sir, I feel that before we agree to give to the Government a free hand in the matter of doubling this tax—which means 6 to 8 times more than what it would have been in normal times—as proposed in this Bill, it must be circulated for the purpose of eliciting opinion thereon, so that both consumers and the businessmen who are concerned vitally, may be able to give their verdict on its provisions one way or the other. I do not say for a moment that Government should not raise the revenue required for carrying on the administration but certainly those who are asked to pay must be given an opportunity of giving their verdict on the subject. Besides public opinion will also clarify the issue as to how far the sales tax has affected business and the businessmen and how far it has affected the consumer in not getting their necessaries of life which owing to the heavy tax they might have had to forego. Further, in this abnormal time an abnormal procedure should have been adopted for raising the revenue, not by levying heavier taxes on the already distressed people of Bengal but by means of loans, subventions and other abnormal methods. It is not possible for any country in the world during the war to make both ends meet simply by raising taxation. For all these reasons, I feel that before we, the representatives of the people, give our consent to such a taxation measure, we must be forearmed by the opinion of the public who are directly and vitally concerned with this tax. In view of the extended life of the Assembly, a taxation proposal of this kind should first go to the people for their consideration and for their opinion before it is passed. This should be the policy of the Government. This Bill, I repeat, should be placed before the public for their careful consideration.

With these remarks, I move my motion that the Bill be circulated for eliciting opinion.

Mr. PRESIDENT: Motion moved: That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1944.

Mr. Das, I would suggest that all the motions be first moved. Because, only the dates are different but the motions are the same. So, you may move your motion.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th September, 1944.

Sir, my motion is identical with the motion that was moved by Mr. Haridas Mazumdar with a difference in date only in collecting the opinion to be gathered from the public on this Bill. Sir, the Hon'ble Finance Minister in moving for taking this Bill into consideration referred to the fact that the Bengal Government is in great deficit this year and will be so also next year to the extent of 17 crores and 46 lakhs. It is undoubtedly so. I think, Sir, that the Government of Bengal in its anxiety to please the Government of India have undertaken this course of doubling the Bengal Finance Sales Tax so that a handsome subvention may be forthcoming from that source to meet the deficit. But I say, Sir, that instead of taking this course, the Government of Bengal should have advanced other cogent reasons why they urgently stand in need of such subvention and why they want help from the Government of India. In fact, the deficit that has been created has been largely due to Extraordinary Charges in India and Famine. The Extraordinary Charges include expenses under the "Civil Defence". I hardly find any distinction between Military and the Civil Defence, and as "Defence" is a Central subject, the whole cost of the Civil Defence should be borne by the Government of India. With respect to Famine also, I venture to say that the responsibility rests, in a large measure, with the Government of India. If we really look to the facts, we find that if the Government of India would pay all the costs that were necessitated for meeting the Extraordinary Charges in India, and of famine, there would hardly be any deficit and there would hardly be any cause for the Government of Bengal to go to the length of doubling the Bengal Finance Sales Tax. There would hardly be any necessity also of another taxation Bill, namely, the Agricultural Income-tax Bill. In fact, Sir, the famine has so affected the conditions of the vast majority of the people in Bengal that it behoves the popular Minister to see that the public willingly come forward to support this Bill, and for this purpose, the only course left open for the Government would be to circulate the Bill for the purpose of eliciting public opinion thereon; and if they get public support for this Bill, then and then only they should proceed with the Bill and double the tax, otherwise not. There is another reason which I urge and it is that taxation, as the Hon'ble Finance Minister observed on another occasion, is certainly an engine of national and social policy. Whatever is raised by the Sales tax should be utilised for the welfare of the people. But, here whatever would be raised by this tax will go only to grease the administrative machinery and hardly anything will go for advancing the welfare of the people. Therefore, I say that before taking upon himself the responsibility of getting on with this Bill the popular Minister should arm himself with the opinion of the people. With these words, Sir, I move that this Bill be circulated for the purpose of eliciting public opinion thereon.

***Mr. M. R. JAIPURIA** spoke in Hindi.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Sir, I support the amendment moved by my friend Mr. Haridas Mazumdar, that the Bill be

*An authorised English translation of this Hindi speech will be found incorporated as Appendix to the debates of this session.

circulated for eliciting opinion thereon by the 31st December, 1944. Sir, in my humble opinion this Finance Sales Tax Bill is illegal. The original Bill was passed on the understanding that money accruing therefrom would be used for the nation-building departments, namely, Education, Sanitation and other nation-building schemes; but this amending Bill has been introduced for the purpose of meeting a deficit. I do not know what is the Government's reaction to the different amendments moved by my friends for circulation; but if they accept any one of them, they would be able to understand the opinion of the public and public bodies on their proposal to increase the tax on sales of commodities. As this is a matter which concerns all the people, therefore the opinion of the people is very necessary.

In my humble opinion the Government should on no account oppose this or the other amendment asking for circulation of the Bill, if their Bill is based on strong unassailable grounds. Their refusal will only mean that they are afraid of hostile public opinion and therefore want to pass this Bill here and now.

I hope Government will refrain from taking this unwise step. They should either accept this simple amendment or drop the Bill if they are afraid that public opinion is not in favour of the Bill.

Mr. HUMAYUN KABIR: May I move my amendment, Sir?

Mr. PRESIDENT: No. I called your name but you were not here then. But you can speak on the amendment that has been moved.

Mr. HUMAYUN KABIR: All right, Sir. I beg to support the amendment moved by my friend Mr. Lalit Chandra Das that the Bill be circulated for the purpose of eliciting public opinion thereon by 30th September, 1944. The motion of which I gave notice also aimed that the Bill should be circulated for the purpose of eliciting opinion thereon; but I had suggested a shorter period than 30th September, namely, 31st March, so that it would give Government an opportunity of proceeding with the Bill, if they so desired, even during the current session. I am, however, convinced in view of the argument advanced that this Bill should not be hurried through this House without taking public opinion on it. It is a taxation measure. In order to understand this taxation measure, we must take into consideration the background against which this taxation proposal has been brought forward. We had it from the Hon'ble Finance Minister, and also from the original statement of Objects and Reasons for the Bill when it was moved in another place, that this Bill was necessary in order to make up the deficit from which the province is suffering, and that it is for this purpose and this purpose alone that Government intend to carry through this Bill during the current session. In considering this deficit, I would ask the Hon'ble Finance Minister and others to consider two factors—(1) the magnitude and causes of this deficit and (2) the conditions which obtain today in this province.

Now, Sir, let us consider the magnitude and causes of this deficit. I think every member in this House will agree that the magnitude is so vast that mere tinkering measures like this Bill will not meet this deficit. They will not make up a fraction of the huge deficit with which the province is

faced today. In reply to this it may be said that if it lightens the amount of deficit, well, that also is all to the good. But I would ask the Hon'ble Finance Minister to consider that if the actual burden of the debt is not met, what is the purpose in merely irritating the people by fresh burdens of taxation? Then, Sir, there is the consideration of the reasons on account of which this deficit has been caused. I will not here go into the question of extravagance and undue expenditure—though this charge has been made here and elsewhere—in dealing with the situation. I will not go into the question whether the money has been ill or well spent—I will not go into that question at all. I will take it that this amount has been spent. But what are the main causes? Why has it been spent? Every one will agree that it is due to the fact that war conditions are obtaining in this province. As a matter of fact, most of the deficit of the province arises out of war conditions. The famine is directly the result of the war which has almost destroyed the economy of the province. I will not go into this question in detail now because this question was discussed many times last year. After all other causes have been considered, one fundamental fact remains that but for the war and but for the effects of the war, this famine could not have taken either the shape or the magnitude which it has actually taken.

Many of the other items in the expenditure of the province are also due to this war emergency. Many of the services which have been created are due to war conditions. Sir, expenditure due to the war is not the primary concern of the Provincial Exchequer, nor even the primary concern of the India Government. Therefore, Sir, I would submit to the Hon'ble the Finance Minister that instead of imposing this fresh tax upon the already-harassed people, he should direct his attention to a different direction or to a different quarter. We have been told that an appeal for subvention has been made to the Centre but that the response from that quarter is not sufficient or adequate. The Centre has promised something to the extent of Rs. 3 crores, if I am not mistaken (the Hon'ble Mr. TULSI CHANDRA GOSWAMI: Rs. 4½ crores) Rs. 4½ crores, to the help of the Provincial revenue. But I would like the Hon'ble the Finance Minister to press that the entire amount which has been incurred as expenditure in connection with the war and its after-effects should be obtained either from the Centre or from the Government of the United Kingdom. If the Government is prepared to take up that step, namely, to ask for this amount from the Centre and the Government of the United Kingdom, then the whole House will be behind the Hon'ble the Finance Minister. The Opposition as well as the supporters of Government are agreed on this matter. Even for that purpose, I would think that it is desirable that this Bill should be circulated for eliciting public opinion thereon. It is certain that public opinion would declare itself emphatically that this amount should be obtained from the Centre or from the Government of the United Kingdom. The different responsible bodies of Bengal, if they are consulted, would also suggest to the Hon'ble the Finance Minister that instead of imposing this fresh tax upon the people of the land, he should ask for subvention from the Centre or from the resources of the United Kingdom. Sir, I have deliberately not entered upon the question whether the deficit incurred has been well-used or ill-used. For the money incurred in connection with war expenditure, expenses

which are directly attributable to the war, the Hon'ble Minister should persuade the Government to make an appeal not to the harassed people of Bengal, but to the Centre or to the authorities of the United Kingdom.

There is a second consideration for which the Bill must be circulated. The poorer people would be affected by this Bill generally. No doubt the Hon'ble the Finance Minister and his supporters would say that this Bill is not going to touch the poor at all. He would no doubt give an assurance to that effect, but we have heard many assurances in the past. There is no doubt that a large proportion of the population is going to be hard hit. This new tax which is spread in its incidence over practically the whole of the population of the Province cannot be so arranged that it will affect only the pockets of the rich and not the pockets of the poor. Sir, this sort of assurance was given on the occasion when the Bill was first introduced, when also we were told that it would be the shop-keepers and shop-owners, the traders who would bear the burden of the tax. At that time also we were told that the public would not be required to pay anything, and that even if the public were required to pay anything, that would be very small. But we all know what actually happened, namely, that the tradesmen passed on the tax to us entirely. The consumers and the customers were taxed as was evident from the cash memos. and other receipts issued by the shops. So the entire burden has fallen upon the people. I submit that people are far less able to bear the burden of the tax today than they were at the time of the first introduction of this tax. At that time also, we were opposed to this Bill and said that unless the money was ear-marked——

(The Hon'ble Mr. Khwaja Shahabuddin was crossing the floor.)

Mr. PRESIDENT: Order, order. The Hon'ble Minister must not cross the floor.

Mr. HUMAYUN KABIR:——for beneficent purposes, we would not pass the Bill. The then Hon'ble Finance Minister assured that the money would be spent for nation-building purposes. But today there is no such assurance even. On the contrary, at a time when the people are afflicted with misery the like of which they have perhaps never experienced in the course of remembered history, at such a time we are asked to impose this fresh taxation with a degree of incidence which is double that of the original tax. It has also to be remembered that though the tax has been increased two-fold, in fact the tax will be increased not two-fold but many-fold. The price of an article which was one rupee formerly, is perhaps today in the region of four or five rupees. If we take rice as the index, prices have gone up at least 3 or 4 times if not more, so that although the tax is ostensibly doubled, in fact it would be increased by 8 times. For, what cost one rupee before, we would pay a tax on half-anna today; but an article which cost one rupee before costs four rupees today: so that the tax would be 2 annas and not half-an-anna. The tax which would actually be paid by the consumer would be therefore 8 times what it was under the original Bill. In view of the economic distress which is prevailing in the province today, I would ask the Hon'ble Finance Minister to consider very seriously before he proposes a

Bill of this nature. If he is confident that the people are behind him, if he is confident that the public will support a measure of this type, if he is confident that the public will bear this burden with the recognition that these burdens are burdens which must be borne by the people in order to save the economic plight of the province, then he will be justified in proposing such a Bill. In that case nobody will have any ground for objecting to this Bill. But how can he have that confidence till he has sounded public opinion? Till he takes the public into his confidence and he claims to be here as a representative of the people, I would submit to him through you, Sir, that he is not right in thus placing an imposition upon the people of this Province. It is almost, like stabbing them in the back when they are just struggling to their feet after the terrible calamity from which they suffered in the course of the last 15 months. Therefore, I propose to support the motion for circulation of this Bill, so that the public of Bengal may have an opportunity of expressing their categorical and undivided opinion that all the expenditure which has been incurred in this province either directly or indirectly as a consequence of this war should be borne not by the people of this province but by the Central Exchequer or by the Government of the United Kingdom whose primary concern this war has been.

Mr. K. C. ROY CHOWDHURY: Sir, I only point out one aspect of this Bill which is very pressing on the poor. The proposed tax is two pice in the rupee. But when articles are sold in the market worth a few annas at a time, the shopkeepers will charge sales tax on them and realise more, because the present system of our coinage is unsuitable. Therefore, I would ask the Government to denominate the currency by introducing the old *cowrie* system, so that things will be sold not for so many annas and pies only but for so many annas, pies and cowries. But as it is not practicable to introduce this *cowrie* system in our currency, I would request Government to place pie coins in the market; otherwise the shopkeepers will go on collecting more half annas, quarter anna coins being unavailable, and therefore, from that point of view I think that this Bill will have to be recast.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to support the motion for circulation, I would like to point out to the honourable members of this House a few facts which will go to show the real nature of the present Bill. I understand he expects revenue to the extent of one crore and a half by doubling the tax proposed in the new Bill. Now, Sir, as has been pointed out by other honourable members before, the deficit which has got to be faced is in the region of 14 crores of rupees, out of which, as the Hon'ble Finance Minister has already stated, he has got a promise from the Centre of a sum of 4½ crores of rupees by way of subvention for helping the provincial revenues. Thus, with one crore or one crore and a half from this tax, the total amount that he will get would be about 6 crores of rupees. But, we do not know what will happen to the larger deficit of 8 crores of rupees which he will have to meet yet in order to balance the budget. Therefore, it is necessary to consider whether seeing that the people of the province are already burdened with taxation and admittedly unable to bear any further burden, any taxation of this nature should be introduced here. The main purpose of the Bill, namely, to meet the deficit

will not be served and the Hon'ble Finance Minister will have to find out other sources of revenue in order to meet the deficiency. This leads me to enquire into the causes of the deficiency which Bengal has to meet today. Sir, what led to this deficiency? It is practically admitted in the budget speech of the Finance Minister that the principal reasons for deficit are two: the prime reason for the deficit is the war and the fact that Bengal is now practically very near the war zone. Now Bengal is within the war zone. The war is being fought practically within the North-Eastern Frontier, somewhere in Bengal and Assam. Now, Sir, in order to determine what are the causes of this huge deficit in this province we have to see what led to this famine during the last year. It is admitted on all hands that the principal reason for the famine was not the failure of crops in a particular part of the province or the other cause, namely, the cyclone, in some parts of the province. It has been found that the deficit which we had to meet last year was due largely for meeting the expenses in connection with the war and that is divided into various phases. In the first place, we found that a very large number of people evacuated from Burma came to this province and to feed them the Bengal Government had to incur a very large expenditure. We know that huge quantities of stocks worth several crores were purchased by the Bengal Government for the purpose of giving relief to these evacuees. This was done at a time when we never expected that there would be a famine in this province or that the people would have to encounter a state which we noticed during the last season. If a substantial portion of these stocks had been released in time we would not have noticed the distress which we witnessed during the last season. These stocks were not released, may be, due to a *bona fide* belief that it would be required for some other purpose or they may not have been released due to a mistake on the part of Government or to a bungling in some department of Government for not passing the necessary orders in time. Ultimately, we found that a huge portion of these stocks became quite useless. I know it as a fact that in one district, namely, Burdwan, after the Damodar flood it was found that *chura*, that is, fried paddy, a huge stock of which had been kept in reserve for evacuee relief, was brought out and it was found that it was absolutely unfit for human consumption and had to be thrown away and could not be used at all, due perhaps to some bungling in some Government department and thus a large quantity of these stocks could not be used to relieve distress.

Next, Sir, although it was denied to the people of this province in some quarters, we know huge stocks of foodgrains were exported to Africa for the purpose of maintaining the Indian regiment there in order to win the Allied cause. That is one of the causes of the famine that we witnessed during last year. In this way, by illustration we will be able to show that practically the entire reason is based on war conditions. So I request the Hon'ble Finance Minister to press his case to the Central Government so that the entire deficit might be met from the Central Revenues. After all, Bengal if left to itself would have been in a position to meet the entire deficit from the jute tax and income-tax receipts; if the Centre gives up all the revenues derived from income-tax derived from Bengal and all the taxes

derived from the export of jute outside Bengal, Bengal would have been able to stand on its own legs for the purpose of meeting this huge deficit and would not have to approach the Centre for the purpose of balancing its budget. It is for this purpose that we think it necessary to circulate this Bill for the purpose of eliciting opinion thereon in order to know what were the causes which led to this huge deficit and why is it that the entire deficit could not be met from the Central Revenues and a portion of the deficit has to be met by taxing the already over-burdened people of this province. It will also be necessary to enquire as to whether there are other sources of revenue which could be utilised for the purpose of meeting this deficit if relief cannot be had from the Centre. As a matter of fact, we know that on account of the war purpose alone something to the tune of Rs. 5 to Rs. 6 crores is spent daily in India. Bengal Government wants only three days expenditure for the purpose of balancing the provincial deficit. I do not know if proper representations were made and I think that it is yet possible to induce the Central Government to provide the entire deficit either from its own exchequer or from the Exchequer of the United Kingdom. With these words, I support the motion for circulation.

Mr. SHRISH CHANDRA CHAKRAVERTI: Mr. President, Sir, I beg to support the motion for circulation moved by my friend Mr. Lalit Chandra Das. My reason for supporting this motion is that the time-limit fixed in this motion is earlier than the other motion and if Government can secure public opinion by that time, they will be able to bring up the Bill for discussion in the next winter session. I have heard the speeches made by the previous speakers, including that of my friend Mr. Humayun Kabir who has conclusively shown that the deficit complained of by the Hon'ble Finance Minister is due mainly to war expenditure. And we all know that this war has been and is being fought out in the interest of the British Imperialism and not in the interest of India and so it is up to the British Government and the United Nations which are out to crush the Axis Powers to have their hegemony in this world and in the world affairs to contribute towards meeting our present deficit. They should, therefore, bear all the expenses. The budget which has shown such a huge deficit is not our own making and the Hon'ble the Finance Member of the Government of India, Sir Jeremy Raisman, said that Bengal with a revenue of Rs. 22 crores and a deficit of Rs. 17½ crores cannot be regarded as a deficit province, especially when this deficit was due to extraordinary expenditure, namely, the famine and the measures of defence. So, it is proper on the part of the Hon'ble the Finance Minister, and if he so chooses, with the help of the whole country including the Legislature to prevail upon the British Government to find out the money necessary for their defence, for the continuation of the war. If he does not do that, then the only epithet that can be applied to him and the Ministry will be that of an agent to the British Imperialism and nothing else. In these circumstances, I think it is not improper for us, the Opposition, to claim that the Bill should be circulated for eliciting opinion of the public at large.

With these words, I support the motion.

Mr. NAGENDRA NATH MOHOLANABISH: Mr. President, Sir, I beg to support the motion for circulation. The Bill, as has been placed by the Hon'ble the Finance Minister, is intended to double the tax which is already in existence. The reasons given by the Hon'ble Minister seem to be the deficit in the Bengal Budget and one of the main reasons for the deficit has been stated to be famine relief and other causes.

Now, Sir, it is really a feature peculiar to this House that it is called upon to vote money by a taxation Bill, but unfortunately this House has not got the right to really control the expenditure of the Government. That is a peculiar situation in which this House finds itself, but anyway that being the result of the Constitution Act, we cannot very much complain. We may say that when under these circumstances the Hon'ble the Finance Minister wants the sanction of this House for additional grant of money by way of taxation Bill, I think he ought to be in a position to satisfy this House as to the necessity for that measure. Merely saying that we are in deficit and you must pass this Bill for the purpose of putting us in possession of more funds, is not sufficient. I think that the Hon'ble Minister should have stated before this House clearly giving facts and figures as to what was the amount that was collected from the sales tax that has been in force for some years and what was done with that money and why more money is necessary and on what ground this tax should be doubled. As has been shown by some of the honourable members, the tax has automatically doubled or more than doubled itself because the prices have gone up and by the tax which is calculated at the rate of one pice in the rupee you are actually getting for two years double or four times of what you expected. Then why do you come forward with another Bill doubling this tax? Having regard to the present economic situation it is unnecessary to bring forward a measure like this, because the incidence of the tax is such that without increasing the rate you are actually having more income from this source. It has been already pointed out by honourable members that this deficit in the Bengal Government Budget is due mainly to causes on account of the war and that if this deficit is due to that cause, then it is not fair that additional taxation should be put upon the people of Bengal, and as has been well said by honourable members, we should look to other directions for help. With regard to famine relief which has been put forward very boldly by the Hon'ble Finance Minister as if to enlist the sympathy of the House, I submit that he did not really inquire into the reasons for the famine. It is not only war but mismanagement on the part of the Government and also various other causes for which Government are responsible which really brought about the famine, and the relief that you granted was nothing in comparison with the magnitude of the distress. I, therefore, submit that the situation does not justify the increase of the incidence of this tax, and that this is a fit case where the Bill should be circulated or else dropped.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I whole-heartedly support the amendment for circulation of the Bill. Sir, we have had quite a large number of taxation Bills since the introduction of Provincial Autonomy in Bengal, and every year during the Budget Session we are called upon to consider a Bill of this nature. It is proposed to make this additional

levy in order to provide more money for the purpose of meeting the budget deficit. Sir, if I remember aright, I raised the same objections on the last occasion when the Finance Bill was on the legislative anvil and I repeated the same arguments during the budget debate this year. I have no hesitation in further reiterating the arguments I adduced against a Bill of this character. Sir, the Ministry would have done well if instead of bringing forward a taxation measure of this kind, they had proposed retrenchment in the currnet expenditure of Government. The administration of the Government of Bengal has become top-heavy. We have been over-burdened with unjustifiable expenditure—expenditure which no civilised country in the world would have undertaken in similar conditions. Sir, look at the huge amount Government are spending on account of the salaries of the Hon'ble Ministers and their Parliamentary Secretaries. Formerly, there were only eight Ministers carrying on administration for 16 months and now there are thirteen Ministers, thirteen Parliamentary Secretaries and a number of Whips to run the ministerial chariot. I do not think Government will be justified in embarking upon a legislation of this kind before mercilessly cutting down their own expenses. Sir, the problem of Bengal is a very peculiar one. It differs materially from that prevailing in the other provinces. Here in Bengal, millions of people have died of starvation and yet Government have not been able to devise means of rehabilitating the destitute and we do not know what fate awaits us in the near future. In these circumstances, the imposition of an additional burden upon a famished people would, I am afraid, prove to be the last straw on the camel's back. It may be argued that the masses of the population will not be affected by this measure. I join issue with those who hold this view. I am not advocating the cause of the rich. Those who are in affluent circumstances can well provide for their own luxuries. I am against any proposal which will adversely affect the poor. Take for example, the ordinary items which are required in connection with our daily life. For everything that a poor man will have to purchase, he will have to pay the Sales tax at double the rate which they have now been paying. That is a position which I do not think the Ministry will be justified in taking up. In these circumstances, I strongly oppose the Bill and favour its circulation for eliciting opinion thereon so as to enable the outside public and the representative institutions in the country to express their views on the provisions of the Bill. Government should first ascertain the opinion of the public before trying to have the Bill placed permanently on the Statute Book.

Mr. PRESIDENT: The question——

Mr. KADER BAKSH: Sir, I would like to speak a word or two——

Mr. PRESIDENT: You should have risen earlier. Now I am on my legs.

Two motions have been moved regarding the circulation of the Bill: one by Mr. Haridas Mazumdar and the other by Mr. Lalit Chandra Das. Mr. Mazumdar's motion refers to a later date and I shall, therefore, put that to vote first. If that motion is carried, the other one falls to the ground.

The question before the House is: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1944.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that the Bill be circulated for the purpose of eliciting opinion thereon by 30th September, 1944.

The motion being put, a division was challenged and taken with the following result:—

AYES—15.

Mr. Altaf Ali.	Rai Bahadur B. M. Maitra.
Rai Bahadur K. C. Banerjee.	Mr. H. D. Mazumdar.
Mr. S. C. Chakravarti.	Mr. N. N. Moholanobish.
Mr. L. C. Das.	Mr. R. Pal Chaudhury.
Mr. N. C. Datta.	Rai Sahib J. N. Ray.
Mr. M. R. Jaipuria.	Mr. A. D. Roy.
Alhadj Khan Bahadur Shaikh Mohammad Jan.	Khan Sahib Maulvi Wahiduzzaman.
Mr. Humayun Z. A. Kabir.	

NOES—22.

Mr. Mesbahuddin Ahmed.	The Hon'ble Khan Bahadur Saiyed Muazzamuddin Hossain.
Mr. Nur Ahmed.	Mir Mohamed Hossain.
Khan Sahib Nurul Amin.	Mr. W. B. G. Laidlaw.
Khan Sahib Abdul Aziz.	Mr. Abdul Latiff.
Mr. Kader Baksh.	Khan Sahib Subidali Molla.
Mr. D. L. Barua.	Khan Bahadur M. A. Momin.
Mr. Moazzemali Chowdhury.	Mr. T. B. Nimoo.
Mr. Hamidul Huq Chowdhury.	Khan Bahadur Mukhlesur Rahman.
Mr. C. E. Clarke.	Mr. Biren Roy.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar
Mrs. K. D'Rozario.	
Khan Bahadur Abdul Gofran.	

Mr. PRESIDENT: Order, order. The House has divided. Ayes being 15, and Noes being 22, the amendment is negatived.

Mr. HARIDAS MAZUMDAR: Mr. President, Sir, I beg to move that the Bill be referred to a Select Committee consisting of—

The Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
Mr. R. W. N. Ferguson,
Mr. Naresh Nath Mookerjee,
Mr. Humayun Kabir,
Mr. Kamini Kumar Dutta,
Mr. Nur Ahmed,
Khan Bahadur M. A. Momin, C.I.E.,
Mr. Hamidul Huq Chowdhury,
Khan Bahadur Abdul Hamid Chowdhury,
Khan Sahib Nurul Amin, and
the mover,

with instructions to submit their report by the month of May, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, so far as my motion for reference of the Bill to a Select Committee is concerned, I think I have nothing more to add than what I stated when I

spoke on the motion for circulation of the Bill for the purpose of eliciting public opinion which Government have turned down by means of a solid majority. Sir, I should like to point out that the Hon'ble Finance Minister has stated that this Bill has been brought for the purpose of meeting the deficit. In reply to this I might say, Sir, that it is due to the maladministration of the Ministry or rather the Government that this deficit has been brought about. By way of an illustration I may cite one example. For the procurement of *aus* crop this Ministry, I mean the Civil Supply Department of the Ministry, purchased through their agents paddy to the extent of 76,000 maunds or more and collected them in different railway stations in Jessore. Sir, this huge quantity of paddy was lying there for months. The Ministry when confronted in the Lower House by Dr. Mookherjee replied that they could not secure wagons. Sir, on the 28th February the Railway Member replied in the Central Assembly to a question of Mr. K. C. Neogy which I am reading *in toto*, because that will give you the complete story.

Mr. K. C. NEOGY: (*a*) Has the attention of the Hon'ble Member for Raliways been drawn to recent discussions in the Bengal Legislative Assembly in which reference was made to the fact that about two lakh maunds of paddy had been left at different stations of the Sealdah-Khulna section of the Bengal and Assam Railway, for months together, without being transported by the railway, that the paddy was left in most cases on the open platform, and that it had deteriorated very considerably and become unfit for human consumption?

(*b*) Does the Hon'ble Member propose to make a detailed statement explaining the situation so far as it may be known to the railway authorities for this state of affairs?

(*c*) Have the transport facilities offered by railways for the movement of foodgrains within the province of Bengal been sufficient for the purpose of coping with the situation, in point of wagon space and promptitude?

(*d*) Is the Hon'ble Member in a position to state the approximate quantity of foodgrains that has been moved by railways between different stations within the province of Bengal, for the consumption of the civil population, during the year 1943?——

Mr. PRESIDENT: Mr. Mazumdar, you cannot indirectly move your adjournment motion in this way.

Mr. HARIDAS MAZUMDAR: No, Sir, I am not doing that. I am only pointing out the maladministration of this Ministry.

Mr. PRESIDENT: The House is not discussing the question of maladministration here. The Finance Sales Tax Bill is now before the House; so you must confine yourself to the proposal for reference of the Bill to a Select Committee.

Mr. HARIDAS MAZUMDAR: I am only pointing out, Sir, how things are done by these irresponsible Ministers.

Mr. PRESIDENT: I cannot argue with you. That is my ruling.

Mr. HARIDAS MAZUMDAR: Sir, I am only pointing out that the provision of the Bill requires thorough examination, and the maladministration on the part of Government which has brought on this state of affairs and all such things should be kept in view. That is my position. And in the reply the Railway Member of the Government of India says that the movement of foodgrains in Bengal is arranged in accordance with the programmes prepared by the Bengal Government and this paddy was not included in these programmes. This conclusively shows that——

Mr. PRESIDENT: May I again draw your attention, Mr. Mazumdar, to the motion now under consideration? Will you please take your seat? Your motion is for referring the Bill to a Select Committee. Please, therefore, confine your arguments to that point. You should not travel beyond that.

Mr. AMULYADHONE ROY: Sir, one word. This Bill seeks to raise money. The Hon'ble Minister wants to raise money by this Bill. Mr. Mazumdar's point is that if the Government had not lost so much paddy and incurred a great loss thereby, this particular Bill might not have been necessary.

Mr. PRESIDENT: The explanation is very ingenious, I must say, but not a correct one. (Laughter.)

Mr. HARIDAS MAZUMDAR: In support of this motion I have only one point to add, namely, that in all the Legislatures of the civilised world taxation proposals are never rushed through, as they are being rushed through by the Bengal Government without giving the people a fair chance of discussing them. The *pros* and *cons* of the Bill cannot be discussed on the floor of the House; therefore I want it to be referred to a Select Committee of the whole Chamber or to a Select Committee in the ordinary sense. And the folly of discussing Bills on the floor of the House in haste has been very recently amply demonstrated in connection with the Land Alienation (Temporary Provisions) Bill. It had been all along the practice and convention to refer such taxation proposals to a Select Committee of the Legislature where the representatives of the people could discuss them freely in a freer atmosphere than in an ordinary open sitting of the Legislature. In this connection, I cannot but mention that in the House of Commons even all budget proposals, both for taxation as well as for expenses, are scrutinised by the House sitting as a Committee of the whole House and after discussing the proposals in such a committee the proposals are brought forward as resolutions before the open House at the next stage for being again discussed and voted upon. Here also I have raised that point as to why taxation proposals are brought in in piecemeal fashion and not in the shape of an Annual Finance Bill. The disadvantage of such piecemeal taxation is that it prevents the members from discussing the whole administration. I think that if we discuss the whole administration once again on the motion for the reference of the Bill to a Select Committee, you, Sir, as the custodian of the rights and privileges of the House will preclude us from voicing our grievances on the ground that our discussion must be confined to the——

Mr. PRESIDENT: What is it that you say, Mr. Mazumdar?

Mr. HARIDAS MAZUMDAR: I was pointing out that questions of administrative efficiency and maladministration on the part of the Government must be also brought in in connection with the discussion of this Bill.

Mr. PRESIDENT: I would suggest that you confine your observations to the provisions of the Bill only. These remarks would have been quite pertinent in connection with your first amendment to the motion, that the Bill be taken into consideration. Now we are discussing a specific proposal, viz., that the Bill be referred to a Select Committee. So I suggest that you should confine your remarks entirely to that point.

Mr. HARIDAS MAZUMDAR: All right, Sir. My argument is that since the Bill is not going to the country for circulation and though the Lower House has got the right——

Mr. PRESIDENT: There is no distinction between this House and the other House in respect of Finance Bills. You have as much right to vote upon them as the other House.

Mr. HARIDAS MAZUMDAR: The entire administrative activity of the Government cannot be criticised in dealing with a Bill of this nature. In the case of a Finance Bill it would have been possible for us to do so: that is my point. To my mind the very valued right of expressing the grievances of the people before the imposition of the taxes is being taken away by this indirect method of bringing such taxation proposals separately. Therefore, Sir, considering all these factors I feel that this House and the Government will be well advised to refer this Bill to a Select Committee with instructions to submit their report by the month of May or if necessary even earlier I do not mind. Unless we are allowed to have a Select Committee in order to go through the Bill, clause by clause, we will not take any responsibility for the passage of this Bill. It affects the consumers—not only rich men but the ordinary people of the street, because even the exemption that was provided for in the Bill will be taken away with regard to the handloom goods. With these words, I appeal to the honourable members of the House to consider these points before they turn down our proposal.

Mr. PRESIDENT: I think all the amendments for reference of the Bill to a Select Committee should be first moved. I would call upon Mr. Lalit Chandra Das to move his amendment.

Mr. LALIT CHANDRA DAS: Will you not put the motion of Mr. Haridas Mazumdar to vote first.

Mr. PRESIDENT: I shall read out all the motions together after all the amendments have been moved.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that the Bengal Finance (Sales Tax) Amendment Bill, 1944, be referred to a Select Committee consisting of—

the Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,

Mr. Nur Ahmed,

Khan Bahadur M. A. Momin, C.I.E.,
Mr. Hamidul Huq Chowdhury,
Mr. Mangturam Jaipuria.
Mr. W. B. G. Laidlaw,
Rai Bahadur Keshab Chandra Baneree,
Mr. Haridas Mazumdar,
Mr. Kamini Kumar Dutta,
Mrs. Labanyaprobha Dutt, and
the mover,

with instructions to submit their report by the 31st March, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, the difference between my motion and that moved by my friend Mr. Haridas Mazumdar is in respect of some of the names of the members and also in respect of the period of time within which the report should be submitted. In the first motion the period of time by which the report should be submitted is May, 1944, and I have laid down 31st March as the date by which the report would have to be submitted. My point is that enough time will be left during the current session for the Government to go through the Bill. If they like they may be able to scrutinise it this session and then bring it before the House. Then, Sir, although the provisions of the Bill apparently are not too many—they are few in number—they contain provisions which require to be thoroughly scrutinised. This cannot be done on the floor of this House: we cannot convince each other by argument on the floor of the House—particularly in the case of a taxation bill. In the cool atmosphere of a Select Committee there is room for argument and for placing one's view-points with the chance of convincing the members of the other side and bringing them to agree to the views expressed by the Opposition. There is every chance of some of the amendments being accepted and in the cool atmosphere of a Select Committee suggestions may be considered just to improve the Bill so that the Bill even though it be a taxation measure may not weigh heavily upon the poor people of Bengal, particularly at a time of stress and difficulty through which the people have passed and are still passing, I mean the famine condition. The people have been very hard hit by famine. The various points of view may be coolly considered by the members and though the Bill proposes to double the tax, a *via media* can be arrived at. It may well be that Government may agree with the Opposition and fix a rate somewhere between one pice and two pice which would be a great relief to the poor. We might think of excluding tax on handloom and home-spun clothes and other things. All these things could be coolly considered in the Select Committee.

With these words, I move that this Bill be referred to the Select Committee.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, may I, at this stage, just say a few words? This is a very simple measure. It does not require consideration by a Select Committee. The chief purpose of the Bill is to fix the rate of the tax. Finance Bills usually are not referred to

a Select Committee. I repeat the chief and perhaps the only purpose of the Bill is to fix the rate of the tax. That is why I must oppose any motion——

Mr. LALIT CHANDRA DAS: On a point of order, Sir. I think the Hon'ble the Finance Minister was not in order to rise up and make a speech before you actually put the motion.

Mr. PRESIDENT: Perhaps he was trying to explain the Government attitude.

Mr. HUMAYUN KABIR: Sir, I beg to move that the Bill be referred to a Select Committee consisting of—

the Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
Mr. Shrish Chandra Chakravarti,
Mr. Lalit Chandra Das,
Mr. Mangturam Jaipuria,
Mr. R. W. N. Ferguson,
Khan Bahadur Shaikh Muhammad Jan,
Mr. Abdul Latif,
Khan Bahadur Abdul Gofran,
Mr. Nur Ahmed,
Mrs. Labanyaprobha Dutt, and
the mover,

with instructions to submit their report by the 31st March, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Now, Sir, in a way I am thankful for the intervention which the Hon'ble the Finance Minister made in a somewhat informal manner just after the speech of my honourable friend Mr. Lalit Chandra Das. Because that gave us an inkling into the mind of the Government with regard to this Bill. Government look at this measure from a purely mechanical and administrative point of view. They have failed to recognise the economic background in which the Bill is being brought forward today. They have failed to realise the implications in terms of human suffering, in terms of the burden which this Bill may actually bring upon the poor struggling people. Their attitude, as stated by the Hon'ble the Finance Minister, is simply this: there has been a deficit and here is a machinery for reducing the deficit. They feel no necessity for considering this Bill coolly or deliberating over its implications but desire simply to hurry it through the Legislature as there is a majority behind the Government. That seems to be in short the attitude of the Government. That also perhaps explains why when the motions for circulation were being considered in this House, the Hon'ble Minister did not consider it necessary to meet any of the objections which had been raised.

I was rather surprised, I must confess, that in view of the arguments which were advanced, not a single statement was made on behalf of Government. Perhaps the reason was that Government themselves felt that they

had no arguments, they had simply their votes. That was the attitude which led the Government not to reply to the debate in the case of the motions for circulation. That will presumably be the attitude of Government in the case of the motions for Select Committee which are being considered. But we, Sir, have a duty in this matter. It shall be our endeavour to try to force the Government to realise the implications of this Bill. Certain references were made by my honourable friend Mr. Haridas Mazumdar to incidents which happened in the railway stations of Jessore. I am afraid my friend could not probably state his point clearly. The argument which he had in mind was that here is a Government which hurries through measures, and which takes steps precipitately and which does not consider all the implications of a particular issue. Here is a Bill which has been brought but which has neither been circulated for eliciting opinion thereon nor has it been sent to a Select Committee of either House of the Legislature, or in other words, here is a Government trying to force through this Bill at as rapid a pace as possible. Mr. Mazumdar has given another case where also this Government acted precipitately by purchasing a huge amount of *aus* paddy without making proper arrangements for their distribution or storage or transport and landed the province into a huge deficit on account of the loss incurred in that transaction. The relevancy of that example lies precisely in the fact that the *aus* crop was also purchased without making any previous preparation. Without making proper arrangements for storage and without making any arrangements for transport, the Government hurriedly purchased the crop and then tried to put forward a lame excuse that the Government of India did not provide transport. This has been refuted by the Government of India who have said that the Provincial Government did not make any requisition for transport. The result is that the whole country and the whole province was landed into a huge deficit. It is the remembrance of this experience which led my honourable friend to move that we should actually consider the Bill on its merits and examine all the implications before we accept the Bill.

I quite admit, Sir, that to move a motion for a Select Committee is to accept the principle of the Bill, and in a way we are constrained to do that. We have tried our best in the circulation motion not to accept the principle of the Bills but here we accept the principle of the Bill, though it is a qualified acceptance and not an absolute acceptance. It is an acceptance subject to the condition that the Select Committee may make in the Bill such changes as will be regarded necessary. We have also through amendments tried to make certain changes in the structure and in the general incidence of the proposed tax. In the former Bill which this new Bill seeks to replace we find that handloom goods were exempted, but the present Bill has included handloom cloths also among other textile commodities which are to be taxed. Now, it is our expectation that in the Select Committee we shall be able to persuade the Hon'ble Finance Minister to exempt all handloom goods. They ought to be excluded from the operation of the Bill for more reasons than one. There is no doubt that handloom cloth is often used by people whose incomes are not very high. There may also be a class who use handloom goods of fine texture. There is a demand for such better type of handloom

cloth. Fine cloth is one of the crafts of our country which is going to be destroyed but which can and ought to be revived. During this period of revival, when it has not come back to its former strength, it requires some sort of protection and therefore special consideration in the case of the handloom cloth would be justified on the ground of protecting an industry which employs a very large number of poor persons in the rural areas. It is after all a cottage industry and in addition exemplifies one of the finest crafts that have flourished in this part of the world.

Then, Sir, I come to the actual incidence of the tax, that is, the rate at which the tax will be levied. The Hon'ble Minister says that it is merely a question of fixing a rate. It was formerly a quarter of an anna and now Government seek to make it half an anna. But they take no account of the fact that different rates might be put on different types of articles. Reference of a Bill to a Select Committee gives an opportunity to the Government as well as to the Opposition to come together and discuss and arrive at an agreed settlement. In the House we talk across barriers and this physical fact of talking across barriers sometimes has a psychological repercussion. Suggestions made from one side of the House do not meet with the consideration from the other side which on their merits they deserve. You yourself, Sir, know very well how in Select Committee this sort of psychological barrier between the two sides of the House disappears. In the Select Committee, discussion is much more informal than in the open House; there is an atmosphere of give-and-take and a desire to consider the suggestions on either side. In our experience we have found that in the Select Committee the members of the Opposition as well as Government pull their weight together and co-operate and make a much better Bill than is the case when a Bill is discussed on the floor of the House.

Again, Sir, you will perhaps remember the *impasse* to which Government were brought simply because they tried to force through this House another Bill without previous consideration. I refer to the Bill pending consideration the day after tomorrow, I mean the Bill for restoring land sold by cultivators during the famine last year. There, the Government proceeded with the Bill and a peculiar situation was created. The position was that even if the Government wanted to refer it to a Select Committee, they could not do so because steps in the matter had been finally taken. Government's supporters also stood helpless. They could not refer it to a Select Committee nor even to a committee of the whole House, with the result that the whole Bill has had to be postponed. This has taken a longer period than would have been the case if the Bill had been first referred to a Select Committee. These are some of the considerations, Sir, for referring the Bill to a Select Committee. There have been cases where in Select Committee we have been able to come to agreed settlements. Once there are agreed settlements, the Bill goes through much more quickly in the House than is the case where there have been no Select Committees and no agreement between the different sides of the House and where the Government simply in virtue of the fact that they have a majority try to rush through the Bill as rapidly as possible. And the Opposition owe a duty to themselves and to their constituencies to prevent such precipitate progress of such

measures. It is their duty to see that nothing is done in haste which may compel repentance at leisure. The Opposition will certainly try that the Government simply in virtue of their majority do not override their suggestions and desires. In such cases, they must oppose and fight the Government at every step. Government may remember the way in which they tried to hurry through another measure, when they tried to pilot through the Calcutta Municipal Amendment Bill We fought at every step for improving the Bill. The Opposition would naturally take up this attitude if Government's attitude does not change. Look at the amendments, Sir, that were moved today, the very relevant and valid arguments that were advanced in connection with the motions for circulation. The Opposition was prepared to support the Government if they made a demand to the Central Government or the Government of the United Kingdom for grants of money whereby the deficit might be met. Presumably, Government had made up their minds that they wanted to tax the people, to extract the last pound of flesh from the poor people of Bengal, to place the last straw on the camel's back. They went on in their own way and in their anxiety to justify themselves before some other authorities, they did not even care to reply to any of the arguments advanced by the Opposition.

That, I submit, is the issue before the House on the Select Committee motion. In spite of the fact that the Bill is unwelcome, in spite of the fact that we do not consider that the Bill is necessary at the present stage, in spite of the fact that we hold that the Government should have gone to the Centre for moneys which they seek to raise from this particular Act; in spite of all these factors, the Opposition has extended its hand of co-operation in the motion for Select Committee. The motion for Select Committee is a conditional acceptance of the principle of the Bill. In spite of the fact that the Opposition dislike the Bill, they have agreed to a conditional acceptance of the Bill and extended their hands of co-operation. It now lies with the Government whether they will accept the hands of co-operation or simply force through the Bill by virtue of the majority that they have in this House. With these words, I commend my motion to the acceptance of the House.

Rai Bahadur KESHAB CHANDRA BANERJEE: I beg to move that the Bengal Finance (Sales Tax) Bill, 1944, be referred to a Select Committee consisting of—

the Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,

Mr. W. B. G. Laidlaw,

Khan Bahadur M. A. Momin, C.I.E.,

Mr. Moazzemali Chowdhury,

Mr. Haridas Mazumdar,

Rai Bahadur Radhica Bhusan Roy,

Khan Bahadur Naziruddin Ahmad,

Khan Sahib Maulvi Wahiduzzaman,

Mr. Lalit Chandra Das,
Mr. Ranajit Pal Chowdhury, and
the mover,

with instructions to submit their report by the 20th March, 1944, and that the number of members whose presence shall be necesary to constitute a quorum shall be five.

Sir, I do not think the Hon'ble the Finance Minister is right when he says that the Finance Bill cannot be referred to a Select Committee. (The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I did not say cannot be referred.) If my memory serves me right——

Mr. PRESIDENT: Rai Bahadur, the Hon'ble Minister did not say "cannot be referred." He said it is not done usually.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, when the original Bengal Finance (Sales Tax) Bill was introduced in 1941, it was referred to a Select Committee to scrutinise its provisions with a view to improvement. Section 2 of the present Bill provides for enhancement of the rate of tax from one-quarter to one-half anna. In the Select Committee some sort of an agreed settlement may be arrived at and Government may yield on certain vital points, namely, reduction of the rate from six pies to 4½ pies in the rupee or even to a lower figure. With regard to clause (*b*) in which three per centum has been provided in place of one per centum, there may be a *via media* as a result of deliberations in the Select Committee meetings. It is not my intention to delay the passage of the Bill and so I want the 20th March to be fixed as the last date for the submission of the Select Committee's report. What I want is that the Bill be considered dispassionately by the members of the Select Committee, because it is not possible for a House of 63 members to discuss and come to a decision on the controversial points. I do not think I need further dilate upon the points after what was said by Mr. Humayun Kabir and others who preceded me. As I have already stated, the Government should accept the motion because, as Mr. Humayun Kabir has pointed out, we have conditionally accepted the principle of the Bill: with regard to details, these may be settled by discussion in the Select Committee. Although we hold different views with regard to some of the provisions of the Bill, we are prepared to accept it provided that Government agree to its reference to a Select Committee. I hope, therefore, that the Hon'ble Finance Minister will have no hesitation in accepting the proposition. With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: That the Bill be referred to a Select Committee consisting of—

the Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
Mr. R. W. N. Ferguson,
Mr. Naresh Nath Mookerjee,
Mr. Humayun Kabir,

Mr. Kamini Kumar Dutta,
Mr. Nur Ahmed,
Khan Bahadur M. A. Momin, C.I.E.,
Mr. Hamidul Huq Chowdhury,
Khan Bahadur Abdul Hamid Chowdhury,
Khan Sahib Nurul Amin, and
the mover,

with instructions to submit their report by the month of May, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Motion moved: That the Bill be referred to a Select Committee consisting of—

the Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
Mr. Nur Ahmed,
Khan Bahadur M. A. Momin, C.I.E.,
Mr. Hamidul Huq Chowdhury,
Mr. Mangturam Jaipuria,
Mr. W. B. G. Laidlaw,
Rai Bahadur Keshab Chandra Banerjee,
Mr. Haridas Mazumdar,
Mr. Kamini Kumar Dutta,
Mrs. Labanyaprobha Dutt, and
the mover,

with instructions to submit their report by the 31st March, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Motion moved: That the Bill be referred to a Select Committee consisting of—

the Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
Mr. Shrish Chandra Chakraverti,
Mr. Lalit Chandra Das,
Mr. Mangturam Jaipuria,
Mr. R. W. N. Ferguson,
Alhadj Khan Bahadur Shaikh Md. Jan,
Mr. Abdul Latif,
Khan Bahadur Abdul Gofran,
Mr. Nur Ahmed,
Mrs. Labanyaprobha Dutt, and
the mover,

with instructions to submit their report by the 31st March, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Motion moved: That the Bill be referred to a Select Committee consisting of—

the Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,

Mr. W. B. G. Laidlaw,

Khan Bahadur M. A Momin, C.I.E.,

Mr. Moazzamali Chowdhury,

Mr. Haridas Mazumdar,

Rai Bahadur Radhica Bhusan Roy,

Khan Bahadur Naziruddin Ahmad,

Khan Sahib Maulvi Wahiduzzaman,

Mr. Lalit Chandra Das,

Mr. Ranajit Pal Chowdhury, and

the mover,

with instructions to submit their report by the 20th March, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Further discussion on these motions will be taken up tomorrow.

The House stands adjourned till 1 p.m. tomorrow, the 14th March, 1944.

Adjournment.

The Council then adjourned till 1 p.m. on Tuesday, the 14th March, 1944.

Members Absent.

The following members were absent from the meeting held on the 13th March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Fariduddin Ahmed.
(3) Mr. Humayun Reza Chowdhury.
(4) Khan Bahadur Abdul Hamid Chowdhury.
(5) Mr. Sultanuddin Ahmed.
(6) Mrs. Labanyaprobha Dutt.
(7) Mr. K. K. Dutta.
(8) Mr. R. W. N. Ferguson.
(9) Mr. Mohamed Hossain.
(10) Maulana Mohammad Akrum Khan
(11) Mr. J. McFarlane.
(12) Khan Bahadur M. A. Momin.
(13) Mr. N. N. Mookerjee.
(14) Mr. R. S. Purssell.
(15) Mr. B. K. Roy Choudhury.
(16) Dr. Kasiruddin Talukdar.

BGP-44/5-1904A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 22.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 14th March, 1944, at 1 p.m., being the twenty-second day of the First Session of 1944, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.), was in the Chair.

Mr. PRESIDENT: The questions were held up yesterday on the understanding that they would be answered today.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am almost sure that he was expected to come in time, but I am afraid he is detained in the Government House.

Mr. HARIDAS MAZUMDAR: Sir, I also rose on a point of privilege yesterday in which the Hon'ble Supply Minister Mr. Suhrawardy is concerned, but he is absent today, also.

Mr. PRESIDENT: Mr. Mazumdar, let me finish the questions first. We know that he is absent. It is a physical fact.

Mr. HARIDAS MAZUMDAR: All right, Sir.

Mr. PRESIDENT: Will the Hon'ble Leader of the House kindly request his colleague to attend this House tomorrow? I believe these questions cannot be answered either by the Parliamentary Secretary or by yourself.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, Sir, I do not think so.

Mr. PRESIDENT: Then kindly make some arrangements with him so that the questions are answered tomorrow.

Mr. LALIT CHANDRA DAS: Sir, I believe it was to meet the convenience of the Hon'ble Ministers that the time was changed from 2-15 p.m. to 1 p.m. Now, if they cannot come at 1 p.m., then the time may be changed again to 2-15 p.m.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, Mr. Suhrawardy will be coming tomorrow. I express regret on his behalf. Under extraordinary circumstances he is detained in the Government House for work with His Excellency the Governor. I hope the House will kindly excuse him.

The Bengal Finance (Sales Tax) Amendment Bill, 1944.

Mr. PRESIDENT: Now we shall take up the amendments to the motion that the Bill be taken into consideration. There are four amendments: one by Mr. Haridas Mazumdar, another by Mr. Lalit Chandra Das, the next by Mr. Humayun Kabir and the last by Rai Bahadur Keshab Chandra Banerjee. They are now open to discussion.

Mr. NUR AHMED: Sir, I rise to oppose the amendments and support the motion for consideration. This is a very simple Bill containing only two clauses. The honourable members have already tabled amendments to the clauses of the Bill and no useful purpose will be served by referring the Bill to a Select Committee. It will be only waste of time and waste of money if we refer it to a Select Committee. The honourable members can move their amendments when the Bill will be considered, clause by clause.

As regards the bigger question which has been raised in the House that instead of imposing additional burden on the already over-burdened people of Bengal, Government should have approached the Central Government for funds, I say that we have all read in the papers what the Hon'ble Finance Member's reply to Bengal Government's demand for subvention is. And we know that Bengal has tried her utmost in the past to get full justice for her claims. But if the Centre is callous and refuses to help Bengal to the extent that she requires, what is the remedy left to her? Is it not, therefore, the duty of Bengal to put her house in order to prepare herself for the next stage: I mean, rehabilitating those who have survived this terrible famine? A scheme is under preparation and it will require a great deal of money; that is why money is so badly needed. I think the money which has been spent by Government has been spent on saving the nation. Money is required for the rehabilitation of those unfortunate people to their former callings and professions. Taking that view I think that this taxation is a very very desirable thing at this time in Bengal. I think, therefore, that we will have to swallow this pill however bitter and adjust our house. Sir, nothing is so much repugnant to the oriental mind as taxation or an increase of taxation by even a single pie. From my experience as Chairman of a Bengal Municipality for more than a decade, I can say that if you impose additional taxation even to the extent of a single pie, there will be a hue and cry. So, Sir, it is natural that there will be opposition to a taxation measure like this; but in consideration of the imperative necessity for more money I think Government is justified in bringing this Bill and asking for more money. With these few words, I support the motion for consideration of the Bill and oppose all the motions for referring the Bill to a Select Committee.

Mr. KADER BAKSH: Mr. President, Sir, I beg to oppose the motions for referring the Bill to a Select Committee, and that for several reasons. After the motions for circulation have been lost, I think these motions have got absolutely no legs to stand upon. There would have been some meaning in the motions for circulation with a view to elicit public opinion; but after

those motions have fallen through, I do not think these Select Committee motions have any justification for support at all. My friends of the Opposition admit that Bengal has been passing through a most critical time of it,—and why Bengal alone? The entire world has been passing through a most critical period on account of the devastating global war. There can be no denying this, Sir, and I think this simple fact is understood very well by every section of the people,—whether politicians, non-politicians, *maharajas*, or *rajas* or *prajas*. That being so, it would be readily agreed to by them that recourse has got to be had to taxation measures not only to run the administration but to maintain the people in the very difficult situation through which they are passing. There has been a famine, and the aftermath of that famine is still lingering in Bengal; there have been other vicissitudes and freaks of Nature, viz., floods, cyclone, epidemics, etc. Government, be it said to their credit, have done everything possible under the circumstances. Now, Sir, one question was raised yesterday and that is that when the province is practically in the thick of the war, the Central Government should take the responsibility for meeting the abnormal expenses it is being called upon to incur incidental thereto. But, Sir, is not Bengal a part of the Indian Empire? Is Bengal outside the scope——

Mr. PRESIDENT: You may now discuss the question generally as to whether the Bill should be sent to the Select Committee or not and try to confine your argument to that point.

Mr. KADER BAKSH: All right, Sir. By sending the Bill to Select Committee no useful purpose will be served, because it will cause delay. If you want to do some good to the people in their present plight, some sort of taxation must be borne by the people. If you want to relieve the distress of the people, you will have to face some taxation—it is inevitable. The entire burden cannot be borne by the Central Government, certain portion of the burden must be borne by Bengal. So this taxation measure is necessary and when it is necessary what is the use of causing delay by sending it to a Select Committee—that is my point. The argument was put forward that in the Select Committee better decision could be arrived at. Why not treat the whole House as a committee and consider the question? We can as representatives of the entire population of Bengal—the elected representatives of the people—come to a decision in this matter on the floor of the House. Then why go to a Select Committee? There is nothing illegal or illogical in it. What prevents you from considering the question on the floor of the House?

I again submit that this taxation measure is meant to relieve the distress of the people of the province. This tax will not hit the poor people: it is for their relief. It may touch men like my friend Mr. Chakraverti and big people who come here with costly *dhotis* and costly suits—it is men like them, who are well able to pay, who will be touched by this tax. If Mr. Chakraverti wants a suit or two, he will have to pay extra tax: that is the position. If I can afford to purchase a pair of sandal for Rs. 5, I

think I can as well pay 10 pice more towards the relief of distress—not for my own purpose—not for rich people but for relieving those who are in need of it.

Sir, everybody, Mr. Jaipuria and other Purias, have made huge profits. Whenever people gather near the Stock Exchange you will hear them speaking in terms of lakhs and crores of rupees. They have earned these profits either as Paddy Purchasing Agents or through some other contracts——

Mr. PRESIDENT: Order, order. Mr. Kader Baksh, I would request you to avoid personal references. Why can't you confine your arguments to the question before the House. As an old member of this House you should realise that such references should be avoided.

Mr. KADER BAKSH: I beg your pardon, Sir. All right, I shall speak generally. Sir, majority of the people who are in the business line have earned profits which were beyond their expectation. Sir, if the country is now not in a position to bear the burden, the country will not be able to bear it after the war. (Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, how long will he be allowed to go on rambling in this way?) (Mr. RANAJIT PAL CHOWDHURY: Is he consistent, Sir?) It may not appear to be consistent because my remarks are pinching you. This Bill has been designed to provide funds for helping the poor people who are in need of it today. Government has come with this generous taxation measure which is only 2 pice in the rupee. We have been subjected to various sorts of taxes, directly or indirectly, and we have borne them ungrudingly. I support the motion for the consideration of the Bill.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, it was not with little surprise that I listened to the speeches of the members of the Opposition. Almost all the members opposed the very idea of taxation (Mr. HUMAYUN KABIR: At this time) yes, at this time. They consider the time inopportune for a taxation measure; but, Sir, I should say if this is not the time for taxation, there cannot be a better time for taxation. The people are dying for want of succour and this tax is being raised to save their lives.

I say, Sir, that we are following the principle of democracy——

Mr. HARIDAS MAZUMDAR: On a point of order, Sir. Is the Hon'ble Minister speaking on the motion before the House or on the general principle of democracy?

Mr. PRESIDENT: He has just started, and he is developing his argument. Go on Khan Bahadur.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: What is the principle of democracy? In a democratic country, they tax people who are capable of paying it and at the same time they reduce the burden of those who are incapable of paying any tax. We are also following the same principle here. Hitherto the Act which is in existence, I mean the existing Act, had imposed burden even on the shoulders of the

poor people by not exempting from the tax the poor men's cloth. I myself had pressed very hard for excluding the coarse cloth from the operation of the Act but failed to prevail upon the then authorities. But in this Bill exemption has been given to poor men's cloth, whereas the richer people who can afford to pay and who wear finer cloths will have to pay the tax at a doubled rate. The principle of reducing the burden on the shoulders of the poorer people and placing it on the shoulders of the people who are better able to bear it has been applied. So here the principle of democracy has been applied in the true sense of the word. Therefore, how can any responsible member of this House oppose a taxation measure of this kind at this moment when our people are dying for succour? We cannot understand it. Sir, I most emphatically say that this is the time when we must take up a taxation measure in order to realise money from the richer class of people for helping the poorer classes who are crying for succour.

Then, Sir, there is another point. It is said that this measure is harsh.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. He has advanced his principle of democracy too long, I should think.

Mr. PRESIDENT: Khan Bahadur, you better come back to the point.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, it is urged by the Opposition that if this Bill is sent to a Select Committee, its harsh provisions may be smoothed down. But I say that it is not a harsh measure at all, because indirect tax is the best form of taxation.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I rise on a point of order. The Hon'ble Minister is again dilating on the principle of taxation.

Mr. PRESIDENT: Let us hear him.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, if I am interrupted in this way, I think I should not make any speech at all.

Mr. PRESIDENT: The Opposition members by moving their amendments for referring the Bill to a Select Committee, have accepted the principle of the Bill indirectly. They want you to smooth down the provision of the Bill by referring it to a Select Committee. That is their point, and you should try to reply to their proposal.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think my speech will be quite relevant if I touch only the point in regard to the reference of the Bill to a Select Committee. Sir, the honourable members opposite are of the opinion that the measure is harsh and so they want it to be referred to a Select Committee for the purpose of smoothing down its harshness. But, I say that the Bill as it stands at present does not require to be smoothed down, as it seeks to remove the burden from the poorer people and place it on the shoulders of the richer people. This is the best form of taxation, and such taxation is also prevalent in European countries. As I said before, the present Bill is a definite improvement

in the Bill. I do not know what improvement can be effected in the Select Committee. There are only two points in the Bill, namely, that the tax is going to be doubled, and the other point is that the poor man's cloth is going to be excluded from taxation. Well, if the Opposition does not want to exclude poor man's cloth from the scope of the Bill, they can easily make that suggestion on the floor of the House——

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: On a point of information, Sir. Does the poor man require cloth only, or *dal*, *bhat* also? Does the poor man not require medicines for his life?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Not only the poor man's cloth is going to be exempted, but all articles of food which he requires have also been excluded.

Mr. PRESIDENT: Khan Bahadur, you need not necessarily yield to these points of information.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Thank you, Sir. All absolute necessities of life have been exempted; practically all the food articles have been exempted.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Medicines at this time are also one of the principal necessities of life.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think, therefore, that there is no room for any improvement even if the Bill goes to a Select Committee. If the Opposition want to put in one or two amendments, they can do so on the floor of the House. We may discuss them here and put them to vote and finally decide the matter. I may also say that this is a taxation measure which the richer people can well afford to pay. It also takes the burden off the shoulders of the poor on account of their cloth. In this view of the matter, I think there is no necessity at all for sending the Bill to a Select Committee; all these matters can be settled here on the floor of the House. With these words, I oppose the motions for referring the Bill to a Select Committee.

Mr. BANKIM CHANDRA MUKHERJEE: With reference to the motions that have been moved for referring the Bill to a Select Committee, I would like to say a few words. As I was listening to the honourable member who spoke immediately before me, I mean the Honourable the Leader of the House, and also Mr. Kader Baksh, I thought that they were not opposing the motion for a Select Committee but that they were rather speaking in support of the motion. What is it they were saying? As a matter of fact, they did not know their brief and they were speaking in a tone which unwittingly led them to speak in support of the motion rather than oppose the motions before the House. (Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Certainly, not I.) Sir, the Honourable the Leader of the House is whispering out that he was not supporting the motion for Select Committee, but I will show how he was actually doing so.

He spoke in a strain which I think was sincere when he was speaking that he really wanted that the poor should have relief from the burden of taxation and that the tax should fall only on the rich who are well able to bear it. It is for the purpose of seeing that the poor are relieved of the burden of this taxation and that it may fall only on the rich that this side of the House has moved the Select Committee motions. Now, Sir, we have a bitter experience of rushing through Bills in this House during the last few days. I need not remind honourable members as to what difficulty we had in dealing with the Land Alienation Bill. It has had to be brought up and sent back several times in order that the defects might be improved. And yet Government would not agree to a Select Committee. As a matter of fact, if Government had agreed to a Select Committee in respect of that Bill on the first occasion, then possibly all difficulty would have been removed and the Bill would have been passed by the House by now. They have, therefore, wasted the valuable time of the House by two or three adjournments in order that the Bill might come out again in a more presentable shape for the consideration of the House. The motions for sending the Bill to a Select Committee have no other object in view except to frame the Bill in such a way as would really achieve the objects enunciated by the Honourable the Leader of the House, I mean the Minister in charge of Agriculture, and Mr. Kader Baksh, who spoke on behalf of Government.

Sir, in considering this motion for Select Committee, I would refer to a particular fact for the consideration of the members of the House, especially of the members who are sitting to my left—I mean the European members. What is the object of sending a Bill to the Select Committee? In the Select Committee, across the table we can discuss various matters and in the course of discussion many things could be set right and many defects could be removed which it is not possible to do on the floor of the House, as certain formalities have to be observed here in dealing with our amendments. After Select Committee the Bill could be placed before the House in a more presentable form and it could then be passed without any controversy. In support of this contention, I will illustrate one or two points which show how the object of the Bill has not been attained. In the Schedule the Hon'ble Minister has provided that *dhotis*, *lungis* and *saris* be exempted and the Provincial Government has been authorised to fix the price-limit. But if we look to the main Act itself, we find that in one important item, I mean item 16—handloom-woven cloth has been exempted. So far as the Schedule to the main Act is concerned, handloom cloths have been exempted when sold by a dealer who does not sell any other kind of cloth. But I think most of the members are not aware that there are very fine counts of handloom cloths, counts 80, 90, 100 and 150, and the cloths woven with those counts are sold for Rs. 100, 200 and even Rs. 1,500. Under that provision these cloths which can only be purchased by the rich people, are exempt from taxation; so there is the loophole. The High Court was moved to see as to whether these articles could be exempted and they are of the opinion that under the provision of the Act they should be exempted. You are exempting those who are able to pay

in respect of one article and including the poor people in respect of certain other articles. All these defects could be remedied in the Select Committee. After all, what does the motion for reference to Select Committee want? It wants that their report be placed before the House by the 20th March; it only asks for 8 days for deliberation in the Select Committee of the various clauses. If we can come to a settlement in these eight days, the Bill will be passed in much less time than if it is considered clause by clause on the floor of the House. So I appeal to the members of the House and to the Government not to oppose this motion for Select Committee. I hope they will support Rai Bahadur's motion for sending the Bill to a Select Committee to submit a report by the 20th March, 1944.

Mr. HAMIDUL HUQ CHOWDHURY: Mr. President, Sir, the honourable members have not adduced any evidence or any arguments in support of the motion for Select Committee. They have not said why this Bill should go to the Select Committee. This Bill is practically a one-clause Bill and the only controversy is whether the existing tax of quarter of an-anna in one case and certain percentage in another case shall be increased or not. They have not put forward any arguments whatsoever. They gave long and learned lectures over this. Mr. Mazumdar, Mr. Mukherjee and Mr. Humayun Kabir, every one of them has in fact referred for their argument to another Bill which is of a more complicated nature. Mr. Huhayun Kabir was lamenting over his proposal to refer that Bill to the Select Committee,—but that is dead now. In fact, most of his speech was the lamentation for this lost child of his. He says the poor men require protection and we are also saying that because we want to help the poor men, this Bill has to be passed. Government's proposal is to help these poor men to the tune of Rs. 10 crores a year. We are only taxing the rich and helping the poor who require money immediately. The honourable members of the Opposition are trying to withhold the money. They are standing in the way of Government to help the poor. Government have a deficit. They must meet the deficit and at the same time feed the poor, hungry and starving people. They must give medicine to the poor people who are dying for want of medicine and doctors. The honourable members of the Opposition say there is no money. But they won't help us to find it.

Then as regards the handloom industry. They say that this Bill will kill it. But that is not so. I submit, Sir, that one of the well recognised way of helping an industry and to protect it is to give it direct help. Government have got a scheme whereby they want to give substantial help to the handloom industry directly. And for this also the Government needs money,—a large amount of money is necessary—and therefore if this money is prevented from being raised, how can the Government help the industry? It had been provided in the existing Act that a dealer or a trader who deals exclusively with handloom-made cloths and other handloom-made articles shall be exempted from this tax. But, Sir, there are very few shops which deal exclusively with these handloom-made cloths. Only, I think, some co-operative societies deal with such cloths and there are very few societies

of that nature. (Rai Bahadur KESHAB CHANDRA BANERJEE: Considerable number of shops.) My friend says that there are considerable number of such shops: I think his knowledge is limited only to the city of Dacca, but I also know something of Dacca and I can say that out of 30 shops you will perhaps get only one shop which can be said to sell exclusively handloom products. The Hon'ble Finance Minister will be able to say whether there has been an extensive list of excluded shops from the operation of the present tax and the Government also will be able to say whether there have been many. (Rai Bahadur KESHAB CHANDRA BANERJEE. Have you seen Madhabdih?). Therefore, Sir, the handloom industry will receive very substantial help if the Bill is passed into law and enough money is put in the hands of Government.

Sir, another point has been raised by my friends opposite, namely, that the Opposition should have been taken into the confidence by Government; and if they had been taken into the confidence, they would have agreed to demand jointly on behalf of the people of Bengal that the Government of India should come to the assistance of the Province of Bengal. If that confidence is not generated in the minds of my friends opposite, they are not going to do that. The Government of India told us that if we want help from them, then the province must show that it has done all that lies in its power to do to help itself. Having done so if it is not able to meet the large deficit that has accrued on account of the various relief measures, then a good case will be made out and the Government of India will be compelled to come very generously to the assistance of the province. This is the reason why at a time like this Government are going to tax the rich and the poor for giving more money to the Province of Bengal so that they may successfully operate all the schemes that they have for the rehabilitation of the Province. Now, so far as the Government of Bengal is concerned, it has fulfilled its duties by doing everything that lies in its power to do in order to assist the people in their distress, and it is for the Government of India now to come to the assistance of the province more liberally than they have shown in their Budget of 1944-45.

***Mr. MUNGTURAM JAIPURIA:** Spoke in Hindi.

Mr. AMULYADHONE ROY: Sir, I have been told that Mr. Hamidul Huq Chowdhury has said that the Opposition gives only a conditional support to the Bill, namely, that if the Bill is sent to a Select Committee, then the opposition will join in demanding from the Government of India a subvention to meet her extraordinary expenditure on account of the war and famine. Unfortunately, I was not in the House and I had not the opportunity of hearing Mr. Hamidul Huq Chowdhury. However, Sir, it is not at all true that members of the Opposition are giving only a qualified support on this matter. The Opposition will give their full support to any demand that may be made by the Treasury bench for subvention from the

*An authorised English translation of this speech will be found incorporated in the Appendix to the debates of this session.

Government of India. I would now like to say a word or two regarding the point raised by my friend Mr. Haridas Mazumdar yesterday. His case yesterday was that there would have been no necessity for this Bill if Government had not lost so much paddy and rice which was kept unprotected and uncared-for on the various railway station platforms. I have no doubt in my mind that the Ministry is liable to be impeached for sheer wastage of so much paddy, and I hope the Hon'ble Ministers who are now occupying such responsible positions in the country will prefer conviction on their own admission for this wastage to the denial of this charge. I am the last man to support this measure, namely, to tax the poor people of this country. No taxation measure should have been brought by the Hon'ble Finance Minister if he had been able to retrench a large sum of money which was being spent for nothing in the various departments.

Mr. BIREN ROY: Sir, the honourable member is still making observations of a general nature.

Mr. AMULYADHONE ROY: You sit down, Mr. Parliamentary Secretary. You have got no business to interrupt me in this way.

Mr. PRESIDENT: Order, order. I think it is very undignified to speak in that tone Mr. Roy. You forget yourself.

Mr. AMULYADHONE ROY: I do not know if I deserve the angry eye on the part of the Chair, but I submit——

Mr. PRESIDENT: You forget yourself, Mr. Roy. You have no right to speak in that way.

Mr. AMULYADHONE ROY: But, Sir, the Parliamentary Secretary interrupted me.

Mr. PRESIDENT: That is a different question; but you must not speak in that way.

Mr. AMULYADHONE ROY: I am prepared to bow down to the ruling of the Chair, but not to the angry eye of anybody else.

Mr. PRESIDENT: You must not forget your position or the position of any other member of this House: I must stress that point.

Mr. AMULYADHONE ROY: But, Sir, what have I said?

Mr. PRESIDENT: About that, you may ask your colleagues after the meeting. They will tell you what you have said. Your tone was very objectionable.

Mr. AMULYADHONE ROY: Sir, may I not enquire what business had Mr. Roy to interrupt me——

Mr. PRESIDENT: Mr. Roy, in parliamentary debates it is permissible for one side to interrupt the other side but one should not lose his balance or lose his sense of decorum.

Mr. AMULYADHONE ROY: Sir, I came to learn that interruptions like this are not permissible as pointed out by you the other day in the case of Mr. Lalit Chandra Das.

Mr. BIREN ROY: Sir, I rose on a point of order——

Mr. AMULYADHONE ROY: No, Sir, he interrupted me and did not rise on a point of order.

Mr. PRESIDENT: One thing you forget Mr. Roy that your tone was very objectionable. The way you retorted was certainly very undignified. You ask your friends and colleagues and they will bear me out.

Mr. AMULYADHONE ROY: Did I use any unparliamentary language?

Mr. PRESIDENT: Your language was all right but the tone was very objectionable.

Mr. AMULYADHONE ROY: I am very glad to know that my language was not unparliamentary but the tone went out of order. I shall in future try my best to control my tone also. However, Sir, may I now most politely ask Mr. Biren Roy through you what was the point of order he was trying to raise.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, my friend Mr. Roy has forgotten the thread of his speech and is going beside the point.

Mr. AMULYADHONE ROY: I am not going to take lesson from Mr. Hamidul Huq Chowdhury.

Mr. BIREN ROY: Sir, I rose on a point of order and when I just stated whether the honourable member was in order and before I actually came to the point of order he shouted out asking me to sit down. I rose on a point of order as to whether he was in order to make a general observation instead of confining his remarks to the Select Committee.

Mr. AMULYADHONE ROY: Sir, my pointed question to the Hon'ble Finance Minister is what objection he has got to sending the Bill to the Select Committee? Why is he so anxious to tax the people of Bengal without sending the Bill to Select Committee? Nothing will be lost to the Treasury Bench or the Government of Bengal if this Bill is referred to the Select Committee. On the other hand, there is every likelihood that the Bill will be improved if it is sent to the Select Committee. With these words, I support the motion for reference to Select Committee.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, Sir, as my honourable friend Mr. Hamidul Huq Chowdhury has pointed out, this is really a one-clause Bill and there is no point in referring this Bill to a Select Committee. All that could be said on the Bill could be said on the floor of the House. I just wish to make, with your permission and with the permission of the House, one or two observations. Yesterday, Sir,—and I say this partly by way of apology for myself for not having replied to the debate on the first amendment—I did not rise to speak for

the simple reason that there was so much bad economics and worse finance talked on the floor of this House that I thought that I might be tempted to become somewhat sarcastic in my reply to the speeches of learned professors and legislators. That is why I refrained from addressing the House.

This Bill is a very simple matter. Sales Tax Bills were adopted by most of the great countries of the world after the last war including some of the Dominions. The United Kingdom, on account of her fiscal traditions, came late in the field. Even before the United Kingdom, Madras introduced a sales tax. After all, it is a tax which ignores the academic controversies about direct and indirect taxation. It has a direct relation to the purchasing power of the people and thus meets the ends of justice and equity. So long as the essential commodities needed by the poorer section of the community are exempt from the sales tax, the tax could be defended in argument. The principle of a sales tax and a purchase tax is the same. In the United Kingdom it is called a purchase tax. The difference in nomenclature means no real difference at all.

Mr. BANKIM CHANDRA MUKHERJEE: On a point of information, Sir. May I know why then the handloom cloths worn by the poor people have been taxed?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: As I was saying, the principle underlying this Bill, or the justification for a sales tax or a purchase tax is its productivity, that is its yield. You get a large amount of money for the Exchequer to spend for the object of furthering the social activities of the State without really touching any one very hard. It is this productivity which in India attracted the cupidity of needy Finance Ministers. Here I am before you asking for some assistance for buttressing the finances of Bengal. After all, I have been urged by a section——

Mr. LALIT CHANDRA DAS: On a point of order, Sir. I want to know whether this Bill would go to a Select Committee. The speech of the Hon'ble the Finance Minister is actually sabotaging our subsequent amendments. He has already spoken on clauses 2 and 3. So there will be no meaning in our moving the subsequent amendments. I protest against it.

Mr. PRESIDENT: He has every right to make general statement as well as to give reply to the specific points raised in connection with the amendments before the House.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I was just saying that I have been pressed from all sides to approach the Government of India cap in hand. In order that I may approach the Government of India with some grace, in order that I may protect the credit of Bengal as the Finance Minister of this Province, I must ask for some meausure of protection by way of taxation. That is an essential principle of public finance. I cannot approach the Centre or the public, in case I have to go to the latter at a later date for borrowing, without any conviction unless I am protected by an adequate measure of taxation. Sir, that is the reason why I some before

this House with an innocent Bill like this. I say again that the Bill will not tax the poorer section to any appreciable extent. There are people who have apparently enough purchasing power to buy things in the dear market of the day. As I said before, this taxation measure has direct relation to the purchasing power of the people at any given moment of time. Sir, I will take up no more of the time of the House at this stage.

Mr. PRESIDENT: The question before the House is: that the Bill be referred to a Select Committee consisting of—

the Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
Mr. R. W. N. Ferguson,
Mr. Naresh Nath Mookerjee,
Mr. Humayun Kabir,
Mr. Kamini Kumar Dutta,
Mr. Nur Ahmed,
Khan Bahadur M. A. Momin, C.I.E.,
Mr. Hamidul Huq Chowdhury,
Khan Bahadur Abdul Hamid Chowdhury,
Khan Sahib Nurul Amin, and
the mover,

with instructions to submit their report by the month of May, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The motion being put, a division was challenged with the following result:—

AYES—16.

Mr. Altaf Ali.
Rai Bahadur K. C. Banerjee.
Mr. S. C. Chakraverti.
Mr. L. C. Das.
Mr. B. C. Datta.
Mr. N. C. Datta.
Mr. M. R. Jaipuria.
Alhadj Khan Bahadur Shaik Mohamed Jan.
Mr. Humayun Z. A. Kabir.
Rai Bahadur B. M. Maitra.
Mr. H. D. Mojumdar.
Mr. N. N. Moholanabish.
Mr. B. C. Mukherji.
Mr. R. Pal Chaudhuri.
Mr. A. D. Roy.
Khan Sahib Maulvi Wahiduzzaman.

NOES—24.

Mr. Mesbauddin Ahmed.
Mr. Nur Ahmed.
Khan Sahib Nurul Amin.
Khan Sahib Abdul Aziz.
Mr. Kader Baksh.
Mr. B. L. Barua.
Mr. Moazzamali Chowdhury.
Mr. Hamidul Huq Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen.
Mrs. K. D'Rozario.
Khan Bahadur Abdul Gofaran.
The Hon'ble Khan Bahadur Sayed Muazzamuddin Hosain.
Mr. Latafat Hossain.
Mr. W. B. G. Laidlaw.
Mr. Abdul Latiff.
Khan Sahib Subidali Mollah.
Mr. T. B. Nimmo.
Khan Bahadur Muklesar Rahman.
Mr. Biren Roy.
Rai Bahadur R. B. Roy.
Mr. S. N. Sanyal.
Khan Bahadur M. Shamsuzzoha.
Mr. Yakub H. S. Sattar.

Mr. PRESIDENT: Order, order. The House has divided. *Ayes being* 16 and Noes 24, the amendment is negatived.

The question before the House is: that the Bill be referred to a Select Committee consisting of—

the Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
Mr. Nur Ahmed,
Khan Bahadur M. A. Momin, C.I.E.,
Mr. Hamidul Huq Chowdhury,
Mr. Mangturam Jaipuria,
Mr. W. B. G. Laidlaw,
Rai Bahadur Keshab Chandra Banerjee,
Mr. Haridas Mazumdar,
Mr. Kamini Kumar Dutta,
Mrs. Labanyaprobha Dutt, and
the mover,

with instructions to submit their report by the 31st March, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

A division was challenged and taken with the following result:—

AYES—14.

Rai Bahadur K. C. Banerjee.	Rai Bahadur B. M. Maitra.
Mr. S. C. Chakraverti.	Mr. H. D. Mojumdar.
Mr. L. C. Das.	Mr. N. N. Moholanabish.
Mr. B. C. Datta.	Mr. B. C. Mukherji.
Mr. M. R. Jaipuria.	Mr. R. Pal Chaudhuri.
Mr. Humayun Z. A. Kabir.	Mr. A. D. Roy.
Alhadj Khan Bahadur Shaik Mohammed Jan.	Khan Sahib Maulvi Wahiduzzaman.

NOES—24.

Mr. Mesbahuddin Ahmed.	The Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain.
Mr. Nur Ahmed.	Mr. Latafat Hossain.
Khan Sahib Nurul Amin.	Mr. W. B. G. Laidlaw.
Khan Sahib Abdul Aziz.	Mr. Abdul Latiff.
Mr. Kader Baksh.	Khan Sahib Subidali Mollah.
Mr. D. L. Barua.	Mr. T. B. Nimmo.
Mr. Moazzemali Chowdhury.	Khan Bahadur Muklesur Rahman.
Mr. Hamidul Huq Chowdhury.	Mr. Biren Roy.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mr. D. J. Cohen.	Mr. S. N. Sanyal.
Mrs. K. D' Rozario.	Mr. Yakub H. S. Sattar.
Khan Bahadur Abdul Gofran.	Khan Bahadur M. Shamsuzzoha.

Mr. PRESIDENT: Order, order. The House has divided. Ayes being 14 and Noes being 24, the amendment is negatived.

The next amendment is by Mr. Humayun Kabir. The question before the House is that the Bill be referred to a Select Committee consisting of—

the Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
Mr. Shrish Chandra Chakraverti,
Mr. Lalit Chandra Das,
Mr. Mangturam Jaipuria,
Mr. R. W. N. Ferguson,
Alhadj Khan Bahadur Shaikh Muhammad Jan,

Mr. Abdul Latif,
Khan Bahadur Abdul Gofran,
Mr. Nur Ahmed,
Mrs. Labanyaprobha Dutt, and
the mover,

with instructions to submit their report by the 31st March 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The motion was negatived.)

The last motion is by Rai Bahadur Keshab Chandra Banerjee. The question before the House is that the Bill be referred to a Select Committee consisting of—

the Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
Mr. W. B. G. Laidlaw,
Khan Bahadur M. A. Momin, C.I.E.,
Mr. Moazzemali Chowdhury,
Mr. Haridas Mazumdar,
Rai Bahadur Radhica Bhusan Roy,
Khan Bahadur Naziruddin Ahmad,
Khan Sahib Maulvi Wahiduzzaman,
Mr. Lalit Chandra Das,
Mr. Ranajit Pal Chowdhury, and
the mover,

with instructions to submit their report by the 20th March, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The motion being put, a division was challenged and taken with the following result:—

AYES—14.

Rai Bahadur K. C. Banerjee.
Mr. S. C. Chakraverti.
Mr. L. C. Das.
Mr. B. C. Datta.
Mr. M. R. Jaipuria.
Mr. Humayun Z. A. Kabir.
Alhadj Khan Bahadur Shaik Mohammed Jan.
Rai Bahadur B. M. Maitra.
Mr. H. D. Mojumdar.
Mr. N. N. Moholanabish.
Mr. B. C. Mukherji.
Mr. R. Pal Chaudhiury.
Mr. A. D. Roy.
Khan Sahib Maulvi Wahiduzzaman.

NOES—21.

Mr. Nur Ahmed.
Khan Sahib Nurul Amin.
Khan Sahib Abdul Aziz.
Mr. Kader Baksh.
Mr. D. L. Barua.
Mr. Moazzemali Chowdhury.
Mr. Hamidul Huq Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen.
Mrs. K. D' Rozario.
Khan Bahadur Abdul Gofran,.
The Hon'ble Khan Bahadur Saiyed Muazzamuddin Hossain.
Mr. Latafat Hossain.
Mr. W. B. G. Laidlaw.
Mr. Abdul Latif.
Khan Sahib Subidali Mollah.
Khan Bahadur Muklesur Rahman.
Mr. Biren Roy.
Mr. S. N. Sanyal.
Mr. Yakub H. S. Sattar.
Khan Bahadur M. Shamsuzzoha.

Mr. PRESIDENT: Order, order. The House has divided. For the motion—14; Against the motion—21. The motion is, therefore, negatived. Now, the question before the House is that the Bengal Finance (Sales Tax) Amendment Bill, 1944, be taken into consideration.

(The motion was agreed to.)

Clause 1.

Mr. PRESIDENT: Clause 1 stand part of the Bill.

Mr. HUMAYUN KABIR: I beg to move that in sub-clause (*2*) of clause 1 of the Bill, after the word "appoint" in line 3, the words, comma and figures "and shall remain in force till the 31st March, 1945," be added.

Sir, you will readily understand the principle underlying this amendment. This is only a logical corollary to a question which was discussed in this House before. The Hon'ble Finance Minister himself said that one of the first acts which he contemplated after he was returned to the Assembly was to provide some machinery by which taxation measures could be annually reviewed by the Legislature. You will remember, Sir, that one of the main difficulties we have felt in discussions concerning the budget in this House has been that since we do not consider the different items separately, we can only offer general remarks. You will also remember that we have found that even if we discussed particular items separately, that did not give this House that control over the functioning of Government which is desirable in the interest of democracy. Today, Sir, I am very glad to learn from my honourable friend Khan Bahadur Saiyed Muazzam-uddin Hosain that he is a great supporter of democracy. It is really a revelation and I have appreciated and welcomed this admission on his behalf. I would put one proposition to him. Since he is such a great supporter of democracy and since he wants that democratic principles should be followed in the administration of the province he ought to be the first person to rise and support my present amendment. This amendment seeks to introduce one of the democratic devices through which the Legislature exercises control over the administration. You will remember that the force of my contention has been admitted by the Hon'ble Finance Minister himself. I pressed before the House that a convention should be established that there should be an annual Finance Bill. Supplies could then be voted, item by item. Also, the measures of taxation through which moneys accrue to the Exchequer of the province can then be annually surveyed and reviewed by the Legislature.

In that connection, the Hon'ble the Finance Minister said that if such a provision could be included in our procedure, or if such convention could be built up here, that would conduce to the better administration of the province. In surveying the different items of supplies, the Legislature could immediately scrutinize and examine the activities of the Government during the past year. At present once a taxation measure is put on the Statute Book, it has a tendency to stay there. It is not a case of a rolling stone gathering no moss. On the contrary, this stone never ceases to roll and

gathers all the moss that one can imagine. In fact, taxation bills not only gather moss but become so rusty that very often we hear only the creaking of the machine of administration and fail to feel its smooth functioning in the different aspects of the life of the province. Therefore, Sir, when the Hon'ble the Finance Minister says that he welcomes such an innovation, I take him at his word. I would suggest that this House should make a beginning in that direction. Certainly, it is within the competence of this House to build up such a convention. Whenever any fresh taxation measure is introduced in this House, the life of that tax should be limited to the period of one year. There is nothing astounding or surprising in establishing a convention like this. A similar practice actually exists even under the present regime in the Central Legislature. There the different items of supplies are brought for the consideration of the Legislature annually through a Finance Bill. If we follow the English convention, there, as the Hon'ble the Finance Minister himself knows very well, the Finance Act is an Annual Act. Every tax is from that point of view an annually renewable measure. Even the income-tax is an annually renewable tax. They are brought up every year to meet the necessities of the situation. It is only by making these taxation measures annual that we can exercise proper control over the functioning of Government.

You, Sir, with your large administrative experience and with your knowledge of constitutional affairs know very well that this was a right which the Parliament did not get in a single day. The British Parliament had to fight over a very long period to get this right. It was resisted on behalf of the bureaucracy, on behalf of the oligarchy which at one time ruled, on behalf of the monarchy—on behalf of the king by persons who got the odious title of King's men. I would ask this House to consider if we cannot build up a similar convention here. The Houses of Parliament took several centuries to get this right. To recognise it and give final shape to it took a longer period. Today every Finance Bill or every financial matter is brought for the scrutiny of the Legislature, with the result that the Government of the day can never get away without giving an explanation to the Parliament. Therefore, it is all the more necessary in a country like this and with a Legislature like ours that we should have a similar convention.

It has been our experience during the last 6 or 7 years in this Legislature that Government, whenever they introduced any fresh taxation measure, were profuse in their promises. They said that the money so collected would be spent on the nation-building departments. Their promises were very large but unfortunately up till now, the performance has generally been very small. There has been no correspondence whatever between the promise and the performance. One of the main grounds for building up a convention lies here. We cannot immediately by legislation create the procedure of a Finance Bill. We cannot build up a convention in a day; but we can certainly, consistent with our powers, build up the convention by which fresh taxation measures would be made annually renewable. I submit, Sir, it is desirable to have this control over the finances of the province in the interest of good administration.

My honourable friend, the Leader of the House, has made what I would call an astounding proposition today. He said on the floor of the House today that it is the proper time for taxation. He laid down a general principle that at a time when the country is suffering from famine, at a time when the economic life of a very large proportion of the people has been deranged almost beyond recovery, the moment was opportune when fresh burdens of taxation should be imposed. I do not deny that today there is a section of the people who are well off and who are getting richer and richer. In fact, some of the symptoms which Karl Marx described as the essence of a decaying Capitalism seem to be exhibited in our country. After the onset of the war, we find that a situation has been created in which fewer and fewer people are getting richer and richer. The Hon'ble Finance Minister has come forward with a legislation which, he says, seeks to tax the rich in order to relieve the sufferings of the poor. If this were really so, he would meet the unanimous support of all sections of the House. He no doubt claims that it is a measure of taxation in which the poor will be spared but at the same time he also says that unfortunately some section of the poor will be touched. He also claims that he has tried to mollify the rigour of this tax by later on qualifying it and excluding the essential cloths and the essential articles of food from its operation. But he has forgotten to tell us that other amenities of life of the poor will be taxed. There is no provision in the Bill for exempting medicine which the poorer section of the community will also require. He forgot to tell us why he did not consider it necessary to exempt text-books for the children of the poorer class. Of course, he did not say that the poorer class can dispense with education, or that education should be the monopoly of those who can afford. I have no quarrel with him for any attitude he may have; but I would suggest that his professions of democracy are strangely inconsistent with an attitude like this. Education is just as necessary for the poorer classes as it is for the richer section of the people. He should have excluded from the operation of the Bill text-books and similar other things connected with the education of the children of the poorer section of the people. But he has not done so. The fact that he has not done so proves that all his talk about democracy is merely a talk and not an actual faith.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, is it all relevant when we are not discussing the Bill, clause by clause?

Mr. HUMAYUN KABIR: I submit, Sir, that I am perfectly relevant. My contention is: that a Bill like this should be renewed annually. The main reason for renewing a Bill of this type annually is to give the Legislature a control over the activities of the Ministry. I have to refer to some of the activities in which the Ministry indulged. I would put it to him, through you, Sir, whether it is relevant or irrelevant to discuss the provisions of the Bill when it is going to be a permanent fixture. Instead of giving

such large and wide powers to the Government, I am suggesting that we may have some control over their activities so that every year the Legislature can take stock of the situation.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I rise on a point of order, Sir. Is this all relevant to the amendment?

Mr. HUMAYUN KABIR: Sir, the point of order is absolutely frivolous. I am saying all this in order to develop my argument.

Mr. PRESIDENT: Mr. Kabir, certainly you are on the border line.

Mr. HUMAYUN KABIR: I submit to your ruling, Sir. But since you say that I am only on the border line, it follows I have not yet crossed the boundary. On that admission I maintain that I was relevant. And I repeat that this frivolous point of order comes with ill grace from a person of the position of the Leader of the House. A person who arrogates to himself the position of the Leader of the House should not rise on a frivolous point of order.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. My friend Mr. Kabir has used the expression "arrogates to himself the position of the Leader of the House". Is that in order?

Mr. PRESIDENT: Mr. Kabir, what is it that you said about "arrogating," etc.?

Mr. HUMAYUN KABIR: I said "the honourable member who is arrogating to himself the position of the Leader of the House". But I would now qualify it by saying "who is elevated into the position of the leader of the House" if that will satisfy my honourable friend on the other side, who I may point out is also out of order in speaking from a position which he does not occupy. His point of order therefore should be ruled out. Therefore, Sir, I may repeat what I said—with this qualification—that I am prepared to elevate my honourable friend to a position of dignity instead of his waiting to arrogate to himself that position——

Mr. PRESIDENT: Mr. Kabir, it is not proper to use the expression "arrogate"'.

Mr. HUMAYUN KABIR: Sir, I have already qualified it.

Mr. PRESIDENT: You should not use the expressions "arrogate" and "frivolous". It would be unbecoming on your part.

Mr. HUMAYUN KABIR: If you rule that the word "frivolous" is an unparliamentary expression—a term which, however, I have not applied to the Honourable the Leader of the House but to his point of order only, I would submit to your ruling and will not use the term in future. But, Sir, I have thought that such terms are not only a perfectly parliamentary way of speaking but I should have also thought that such description very often adds force to the argument instead of detracting from it. However, Sir, to pursue the point that I was developing and which an honourable

supporter of Government did not obviously like, and did not like to such an extent that he wanted to disturb me in my argument at any cost, I was suggesting to my friends on the other side that limitation of taxation measures to a year is a convention which should be built up in this House.

Mr. KADER BAKSH: On a point of order, Sir. Was not Mr. Kabir outside the scope of his amendment? A moment ago he was talking about education which has nothing to do with the clauses of the Bill, at least nothing to do with clause 1 of the Bill. I think he should not be allowed to do so.

Mr. PRESIDENT: That point of order has been already disposed of, and I pointed out that he was dangerously on the border line.

Mr. HUMAYUN KABIR: You have now, Sir, qualified your own ruling by the word "dangerously". I wonder if this be due to an infection of the adjectives and adverbs we have used!

However, Sir, let me proceed with the argument that I was developing. I was referring to a convention which we have not yet built up, namely, that taxation measures should be annual, a practice which obtains in all the democratic countries of the world. If my honourable friend opposite says he would like to have a new type of democracy under which powers should be delegated to Government and that, once delegated, the Legislature should never survey or review them, then I for one do not want that type of democracy. As I was saying, Sir, all democratic countries in the world provide that taxation measures are to be annual. The amendment that I want to incorporate in this Bill also seeks the same end, namely, that this taxation measure should be an annual measure. It is all the more necessary in the case of this particular Bill. When originally this Bill was piloted through the two Houses of the Legislature, the then Finance Minister of the Government of Bengal, Mr. H. S. Suhrawardy, gave a definite promise on the floor of the House that the money that would accrue to the Exchequer from this particular tax would be spent on the nation-building departments. The Hon'ble Finance Minister of the day has admitted that this has not been done. This has been our experience not only with regard to this particular taxation measure. I would submit that it is all the more necessary and desirable that my amendment should be included in the Bill. If next year, the money from this tax is found to have been well spent, we are even now prepared to give an assurance in advance that we shall renew this taxation measure without any discussion or comment. If, however, the money is not well spent, then it will be the duty of the Legislature to scrutinise the manner in which the money has been actually spent and disposed of.

In view of this fact, I would ask the honourable members of the other side to support this amendment. They should also remember that this is something that increases the power of the Legislature as a whole and not only the power of the Opposition, nor does it mean taking away any power from the Government party. No party will remain in power in perpetuity: they would be continually interchanging their positions—the Opposition

and the Government Party—as the democratic see-saw continues. Sir, I suggest that in the interest of the House as a whole, and also in the interest of the poorer section of the people of Bengal, it is desirable that we should make all money measures annual measures. We should pass this particular Bill which is before us as an annual measure. I ask for the co-operation of every section of the House to make it an annual Bill, so that we can survey the position annually and have control over the administrative machinery of the Government.

Mr. PRESIDENT: Motion moved: that in sub-clause (2) of clause 1 of the Bill, after the word "appoint" in line 3, the words, comma and figures "and shall remain in force till the 31st March, 1945," be added.

Rai Bahadur KESHAB CHANDRA BANERJEE: Mr. President, Sir, I do not think I can add to or improve upon the arguments already advanced by my friend, Mr. Humayun Kabir, in moving his amendment. The only thing that strikes me as important is the necessity for making it an annual measure. This House has every right to see and know what use has been made of the revenue derived from the Bengal Finance (Sales Tax) Act since 1941. It was argued by the Hon'ble the Finance Minister in the course of the debate that the money would be wholly spent for the improvement of the nation-building departments. If the object of this taxation measure is to meet the increasing expenses in the shape of the travelling and other allowances of the Hon'ble Ministers, their Parliamentary Secretaries and the officers of Government, then certainly this House has every right to turn down the Bill now before us. I would like to know from the Hon'ble the Finance Minister as to how the amount so far collected under the Bengal Finance (Sales Tax) Act of 1941 has been expended. I think it is well-known that when the Income-Tax Act of the Central Legislature was placed on the Statute Book, it was considered to be a temporary measure. It was described only as a famine measure to meet a certain emergency. But since then it has been permanently placed on the Statute Book. So our objection is that as it is an emergent measure intended to meet an abnormal situation, it should not be the permanent law of the land. It should be a temporary measure. Government are handicapped, we are told, by a deficit Budget and with a view to meeting part of that deficit by taxation and in order to show the Central Government that the Provincial Government has done something for which they can legitimately claim subvention, the sales tax is sought to be doubled. As I have already said, this Bill should not be placed on the Statute Book as a permanent measure.

Sir, the House is certainly entitled to know the position and revise its decision in the light of subsequent developments. If we find that the necessity for the renewal of this measure no longer exists, we will come to a decision accordingly. So it is certainly undesirable to place it permanently on the Statute Book. With these words, I support the amendment of my friend Mr. Huhayun Kabir.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, the Hon'ble the Finance Minister was telling the House that this Finance Sales Tax measure is not a new thing in Bengal. He cited instances of other countries. We

do not dispute it. The Hon'ble Minister refers to the case of Madras and states that in Madras this tax was imposed. True, but he did not mention one very important fact in this connection and that important fact is: why Madras imposed this tax? Sir, Madras was going in for the Prohibition scheme, and how could they get money to meet the deficit due to the abolition of excise revenue? That was the problem before the Madras Government. So, they resorted to this taxation measure. They were determined to forego the excise revenue. Mr. Rajagopalachariar was then the Finance Minister and he piloted that measure to meet the deficit that was brought about by adoption of the policy of Prohibition. But that is not at all the case here. At the time of his budget speech, the Hon'ble the Finance Minister told us about the most interesting increase in excise revenue in Bengal. Sir, this increase is certainly a feather to the cap of the Muslim League Government. Sir, this sale tax should be made a temporary one. I do not agree with Mr. Humayun Kabir that this measure should be made an annual one. I do not go to that length. This tax should be a temporary one. In the Statement of Objects and Reasons, the then Finance Minister, the Hon'ble Mr. H. S. Suhrawardy, told us in 1941, "that the resources of the Government of Bengal are not sufficient to enable them to maintain the natural development of the programme of nation-building activities that are in progress". He further said that "for the purpose of financing the further beneficent measures for the economic improvement of the province this Bill was being introduced". But in the present Bill there is no such reason and that is all the more reason why this Bill should be made a temporary measure and not a permanent one. The object of doubling the tax has been clearly stated by the Hon'ble the Finance Minister. The Hon'ble Mr. Goswami observed that a case must be made out before the Government of India before he could go "with a cap in hand" for subvention. That is the reason why he resorts to this new taxation measure. But, Sir, why does he not tax the luxuries of the rich and raise this amount of Rs. 1½ crores, which he expects to raise by this taxation measure? He did not follow that course. Why this should be borne by the rich and the poor alike? Sir, the incidence will weigh 20 per cent. heavier upon the poor because of their poverty than upon the rich and that is the greater reason why this measure should be a temporary one and not a permanent one.

Sir, if all these things be considered, I think the Hon'ble Finance Minister will agree to the amendment of Mr. Humayun Kabir that it should be continued till 31st March, 1945.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think, Sir, the House is going to close now. I suggest that instead of taking the Land Alienation Bill, tomorrow this Bill be continued.

Mr. PRESIDENT: If it is the desire of the House, I have no objection. The House stands adjourned till 1 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1 p.m. on Wednesday, the 15th March, 1944.

Members Absent.

The following members were absent from the meeting held on the 14th March, 1944:—

Khan Bahadur Naziruddin Ahmad.
Khan Sahib Fariduddin Ahmed.
Mr. Sultanuddin Ahmed.
Mr. Humayun Reza Chowdhury.
Khan Bahadur Abdul Hamid Chowdhury.
Mr. Khorshed Alam Chowdhury.
Mrs. Labanyaprobha Dutt.
Mr. K. K. Dutta.
Mr. R. W. N. Ferguson.
Maulana Mohd. Akrum Khan.
Mr. J. McFarlane.
Khan Bahadur M. A. Momin.
Mr. N. N. Mookerjee.
Mr. R. S. Purssell.
Khan Bahadur Kazi Abdur Rashid.
Dr. K. S. Ray.
Mr. B. K. Roy Chowdhury.
Dr. Kasiruddin Talukdar.

BGP-44/5-2008A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 23.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 15th March, 1944, at 1 p.m., being the twenty-third day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Oath.

Mr. PRESIDENT: Order, order. Mr. Steven will take the oath.

Mr. J. W. R. Steven accordingly took the oath.

Bengal Non-Agricultural Tenancy Bill.

89. Mr. BIRENDRA KISHORE ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many representations have been received by the Government of Bengal since 1941 from the different Bar Associations of the Province with regard to the proposed "Bengal Non-Agricultural Tenancy Bill"?

(*b*) Is it a fact that most of the Bar Associations are opposed to the Bill in its present form?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) Three.

(*b*) No. They have only suggested a few amendments to the Bill.

Mr. PRESIDENT: What about the other questions that were held up yesterday?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: They may be answered tomorrow, Sir.

Mr. PRESIDENT: Very well, they will be answered tomorrow.

Adjournment motion regarding shortage of salt supply in Bengal districts.

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, I beg leave to move the adjournment motion of which I gave notice yesterday. The motion runs thus:

"That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government to

supply salt to the people in the mofussil districts of Bengal particularly in the districts of Northern Bengal, where acute distress prevails for want of supply of salt."

Mr. PRESIDENT: What is your source of information?

Mr. NAGENDRA NATH MOHOLANOBISH: My course of information is my personal knowledge so far as Jalpaiguri is concerned and so far as other places are concerned the information received from very respectable persons including members of this House that similar distress is prevailing in the districts of Dinajpur, Rangpur, Bogra and other places.

Mr. PRESIDENT: Should you not have information from Government before moving the adjournment motion? Don't you like to have information with regard to the position from Government?

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, so far as the actual distress is concerned, there is no doubt about it, because I have got my personal knowledge and I do not think any further information is required.

Mr. PRESIDENT: You want to move a censure motion against Government, but would you not like to have full information on the whole question before you do so?

Mr. NAGENDRA NATH MOHOLANOBISH: I would rather have a discussion on this subject in the House in order to emphasise this failure.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the position as regards salt has been ventilated in the press and in other papers for a considerable time past and the actual difficulties have also been made known. The honourable gentleman who has brought forward the motion cannot say that he has only just come to know that there is shortage of salt in the various districts of Bengal or in Northern Bengal. So the position is known to this House and the public for some considerable time. Government is trying its best to send salt to all these areas from the reserve that it has built up, and quite a satisfactory account has been given of that. About 10 days ago the position regarding the despatch of salt was announced in the papers and in that statement Government admitted that owing to certain transport difficulties, owing to the fact that the Government of India had stopped rail-borne salt traffic across India from Karachi, owing to the fact that the promise of sending 30,000 tons of salt every month failed for two months, there is shortage of salt. Government made out a programme for sending salt to selected places in Bengal; but there was a break-down in movement on account of railway transport getting jammed. All these facts are well-known to the public for a long time. So, Sir, this matter is not of recent occurrence.

Mr. PRESIDENT: What do you say to this, Mr. Moholanobish?

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, my submission in reply to the statement of the Hon'ble Minister that Government have been trying their best to supply salt where there is deficit and that discussions

were made and explanations given in the past with regard to the situation, is that the situation is gradually getting from bad to worse. The position with regard to Jalpaiguri district is that people in the mofussil are not having their meals for days together for want of salt and the situation is so bad today that it requires immediate attention and therefore the matter should be discussed in this Council to draw the pointed attention of the Government. The explanation of the Hon'ble Minister, as just now given or attempted to be given, is not at all satisfactory. Sir, I want to establish the shortage of salt by discussion. It is certainly a definite matter of urgent public importance. If this is not so, I do not think there can be any other more urgent matter of public importance for discussion.

Mr. PRESIDENT: Are Government going to say anything on this subject?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I may say that we have got 26 trucks for carrying salt to the different parts of Bengal. We have been moving in the matter since a long time, even long before the public was aware that there was likelihood of shortage of salt. For the last two months or more, I have been trying to solve the problem of salt shortage. We had the programme ready for despatch but due to railway difficulties, over which this Government have no control, we were unable to act according to our programme. Now, the Railways have placed at our disposal 26 trucks and we have been sending salt to various parts of Bengal. We have been also sending salt by steamers and boats, but as there is no arrangement for the delivery of salt at Jalpaiguri by boat, I have not been able to send it in this manner. North Bengal as a whole has been suffering from this shortage because boats or steamers cannot go there. I would submit to you, Sir, to consider whether the motion is admissible or not because one of the points to be taken into consideration in admitting an adjournment motion is to see whether the subject-matter is of recent occurrence. Here the question is not of recent occurrence.

Mr. PRESIDENT: The point is: that though this is not a matter of recent occurrence, it is a continuing grievance; and probably, if the honourable member has correctly ascertained the facts, the situation is growing more acute. So, I would suggest that Government should make a fuller statement on the subject to satisfy the House. If the Government are prepared to do so, I would request the honourable member not to press his adjournment motion today. I would suggest to you to make the statement tomorrow.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, make it day after tomorrow.

Mr. PRESIDENT: All right. As the Hon'ble Minister is prepared to make a fuller statement day after tomorrow, I would suggest, Mr. Mohalanobish, that you do not press your motion today. After hearing the statement if you are not satisfied, you may move your motion. I will waive the question of urgency and would then consider whether your motion should be admitted for discussion or not.

Mr. NAGENDRA NATH MOHOLANOBISH: As you please, Sir.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, may I say a few words in regard to this motion?

Mr. PRESIDENT: It is all over now.

Mr. SHRISH CHANDRA CHAKRAVERTI: If you want to shut out the discussion, Sir, then I have nothing to say.

Mr. PRESIDENT: Certainly not. That is far from my mind. I am not shutting out the discussion. I am, if I may say so, encouraging discussion. Mr. Moholanobish made a statement before the House which I think is of sufficient importance. The Hon'ble Minister is prepared to satisfy the House with fuller information. So, how I am shutting out discussion?

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, the statement just made by the Hon'ble Minister strengthens case for the motion instead of weakening it.

Mr. PRESIDENT: So much the better for you. I do not understand why you are objecting to postponement of the discussion till day after tomorrow when the mover himself has agreed to do that.

Mr. LALIT CHANDRA DAS: Sir, may I add one word in the matter of the admissibility of this adjournment motion? You have said that this motion will come up after a full statement has been made by the Hon'ble Minister concerned. But the first condition to allow an adjournment motion is that 13 members should rise up in support of an adjournment motion being taken.

Mr. PRESIDENT: Mr. Das, have not I made the point clear? The Hon'ble Minister is going to make a fuller statement day after tomorrow. If the honourable member who has given notice of this adjournment motion thinks that he is not satisfied with the statement, he may move the motion and then I shall consider whether in view of the statement made and in view of the situation then prevailing the motion would be admitted or not. I waive the question of urgency, because it is a continuing grievance and it will remain an urgent matter even then.

The Hon'ble Mr. H. S. SUHRAWARDY: Suppose, Sir, there occurs a vacuum and nobody draws attention to it when it occurs but draws attention after a considerable time to the fact that the vacuum is continuing, will the honourable member be justified in bringing up an adjournment motion?

Mr. PRESIDENT: That is a hypothetical case, Mr. Suhrawardy. Mr. Moholanobish's contention is that there is shortage of salt in several districts in Northern Bengal.

The Hon'ble Mr. H. S. SUHRAWARDY: The shortage has been in existence for a considerable time.

Mr. PRESIDENT: It may exist for a considerable time; but if he assures that the situation has now become far more acute, then certainly he will be justified in claiming an adjournment of the business of the House. Its admissibility would depend on the facts you state and the facts that Mr. Moholanobish can make out in support of his motion.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, the Hon'ble Minister does not seem to agree with you and he is not in favour of admitting this motion.

Mr. PRESIDENT: The admissibility of the adjournment motion does not lie with him but with the Chair.

Mr. LALIT CHANDRA DAS: And also with the House. If day after tomorrow the requisite number of members do not turn up, then the motion may not be taken up, if the Hon'ble Minister objects.

Mr. PRESIDENT: If it is a matter of such great importance, then the 13 members ought to be present in the House.

Mr. HARIDAS MAZUMDAR: Sir, may I mention the point of privilege raised by me the other day when you said that you would look into the language which the Hon'ble Minister for Civil Supplies used in his speech?

Mr. PRESIDENT: Kindly mention it again tomorrow. I have not been able to go through the speech as yet.

The Bengal Finance (Sales Tax) Amendment Bill, 1944.

Mr. HARIDAS MAZUMDAR: Sir, I rise to support the amendment moved by Mr. Humayun Kabir, and in doing so I must at the very outset tell my honourable friends through you that mere acceptance of the amendment will not serve the purpose. My suggestion is that a machinery must be created consisting of the members of the Legislature and other experts—it may be called a Committee of Caution—whose function will be to help the administration in the making of important estimates and also in considering other matters in connection with a scheme or a programme that may be taken up by them in course of the year. Sir, I have already pointed out in my budget speech that Sales Tax should not be a permanent feature of the administration and the amendment also suggests that it should be a temporary measure for one year only and that it should be brought before the House next year and opportunities must be given to the Legislature to go through its *pros* and *cons* and then renew it next time, if necessary. Therefore, I suggest that a machinery like the Committee of Caution should be set up which will work and supervise from day to day or month to month the activities of the Government so that it can be reviewed at the end of the year usefully in the light of the criticism and report submitted by the said Committee of Caution.

With this suggestion, I commend the amendment to the acceptance of the House.

Mr. PRESIDENT: Order, order. The question before the House is: that in sub-clause (*2*) of clause 1 of the Bill, after the word "appoint" in line 3, the words, comma and figures "and shall remain in force till the 31st March, 1945" be added.

On division:—

AYES—18.

Mr. Altaf Ali.	Rai Bahadur B. M. Maitra.
Rai Bahadur K. C. Banerjee.	Mr. H. D. Majumdar.
Mr. S. C. Chakravorti.	Mr. N. N. Mehelanobish.
Mr. L. C. Das.	Mr. S. C. Mukherji.
Mr. N. C. Datta.	Mr. R. Pal Chaudhuri.
Mr. K. K. Dutta.	Rai Sahib J. N. Ray.
Mr. M. R. Jaipuria.	Dr. K. S. Ray.
Mr. Humayun Z. A. Kabir.	Mr. A. D. Roy.
Alhadj Khan Bahadur Shaikh Muhammad Jan.	Khan Sahib Maulvi Wahiduzzaman.

NOES—21.

Mr. Meshahuddin Ahmed.	The Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain.
Mr. Nur Ahmed.	Mr. Latafat Hossain.
Khan Sahib Nurul Amin.	Mr. Mohamed Hossain.
Khan Sahib Abdul Aziz.	Mr. W. B. G. Laidlaw.
Mr. Kader Baksh.	Khan Sahib Subidali Mollah.
Mr. D. L. Barua.	Mr. T. B. Nimmo.
Mr. Hamidul Huq Chowdhury.	Khan Bahadur Muklesur Rahman.
Mr. C. E. Clarke.	Mr. Biren Roy.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. K. D'Rozario.	Mr. J. W. R. Steven.
Khan Bahadur Abdul Gofran.	

Mr. PRESIDENT: Order, order. The House has divided. Ayes—18; Noes—21. Therefore, the amendment is negatived.

Clause 1.

The question before the House is that clause 1 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

Rai Bahadur KESHAB CHANDRA BANERJEE: I beg to move that clause 2 of the Bill be deleted.

Sir, clause 2 provides for enhancement of the rate of tax from one quarter to half an anna in the rupee. I have already given my arguments while moving other amendments that this Bill is absolutely unnecessary. It will operate harshly on the poor people whom the Hon'ble the Leader of the House wanted yesterday to exempt from the operation of this tax.

As a matter of fact, it will deal a severe blow upon the poorer classes who will be the worst sufferers. I had no intention of moving this amendment but the refusal of the Government to yield even on minor points such as the question of making this Bill renewable from year to year has impelled me to move the amendment. Government want to carry their

proposals by sheer weight of numbers. But that is no proof of the fact that public opinion is behind them in regard to the provisions of the Bill. As the last voting has shown, if the European Group had not voted with the Government, the Opposition would have had a clear majority. I may repeat, Sir, that popular opinion is against the Bill and the time is hardly opportune for the introduction of a measure like this. (The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Question.) You may shout "question," but the public are definitely against further taxation. They are already over-taxed and they have reached the maximum limit of taxation and I have no doubt that this Bill, if carried, will prove to be the last straw on the camel's back. We cried in vain yesterday and the day before. Not even the Select Committee motion sponsored by the Opposition was accepted by the Government. My amendment regarding reference to a Select Committee was a very modest one, because I wanted 20th March to be fixed as the last date for the submission of the Select Committee's report. Even this simple concession has not been granted by the Government. If the Government had been actuated by a sincere desire to do good to the public, I mean the poorer sections of the people, they would not have opposed the motion for reference of the Bill to a Select Committee. In fact, we are prepared to accept the principle of the Bill. But it must be a qualified acceptance. The Hon'ble Minister in his Statement of Objects and Reasons attached to the Bill mentioned that "the Bill seeks to increase the revenue of the Province by raising the rate of the tax leviable under the Bengal Finance (Sales Tax) Act, 1941, from one quarter to one half of an anna in the rupee". Nowhere in the speech of the Hon'ble the Finance Minister yesterday there was any indication as to the approximate amount that would be available from this tax. We do not know how much was realised last year and the year before after the passing of the original Act and how the money was spent. Our suspicion is that the amount was not spent for the purpose for which it was intended; nor will the increased income be so utilised. In other words, the poor people will not be benefited even though the tax is proposed to be doubled in the course of three years. So, it appears that the taxation measure is going to be permanently placed on the Statute Book. Who knows that the Finance Minister will not again come forward with another Bill of this nature next year and ask for further enhancement of the rate of the tax? I do not think the Government has any justification for embarking upon a legislation of this kind before retrenching the current expenditure of Government. I have no hesitation in repeating what I said yesterday. Government has become top-heavy and there is absolutely no reason why it should seek to impose additional taxation without curtailing its day-to-day expenditure.

Sir, I may remind the House that two Retrenchment Committees were appointed in the course of ten years? The first was the Mukherji Committee and then the Swan Committee. If I remember aright, only partial effect was given to the recommendations of these Retrenchment Committees by Government. If all the recommendations or at any rate a substantial portion of their recommendations had been carried out, then sufficient money

would have been available for expenditure on the nation-building departments. It is high time that another Retrenchment Committee were appointed to explore the avenues of curtailment of expenditure. Sir, committees are formed for the purpose of solving problems. So far as our Government is concerned, these committees are meant only for shelving problems. Though these two Retrenchment Committees consisted of members who had experience of administration and were conversant with the affairs of Government, and though there were officials, business men, lawyers and other able men on these committees, yet their recommendations were not accepted simply because it did not suit the purpose of Government to reduce expense on the lines suggested. I think Government will be laying down a bad principle in bringing forward a taxation measure of this kind every year without effecting economy in the current expenditure of the Government

Sir, with these words, I move my amendment.

Mr. PRESIDENT: Order, order. Amendment moved: that clause 2 of the Bill be deleted.

Mr. MUNGTURAM JAIPURIA: Spoke in Hindi.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to support the amendment moved by my friend Rai Bahadur Keshab Chandra Banerjee I would like to say a few words. It may seem strange why the Opposition which has accepted the principle of the Bill should support the amendment which practically seeks to do away with the entire tax that is proposed to be levied under this Act. Now, Sir, in supporting the principle of the Bill the Opposition made it clear that they wanted to refer the Bill to a Select Committee for the purpose of improving the provisions of the Bill so as to make it less harsh to the poorer section of the people by throwing the burden more on the richer section of the people. Even though Government members supported that view, they opposed the reference of the Bill to a Select Committee and I do not know why. With the comfortable majority that they have they defeated all the motions for circulation. The next amendment moved by Mr. Kabir suggested that the Bill might be made a temporary measure lasting only till the 31st March, 1945, and it should have been accepted by the House. With regard to that my friend Mr. Kabir pointed out that the present amending Bill was contemplated by the Government as a temporary measure. In the Statement of Objects and Reasons of the Bill and in his statement with regard to the budget the Hon'ble Finance Minister stated that he was presenting an extraordinary budget with a deficit of 10 crores and in order that he might have some support from the Central Government——

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. I confess I ought to have raised this point of order earlier and am doing it rather late. My point of order is that amendments Nos. 12 and 13 do not seem to be in accordance with the rules, because the amendment seeks to negative the whole clause. The whole clause will have to be put before the House. Therefore an amendment cannot be moved which negatives the whole of a clause.

Mr. PRESIDENT: The point is that an amendment of this nature which negatives a whole clause should not be allowed. I quite appreciate your point. But I find from past precedents that it has been the practice in this House to allow such amendments. In fact, before you drew my attention to this point, my attention had already been drawn to this fact.

Mr. HAMIDUL HUQ CHOWDHURY: Well, if only for the purpose of allowing a discussion, this is put in, then it is a different matter; but so far as it is considered as an amendment, it is contrary to the principle of all amendments.

Mr. PRESIDENT: Admittedly, this is a negative amendment.

Mr. BANKIM CHANDRA MUKHERJEE: So far as the quota is concerned——

Mr. HAMIDUL HUQ CHOWDHURY: If this amendment is carried, then the other clauses of the Bill will be of no effect and the whole Bill will be killed.

Mr. BANKIM CHANDRA MUKHERJEE: I will show that the whole Bill will not be killed even if this amendment is passed. My friend Mr. Hamidul Huq Chowdhury was rather hasty in rising to his point of order which he ought to have done before the amendment had been moved. However, Sir, I will show that the entire Bill will not be killed even if this amendment is allowed to be passed. And I am developing this part of my argument. If you will look at clause 3 of the Bill, you will find that the Legislature proposes that in respect of columns 1 and 2 of the Schedule—item 16 of the Schedule—the following entry be substituted. Therefore, if you look to column 16 of the Schedule, you will find that that clause is proposed to be deleted altogether and a new clause substituted by which the Government will have some additional revenue. Clause 16 of the Bill runs——

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the honourable member——

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I do not yield to the interruptions of Mr. Hamidul Huq Chowdhury.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I am not interrupting; but I rose on a point of order.

Mr. PRESIDENT: Have you risen on a point of order?

Mr. HAMIDUL HUQ CHOWDHURY: Yes, Sir. I have never contended before this House——

Mr. PRESIDENT: That is not a point of order: that is personal explanation.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the honourable member is discussing a point which has not been raised.

Mr. PRESIDENT: That is not a point of order. Go on, Mr. Mukherjee.

Mr. BANKIM CHANDRA MUKHERJEE: As I was saying, if you look to item 16 of the Schedule, you will find that item 16 has been deleted and a new clause has been inserted exempting *lungis, dhooties* and *sarees*: that was an exception and no tax was leviable on the handloom woven cloth. By clause 3 the Legislature is going to introduce an additional revenue from handloom cloth which even the members of Government who spoke yesterday said that they are not going to tax. So the provision of clause 3 is against the intention of the Legislature and against the intention of the framers of the Bill. But that is not my point. My point is that even if you delete clause 2, you will get some revenue if clause 3 remains. Therefore, the entire provision which the Hon'ble Finance Minister wants is not being negatived. So I say that the amendment is in order. Now, to resume the argument which I was going to make—Government having seen that they have a comfortable majority want to go on with this Bill even though there are defects in it—they want that the Bill should be passed as it stands without a single alteration by sheer weight of votes; as we have seen in connection with the last amendment, Government won against 18 votes to 21 which include 5 or 6 members of the European Group who voted with them although if I am not mistaken they were in sympathy with the object of amendment No. 11. So far as this amendment is concerned, I support it mainly because the Bill seeks to impose an additional burden on the poor tax-payers and it is admitted that the poor tax-payer is unable to bear the tax imposed on him. I support it also because the Government thought it fit to abolish altogether the protection which was given to handloom woven cloth under the main Act.

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, I beg to support the amendment for the simple reason that after hearing the Hon'ble the Finance Minister I have not been able to satisfy myself why this enhancement of tax is really considered necessary. The only ground that was sought to be made out was that there was a deficit in the budget and that the Government want to balance the budget to a certain, I should say very small or insignificant, extent, with this additional tax. My submission would be that this deficit budget is due not to the ordinary expenses of Government, but to some extraordinary causes due to war, and that, therefore, it is proper that we should look elsewhere for balancing the budget and not tax the people of Bengal for balancing the budget.

Now, it is said that unless we tax ourselves we cannot ask for subvention from the Government of India. Why this delicacy, I cannot understand. Why can you not place your case before the Government of India with the statement that we, the Bengal administrators, are not really responsible for this huge expenditure, this is not due to the ordinary costs of administration, but due to war and therefore we do not propose to tax the people of Bengal to balance the budget. We only want help from you. It is certainly a clearer way and a candid way of approaching the Government of India. It is no use hoodwinking ourselves saying, look here we have taxed ourselves, but still we have not been able to meet our expenditure. You cannot meet this huge deficit by taxation alone. It

is no use tinkering with the question. The reasons given by the Hon'ble the Finance Minister for imposing this additional burden of taxation are quite unconvincing. I hope the honourable members of this House will appreciate that the taxation that is proposed to be levied is not really justifiable. It has been very well said, Sir, that the only thing progressive in this world is tax. Once you get a tax anyhow imposed, you will find it will have a natural tendency of increasing. This Sales Tax Act which was enacted three years ago, is being amended today with a view to increase the tax to what extent—to a cent. per cent. increase. It has also been said that this is a very opportune time to impose a fresh taxation and that people have got very rich owing to causes related to war. Of course, there are few—very few—very limited few, who are earning more money due to war. But what is the percentage of these people, not even 5 per cent. of the total population of Bengal. The rest 95 per cent. of the population, I am afraid, are really groaning under taxation, the high price and what not. Is it, I ask, Sir, a proper time for taxation? If so, tax those people, invent a method of taxing all those people who are getting rich due to war. By introducing fresh taxation you not only make the rich pay but also make the humblest of the humble of this country pay while obviously they are unable to bear any fresh burden.

Now, Sir, why don't you tax at a very high rate motor-cars and other items of luxury? Why don't you tax high class cigarettes? Why don't you tax costly liquors and also those who earn lots of money due to war? Why don't you charge 50 per cent. of the income of the Turf Club? Well, you cannot do so, and for reasons obvious! You can only touch the pocket of the poor, the dumb millions, who cannot protest and whose protest does not reach your ears. I submit, Sir, that this is a most inequitable proposal that the Hon'ble Finance Minister could possibly have brought forward before this House.

With these remarks, I whole-heartedly support the amendment proposed by Rai Bahadur Keshab Chandra Banerjee.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, this is an amendment which is intended to defeat the purpose of the Bill. I have already spoken——

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, we cannot follow the Hon'ble Minister. If the Hon'ble Minister comes to the microphone he will be audible.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, this is an amendment which is calculated to defeat the purpose of the Bill. Yesterday I spoke at some length on the principle of the Bill, and I think I was able to justify to any honourable member, who was in a mood to listen to my argument, the imposition of this fresh tax. It is absolutely not true to say that we must view this proposal, in the words of Mr. Humayun Kabir, against the background of famine and distress. We should rather view it aganst the background of the excess purchasing power that has been created

by the war and against the background of inflation. As I said, this is a measure which has a direct relation to the purchasing power of the people and as such I think this is a just measure of taxation.

Mr. PRESIDENT: The question before the House is: that clause 2 of the Bill be deleted.

On division:—

AYES—16.

Rai Bahadur K. C. Banerjee.	Rai Bahadur B. M. Maitra.
Mr. S. C. Chakraverti.	Mr. H. D. Majumdar.
Mr. L. C. Das.	Mr. N. N. Moholanobish.
Mr. B. C. Datta.	Mr. B. C. Mukherji.
Mr. N. C. Datta.	Mr. R. Pal Chaudhuri.
Mr. K. K. Dutta.	Rai Sahib J. N. Ray.
Mr. M. R. Jaipuria.	Mr. A. D. Roy.
Mr. Humayun Z. A. Kabir.	Khan Sahib Maulvi Wahiduzzaman.

NOES—25.

Mr. Mesbahuddin Ahmed.	The Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain.
Mr. Nur Ahmed.	Mr. Latafat Hossain.
Mr. Sultanuddin Ahmed.	Mr. Mohamed Hossain.
Khan Sahib Nurul Amin.	Mr. W. B. G. Laidlaw.
Khan Sahib Abdul Aziz.	Mr. Abdul Latiff.
Mr. Kader Baksh.	Khan Sahib Subidali Mollah.
Mr. D. L. Barua.	Mr. T. B. Nimmo.
Mr. Moazzemali Chowdhury.	Khan Bahadur Muklesur Rahman.
MMr. Hamidul Huq Chowdhury.	Mr. Biren Roy.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. K. D'Rozario.	Mr. J. W. R. Steven.
Khan Bahadur Abdul Gofran.	

Mr. PRESIDENT: Order, order. The House has divided. Ayes—16; Noes—25. Therefore, the amendment is negatived.

Mr. HUMAYUN KABIR: I beg to move that in paragraph (*a*) of clause 2 of the Bill, for the words "one-half" in line 2, the word "one-third" be substituted.

This, Sir, is only a palliative. I find from the remarks of the Hon'ble the Finance Minister that he is determined that as Bengal is suffering today from the evils of inflation, he will, like Sir Galahad, protect the province from the ravages of inflation. That there is inflation today no one denies. But I would ask the Hon'ble Minister to consider in this connection two questions: firstly, who is responsible for this inflation and secondly what are the conditions which led to the inflation? Is not inflation the direct result of war, since every service which Government want for war purposes has to be paid for at higher than the usual market rate? Thus, the inflation, Sir, is due to lack of voluntary co-operation on the part of the people. Will he consider this point? He said that no intelligent member in this House who is prepared to hear him can differ from him. I would reply by asking him, whether as an intelligent person himself he can get up and say that this inflation is due to the fact that people are not giving any voluntary co-operation as in other countries. In other countries, there is inflation to the same extent. But there in spite of a very great inflation, the same evil results as here have not followed, for

with expansion in the financial position of the Government, there has been corresponding increase in production. That is due to the fact that the extent of production has kept pace with the actual increase of the quantity of money. The second factor is that in other countries this increased production of commodities and services was not being paid at higher rates. It is common knowledge that in India, war contractors have to be paid a much higher rater than in normal peace time; also services have to be paid for at higher rates than in normal peace time. Every service has to be purchased at a higher cost. Therefore, if the Hon'ble the Finance Minister wants to cure the inflation in the province he should direct his attention to the political question. With the present political background, this problem of inflation in our country cannot be solved. The second consideration that should be kept in mind is that this inflation is the result of the inequitable distribution of the resources of the country. As has been said by many members, there are a few persons who are rich today as a result of the war conditions. They are getting richer every day, specially as a result of their participation in war contracts. But this enrichment of a very few has been the cause of impoverishment of the very many.

I would also ask him to bear in mind that this inflation has in its background famine and destitution. It is true that there are a few persons who have become rich and are getting richer but the vast majority of the population have become poor and are becoming poorer every day. Against this background I would ask him to consider the implications of this Bill. It is in view of this and as a palliative that I have suggested in my amendment a reduction in the amount of the proposed taxation. He suggested that the tax should be ½ anna in the rupee and we have suggested a small reduction. The Hon'ble Minister says, "How can I go to the Government of India and ask for subvention unless I can first tell the Government of India that we have taxed the province and we have raised new revenues and after raising as much revenue as possible, we have come to you."

If that is his purpose, if he wants to make a gesture, if he wants to justify himself to the Government of India, he can very well accept my amendment. This will to some extent relieve the distress of the poor. This will to some extent relieve the distress of those who have been afflicted by the recent conditions. At the same time, he will also get his tax, he will have his Bill passed. He can also tell the Government of India that we have taxed ourselves as far as is compatible with the conditions obtaining in the province today. If, of course, he thinks that the province is in a prosperous condition, I leave him to his own imagination. But I think and every honourable member will admit that the province is not in a prosperous condition. I think he can very well go to the Government of India and say, "we have taxed to the limit of our capacity". I submit, Sir, this existing tax of a quarter of an anna is already too much. I think we have gone to the utmost limit to which we can go. Do not put the last straw on the camel's back with the plea that if the Hon'ble the Finance Minister does not impose this tax, he will not be able to make out a good case to the

Government of India. I think he can make out a good case even without this tax, and in that case he will have the general support of the people of this province. I will appeal to him to extend to the afflicted people of the province this little mercy even at this late stage.

Mr. PRESIDENT: Motion moved: that in paragraph (*a*) of clause 2 of the Bill, for the words "one-half" in line 2, the word "one-third" be substituted.

Mr. HARIDAS MAZUMDAR: Sir, this amendment moved by my honourable friend Mr. Humayun Kabir also stands in my name. Sir, when the original Bill was passed into law in 1941, promises were made that something would be done for the poor. I quote the words of the then Finance Minister who is now the Civil Supplies Minister of the present Cabinet. He said "In order to compensate the poorer section of our people for the amount of tax that they may have to pay on account of the purchase of cloth, we do propose to set apart at any rate some portion of the tax in order to encourage the establishment of a poor fund in every union so that out of that fund the necessities and requirements of the needy can be met." Sir, may I enquire what has been the fate of this promised poor fund? I am afraid after meeting the travelling allowance and other allowances of the cultured poor Ministers this unimportant and unnecessary fund for the uncultured poor of the country never materialised. Sir, this amendment does not seek to take away everything from the Bill. Only a modest attempt has been made to reduce the tax from ½ anna to ⅓ anna. I think this time the Hon'ble the Finance Minister will see his way to accept this humble amendment and will redeem the promises that were made by the then Finance Minister and I hope and trust an honest attempt will be made by the honourable members who support the Ministry to see that the poor people are saved and their burden is lessened.

With these words, I support the amendment moved by my honourable friend Mr. Humayun Kabir.

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, I beg to support the amendment and I beg to draw the attention of the House to the queer situation that has been created by the Government by introducing a Bill called the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill on the one hand and this enactment on the other. Now, the implication of this Bill that has yet to be passed, I mean the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, is so clear that it does not require any further argument from me to convince the House that the Government are really conscious of the fact that a certain section, I mean the poorer section of the country, is really entitled to relief for the simple purpose of restoring them to their holdings or their lands which they had to sell in the course of the year 1943-44 for the purpose of saving their lives and procuring food. It is well known that a very large number of the poor agriculturists had to sell their lands——

Mr. KADER BAKSH: On a point of order, Sir. Is my honourable friend in order in introducing an element which is foreign to the present amendment?

Mr. NAGENDRA NATH MOHOLANOBISH: The honourable member rising to interrupt me will easily follow the relevancy when he will consider that the Government which is trying to give relief to a large section of the people on the ground which they themselves believe to be true, namely, that these people had to sell their lands, their hearths and homes to procure food in order to live so recently as a few months ago, is now bringing a taxation Bill affecting these very people. Nothing could be more absurd than this. Therefore, Sir, it behoves the Government to withdraw the proposal of further taxation.

Mr. KADER BAKSH: Sir, I beg to oppose the motion for the following reasons. This amendment seeks to replace the words "one half" by the word "one-third". Sir, I do not understand what purpose will be served by such an amendment as this, when the difference is so small. My friends who have moved this amendment have also fully realised that it makes practically no difference and that it is an amendment for the sake of amendment only. Now, Sir, my honourable friend Mr. Mohalanabis said that when the people had to sell their lands, their hearths and homes, any proposal for the imposition of a tax like this would be absurd. I would submit, Sir, that those people who had to sell their hearths and homes will not be affected by this Bill. As I said yesterday, it is only those people who have got greater purchasing power and who actually buy large quantities of goods that will be affected, and those people who are poor and who buy only ten or five rupees worth of cloths will not be affected. Besides, the kinds of cloth that these people generally buy will not be taxed. Had he had the goodness to move an amendment which would seek to exempt such articles of cloths as handloom *chaddar*, *khaddar* and *loongies*, he would have done more good to the people than by introducing such an amendment which stands to no reason; and therefore I oppose it.

Mr. BANKIM CHANDRA MUKHERJEE: In rising to support this motion I would like to give a bit of arithmetic to the Hon'ble Finance Minister and for the consideration of the honourable members of this House. I think the object of the Finance Minister is to double the tax which is now being levied under the existing Finance Act of 1941. The amendment proposes that instead of 3 pies in the rupee the taxation should be 4 pies in the rupee and not 6 pies. That is the proposal, i.e., a reduction of two pies in the rupee. Now, Sir, let us consider the value of a commodity in the year 1941 and the value of that commodity in the present year. I think it will be admitted on all hands that what was sold at one rupee in the year 1941 is sold at least for three rupees in the year 1944, if not for more. Therefore, if the Government was getting one pice with regard to a commodity which was sold in 1941, now he will get one anna if four pies is substituted for three pies, that is four times the revenue that he was getting under the existing Act. If that is so, then it would appear that by this amendment the tax is not actually doubled but quadrupled. If on the other hand the Bill is passed as proposed by the Finance Minister, the tax will be increased by 8 times if we consider the price of a commodity that

was prevailing in 1941 and the price of the commodity prevailing now in 1944. I would submit to the Finance Minister and many other members who speak on behalf of Government that if their real intention is that the poorer section of the population should not be affected by this tax, is there any provision in the Bill which would save these people from the harmful effects of the taxation proposed? We have tried to point out before that there is none. Not only that, attempts have been made by the Opposition to improve the Bill in this direction but that was not accepted. I therefore submit that if this amendment is passed the real object which the Hon'ble Finance Minister has in view would be attained and I hope he will not oppose this amendment which really satisfies all the requirements which he wants in order to approach the Government of India for a subvention for balancing the provincial budget. With these few words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I will not repeat my arguments. Even Mr. Bankim Chandra Mukherjee with his legal training seems to have failed to appreciate my point. But I am not sorry for myself: I am rather sorry for him. I would just like to say this, however, that in our attempts through this Bill to exempt the poor man's cloth—both mill-made and hand-woven—we are about to sacrifice an enormous amount of revenue. I am not in a position to say how much; but from the calculation that it has been possible for me to make, I think it will run into several lakhs of rupees, and in view of this increased exemption in favour of the poor man's cloth I think we are justified in taxing those who can afford to bear the burden. Sir, I oppose the amendment.

Rai Bahadur KESHAB CHANDRA BANERJEE: Then why don't you do away with the Schedule altogether?

Mr. PRESIDENT: The question before the House is: that in paragraph (*a*) of clause 2 of the Bill, for the words "one half" in line 2, the word "one-third" be substituted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: I beg to move that in clause 2 of the Bill, for the words "one half" in line 4, the word "three-eighths" be substituted.

Sir, the Hon'ble the Finance Minister will realise that we are fighting every inch of the ground. This time we have suggested three-eighths of an anna in place of one-half anna. In the previous amendment we suggested one-third anna in place of one-half anna and failing this we have adopted the golden mean and suggested three-eighths of an anna. Our first amendment was for the deletion of clause 2. Our grounds are the same, namely, that the country cannot bear the burden. I would tell the Hon'ble the Finance Minister, "You have defeated us in those amendments and failing in our attempts to carry the amendment for one-third, we are trying to make it three-eighths. Will you bend?" With these words, I would ask the House to accept my amendment.

Mr. MUNCTURAM JAIPURIA spoke in Hindi.

Rai Bahadur KESHAB CHANDRA BANERJEE: Mr. President, Sir, I am afraid, the Hon'ble Finance Minister is trying to take us through blind alleys and pathways, for, in none of his speeches in reply to the debate has he given us any indication of the approximate amount that may be available from this taxation. A similar situation also arose in 1941 when his predecessor in office piloted the original Bill. It seems that the Hon'ble Mr. T. C. Goswami has no clear idea, not being a mathematician himself, of the approximate amount that may be derived from this source. We would be justified in giving our support to this measure if we had any idea of the amount Government exactly required to meet the deficit and how much would be available from the Sales Tax. The amendment proposed by my friend Mr. Lalit Chandra Das is a very reasonable one. I think Government should not try to impose all on a sudden a measure like this on the poor unwary tax-payer. They should proceed cautiously, stage by stage. In the original Act the rate of tax is a quarter of an anna in the rupee. Now it is sought to be increased to half an anna. Mr. Humayun Kabir's amendment was to limit the tax to one-third of an anna but that was not to be. My friend Mr. Lalit Chandra Das's amendment suggests a *via media* and in fact, Sir, the voting on this amendment would be the test of the sincerity of Government to exempt the poor from the operation of this measure. Sir, I have already said that the rich alone will not bear the burden of taxation but the poor also would have to share the burden equally.

Sir, the handloom industry has not been exempted. In the original Act it was kept outside the purview of taxation but by the inclusion of clause 3, the handloom industry has been brought within the mischief of the Act; and not only that, the small industries also will suffer. As I said yesterday, so far as my district is concerned, there are innumerable weavers who eke out a wretched existence out of the profits derived from the handloom and other cottage industries. I do not know, Sir, what will be their condition if the Bill is passed into law.

Sir, with these words, I support the amendment.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would like to say a few words in this connection. I am rising again to speak in support of the motion which my friend Mr. Lalit Chandra Das has moved, having spoken on the previous motion which is practically on the same line, because the Hon'ble the Fnance Minister could not appreciate the little bit of arithmetic which I gave him. He cannot say how much he expects to get from this taxation. Perhaps he will get several lakhs of rupees. He may get two to ten lakhs of rupees by including *dhooties*, *lungies* and other things. But, Sir, we have to consider that out of the 60 millions of population of Bengal practically 90 per cent. are living on the verge of poverty, starvation and also bankruptcy. (The Hon'ble Mr. T. C. GOSWAMI: The amount will be nearer Rs. 20 lakhs, but as we have got this by estimate I did not mention the amount.) Let us expect Rs. 50 lakhs. So, by doubling this tax you get 8 times more, because the prices

of commodities have gone up nearly 4 times. I, therefore, submit that this moderate proposal of reducing the tax to 4½ pies per rupee should be accepted by the Hon'ble the Finance Minister.

Mr. PRESIDENT: The question before the House is: that in clause 2 of the Bill, for the words "one-half" in line 4, the word "three-eighths" be substituted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in clause 2 of the Bill, after paragraph (*a*), the following proviso be inserted, namely:—

"Provided that the tax payable by a dealer in respect of all mill-made cloth except those covered by the Schedule to this Act shall not be more than one quarter anna in the rupee on his taxable turnover."

Sir, may I say that the Hon'ble Finance Minister has got his pound of flesh? I would only urge upon him to make one exception with respect to the mill-made cloth and request him to retain the tax on such article as it is at present, namely, one pice in the rupee, because this tax is a tax which is imposed on all people of Bengal including the poor whose only interest in life in this unfortunate country is food and cloth. They have got to clothe themselves. They take to mill-made cloth for this purpose. Sir, in this connection, allow me to refer to the scheme which Government are making to rehabilitate the famine-stricken people of Bengal. At least 6 million people are affected by this measure, and in order to relieve their condition, Government have come up to enact a Bill called the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill which implies that a vast number of people is without means for their living and they have sold their all in order to keep their body and soul together. Now Government proposes that they must get back their lands. The original Bill was to the effect that they should find out money in order to get back their land. Sir, all that has now been changed. If this is the condition of the country today, I would say that at least in the matter of cloth which is usually used by them, they should not be taxed at the rate of more than one pice in the rupee. Sir, the argument has been advanced by the Hon'ble Minister that the purchasing power of the people has greatly increased and therefore the tax will not weigh heavily upon the people of Bengal That is a proposition which I contest, and I say that the purchasing power of a very small number of people, namely, those who are in the trade or who are connected with war efforts or who are contractors, has only increased. The dictum of the Hon'ble Finance Minister which he has used in his Budget speech in the Lower House, namely, that the rich have become richer and the poor poorer, is a truism. Speaking generally, the condition of the people of Bengal today is bad. Cloth is as necessary as food for the people. I, therefore, hope that he will see his way that at least on this particular item the tax may not be more than one pice in the rupee.

Mr. MUNCTURAM JAIPURIA spoke in Hindi.

Mr. BIREN ROY: Sir, an experienced businessman like Mr. Jaipuria is trying to lead us into something which is not correct. Mr. Jaipuria

states that of the six crores of Bengalees five crores will be taxed to the extent of Rs. 1½ crores. That, Sir, is not a fact. These 5 crores of people will not be taxed at all if they would only purchase cloths of a certain standard which will be exempted from the purview of this taxation. This rate will be fixed later on; perhaps it will apply to cloths worth Rs. 3 to Rs. 4 per pair. We are not going to emulate Mr. Jaipuria, when he says that the rest of the people, that is to say, one crore of Bengalees will have to pay tax at one to four annas. We would tax their cloths merely half an anna per rupee and the total receipts from all kinds of sales taxes would be not more than Rs. 2½ crores; so there will not be Rs. 1½ crores as anticipated by him only from the sale of the cloth purchased by these people.

Mr. HUMAYUN KABIR: Sir, I had hoped that Government would accept this amendment. This amendment is couched in a form which largely meets the viewpoint of the Government. I will first deal with some of the remarks made by the honourable member who has just sat down. He has assured us that the poor people of Bengal will not be taxed, that they will not have to pay anything by way of tax for the cloth that they will buy. We thank him for this assurance. But I am afraid that this House has listened to so many empty assurances from so many Hon'ble Ministers that the assurance of a Parliamentary Secretary is a small consolation. He has not also told us what exactly will be the level at which the exemption will be made. In course of casual conversation the other day with one of the Hon'ble Members of the Cabinet, I heard that cloths of the value of Rs. 7 or Rs. 8 a pair might be excluded. I do not know, Sir, if this is authentic; but there was some such suggestion. Even if it is Rs. 8 per pair, the figure quoted by Mr. Jaipuria still holds good. He put it very clearly before the House, and members will agree that 16 yards of cloth is the minimum with which a person can clothe himself in a year. Sixteen yards at annas eight or ten annas a yard will not escape the tax. With annas eight a yard, the mischief of the tax may perhaps just be avoided, but I am not sure that this will be certainly so. But in any case, suppose it is one pie more than annas eight, then the cloth will come within the mischief of this tax. If the honourable members opposite and the Hon'ble Minister are going to take the matter in their own hands and assure us that a certain cloth will not be sold at more than a stipulated price, then there would be some justification that such cloth will not be taxed. The examples we have had so long of the way in which Government manage their affairs do not encourage one to think that they will be able to fix a minimum price and control it. Unfortunately, in actual operation Government have again and again failed in their attempt to control the market. They have often bungled the whole thing in a miserable manner. I am giving one instance. I understand, Sir, that in Calcutta alone about 1,174 persons have applied for a quick decision with regard to the unstamped cloth which is in their stock. Out of this Government, in the course of the last 2½ months, disposed of only 74 cases. Even in these 74 cases, all the cloths have not yet been stamped. If the Government cannot dispose of 74 cases within 2½ months

you can easily understand what they will do and how long will they take to dispose of the cases of 1,174 merchants; and this relates only to Calcutta. This failure on the part of Government to deal with these cases means that so much cloth is not available to the consumers. In consequence the prices are forced up. Attempts which the Government made from time to time to effect control of prices have so long failed because Government could not exercise control at the necessary points; they cannot control raw materials: they cannot control the actual price of production: they cannot control transit: they cannot control transport and they cannot control the actual distribution amongst the retailers. When they attempt control at any one point, the result is a bottle-neck. Their control causes more cloth to be withdrawn from the market. So far as control of price is concerned, we have seen in the course of one year's experience that as soon as a scheduled price is declared in respect of an article, it suddenly vanishes from the market and you cannot get it in the market. These difficulties we have experienced during the last year. Take the situation in Bengal today. We require at least one lakh bales of cloth per month to be imported from outside the province in order to meet the demands of the province. One lakh of bales requires to be transported from outside. The Government members as well as the members of this side of the House know very well that today transport is controlled by authorities over which the present Government of Bengal have little or no influence. We know that in war time civilian handling of traffic is not possible. But the Bengal Government have failed to take advantage even of the facilities offered. The Government's delay in dealing with unstamped cloth is adding to the shortage of cloth in the market. Here also the shortage is thus artificially created.

Goods are not going out of Calcutta to the interior nor coming to Calcutta from outside the province. Now, in view of these conditions, how are the Government going to guarantee that they will be able to supply cloth to the poor people at, say, Rs. 4 a piece? I also know that for a long time Government have not been able to disburse to the different distribution centres the standard cloths which were accumulated in their stores. Government cannot possibly handle these questions unless they have some control over the transport. But they do not have that. In spite of the professions of Government, in spite of the best intention of Government, the poor people will therefore be actually affected. Government cannot guarantee that they will supply all the requirements of the poor at a price below the exempted rate. If my honourable friend Mr. Lalit Chandra Das's amendment is accepted, at any rate the problem of cloth,—and cloth is a very large problem of the poor,—will be solved. My honourable friend Mr. Jaipuria has very rightly said that the traders do not come into the picture at all. They do not pay this tax. The consumers or the customers have got to pay every penny of this Sales Tax, as will be evident from the cash memos. So far as the traders are concerned, they are not directly involved in this tax. Therefore, if Government accept the suggestion of Mr. Lalit Chandra Das and exempt mill-made cloths from paying this increased tax, if the mills are charged a lower rate as suggested by him, a

very large section of the poor will get the relief which Government profess or declare they want to give to the poor.

Mr. LATAFAT HOSSAIN spoke in Urdu.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise on a point of order. Is the honourable member speaking on the motion or what? He seems to be attributing dishonest motive to the entire community.

Mr. PRESIDENT: No, no. He is making a general statement which he is perfectly entitled to. He is not making any reflection on anybody.

Do Government propose to reply?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, further discriminatory treatment in the matter of mill-made cloth is quite unnecessary. I think my honourable friend Mr. Latafat Hossain has given a satisfactory answer to the observations of Mr. Jaipuria.

Mr. PRESIDENT: The question before the House is: that in clause 2 of the Bill, after paragraph (*a*), the following proviso be inserted, namely:—

"Provided that the tax payable by a dealer in respect of all mill-made cloth except those covered by the Schedule to this Act shall not be more than one quarter anna in the rupee on his taxable turnover."

On division:—

AYES—16.

Rai Bahadur K. C. Banerjee.	Rai Bahadur B. M. Maitra.
Mr. S. C. Chakraverti.	Mr. H. D. Mazumdar.
Mr. L. C. Das.	Mr. N. N. Moholanobish.
Mr. B. C. Datta.	Mr. B. C. Mukherji.
Mr. N. C. Datta.	Mr. R. Pal Chaudhuri.
Mr. K. K. Dutta.	Rai Sahib J. N. Ray.
Mr. M. R. Jaipuria.	Mr. A. D. Roy.
Mr. Humayun Kabir.	Khan Sahib Maulvi Wahiduzzaman.

NOES—25.

Mr. Mesbahuddin Ahmed.	The Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain.
Mr. Nur Ahmed.	Mr. Latafat Hossain.
Mr. Sultanuddin Ahmed.	Mr. Mohamed Hossain.
Khan Sahib Nurul Amin.	Mr. W. B. G. Laidlaw.
Khan Sahib Abdul Aziz.	Mr. Abdul Latiff.
Mr. Kader Baksh.	Khan Sahib Subidali Mollah.
Mr. D. L. Barua.	Mr. T. B. Nimmo.
Mr. Moazzemali Chowdhury.	Khan Bahadur Muklesur Rahman.
Mr. Hamidul Huq Chowdhury.	Mr. Biren Roy.
Mr. C. E. Clarke.	Rai Bahadur Radhica Bhusan Roy.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. K. D'Rozario.	Mr. J. W. R. Steven.
Khan Bahadur Abdul Gofran.	

Mr. PRESIDENT: Order, order. The House has divided. Ayes—16; Noes—25.

The amendment is, therefore, negatived.

Mr. PRESIDENT: The House now stands adjourned till 1 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1 p.m. on Thursday, the 16th March, 1945.

Members Absent.

The following members were absent from the meeting held on the 15th March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Fariduddin Ahmed.
(3) Mr. Humayun Reza Chowdhury.
(4) Khan Bahadur Abdul Hamid Chowdhury.
(5) Mr. Khorshed Alam Chowdhury.
(6) Mrs. Labanyaprobha Dutt.
(7) Mr. R. W. N. Ferguson.
(8) Maulana Mohammed Akrum Khan.
(9) Khan Bahadur M. A. Momin.
(10) Mr. N. N. Mookerjee.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur Kazi Abdur Rashid.
(13) Mr. B. K. Roy Chowdhury.
(14) Khan Bahadur M. Shamsuzzoha.

BGP-44/5-2009A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 24.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 16th March, 1944, at 1 p.m., being the twenty-fourth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Case against Mr. Latafat Hossain, M.L.C.

90. Mr. K. C. ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*a*) if it is a fact that Mr. Latafat Hossain, M.L.C., and his colleagues of the Bhatpara Municipal Board were prosecuted without adequate preliminary investigation into the charges laid against them;

(*b*) if it is a fact that the Assistant Sessions Judge, Alipore, acquitted them agreeing with the unanimous verdict of the Jury; and

(*c*) what legal expenses have been incurred by the Government over the criminal proceedings covering a period of 18 months?

MINISTER in charge of the JUDICIAL DEPARTMENT (the Hon'ble Nawab Musharruf Hossain, Khan Bahadur): (*a*) No. Very thorough investigation by an able D. D. Officer resulted in submission of the charge sheet.

(*b*) Yes.

(*c*) Rs.2,930-8.

Mr. HARIDAS MAZUMDAR: May I know from the Hon'ble Minister the name of the Magistrate who was in charge of this case?

Mr. PRESIDENT: I do not think that is quite pertinent.

Mr. YAKUB H. S. SATTAR: Will the Hon'ble Minister be pleased to state who prosecuted Mr. Latafat Hossain which involved an expenditure of Rs. 2,930-8?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: I want notice.

Khan Bahadur ABDUL GOFRAN: Will the Hon'ble Minister be pleased to state what was the verdict of the jurors?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Not guilty.

Starvation cases in Dinajpur.

47. Mr. KEDAR BAKSH: Will the Hon'ble Minister in charge of Civi Supplies Department be pleased to state—

(*a*) if he is aware that nearly 500 families in the town of Dinajpur have already been faced with starvation due to want of foodstuff;

(*b*) whether it is a fact that nearly an equal number of family is not having more than one meal a day;

(*c*) if he is aware that the food situation in the town of Dinajpur has assumed an alarming position; and

(*d*) if so, whether the Government have taken or are likely to take steps without any delay for sending rice to Dinajpur town for selling it at a cheap rate to save the people there and also to open free kitchens in the town area and other kitchens for the sale of food at a nominal price?

Mr. KADER BAKSH: Sir, I do not want any answer to this question now as I think the situation is changed and it has lost its importance. What is the use of getting answer after 7 months? It has lost all its force and importance. If he so desires, the Hon'ble Minister may read the printed answer but it has no bearing on the subject now.

Mr. PRESIDENT: The House has the right to get the reply. If you do not want to put the question then of course there would be no reply. But in public interest the Chair can allow the Hon'ble Minister-in-charge to reply to the question under rule 33.

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): The replies are with reference to the time when the honourable member sent notice of the question.

(*a*) There was some distress but perhaps not to the extent visualised by the honourable member.

(*b*) It is possible that some needy families were not having more than one principal meal a day.

(*c*) and (*d*) No. Rice and paddy were reported to be readily available in the town and there had been an appreciable drop in prices.

Standard Cloth.

57. Mr. NAGENDRA NATH MOHOLANOBISH: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) why "standard cloth" has not yet been made available in the districts of Northern Bengal and particularly in Jalpaiguri, Dinajpur and Darjeeling; and

(*b*) whether sufficient number of standard cloths would be made available in the mofussil districts without further delay?

The Hon'ble Mr. H. S. SUHRAWARDY: The position on the 2nd July, 1943, was as follows:—

(*a*) The first allotment of standard cloth to Bengal was very small. Supplies had to be restricted to non-paddy-growing districts and areas affected by cyclone. Dinajpur was included. But the mills which were asked to supply Dinajpur have not yet fulfilled their contract. One of them has just done so, and the cloth is expected in the near future.

(*b*) It is expected that large quantities of standard cloth will be made available to the mofussil districts if supplies are received according to the indents placed by this Government with the Government of India.

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, we have heard from the Hon'ble Minister what was the position on the 2nd July, but will the Hon'ble Minister be pleased to state what is the present position about the standard cloth?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, there are questions that have been put to me regarding the present position of the standard cloth and I shall answer them on the floor of the House.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state when was this answer prepared which he has just now read out?

The Hon'ble Mr. H. S. SUHRAWARDY: That I am not in a position to say.

Mr. LALIT CHANDRA DAS: Can he say only by guess how long ago?

The Hon'ble Mr. H. S. SUHRAWARDY: It must have been prepared in due time.

Mr. LALIT CHANDRA DAS: About six months ago?

The Hon'ble Mr. H. S. SUHRAWARDY: Very likely.

Mr. LALIT CHANDRA DAS: Then, Sir, may I know why the question was not answered during the last session?

The Hon'ble Mr. H. S. SUHRAWARDY: I think, I have given full explanation on the last occasion why it was not possible for me to reply to this question and other such questions.

Mr. LALIT CHANDRA DAS: Does the Hon'ble Minister want to suggest that we shall put questions and he would answer them according to his own convenience?

Mr. PRESIDENT: Perhaps the Hon'ble Minister means,—though it is not for me to say what he exactly means, and if I am wrong he will correct me,—that the reply was prepared in due course and he could not go through it and approve of it. I speak from my personal experience.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, if the answers are delayed, the importance is altogether lost. Moreover, there is a time-limit within which a question should be answered.

The Hon'ble Mr. H. S. SUHRAWARDY: There is no doubt about it that the questions should be answered in due time and as rapidly as possible. On the last occasion I fully explained that owing to the strain and stress of the very peculiar circumstances of last year it was not possible for me to attend to the work of the legislature. It is not because I do not realise the importance of this House, it is not because I have no desire to answer questions; on the contrary, I have every desire to place all the facts before this House as soon as they are available. But the circumstances during the last session were so peculiar that I could not find time to do my legislature work. I gave that explanation very fully on the last occasion and I understood the House had accepted that explanation. It is no use raising the point again.

Controlled grain shops in the mofussil.

84. Mr. NAGENDRA NATH MOHOLANOBISH: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if Government-controlled cheap grain shops have been opened in any mofussil districts to supply rice to the public at large;

(*b*) how many such shops have been opened in Calcutta for supply of rice to the public at large; and

(*c*) if the Government are aware that the number is insufficient to supply the population of Calcutta, and if the Government will be pleased to take steps for opening adequate number of such shops, both in Calcutta and mofussil?

The Hon'ble Mr. H. S. SUHRAWARDY: The position on the 7th July, 1943, was as follows:—

(*a*) A statement is laid in the Library.

(*b*) 373.

(*c*) Yes: it is contemplated to replace these shops by a large number of Government Distributing Centres.

Mr. HARIDAS MAZUMDAR: Sir, may I enquire of the Hon'ble Minister why the statement is placed in the library? Is it because if it is placed in the library it is no use for us for putting supplementaries or anything of that sort? May I suggest that it should be placed on the table of this House?

Mr. PRESIDENT: No. it is not the practice. The practice is to lay such statements on the library table.

Mr. HARIDAS MAZUMDAR: If it is placed in the library, how can I use it now when I want to put some supplementary questions in this connection?

Mr. PRESIDENT: It is a bulky document and so it cannot be placed on the table of this House; the Hon'ble Minister has only followed the previous practice.

Mr. HARIDAS MAZUMDAR: May I suggest, Sir, that this practice be changed in the interest of the debate?

Mr. PRESIDENT: I am afraid it is not always convenient to change the practice because this practice has developed as a result of long experience. Your experience of this House is rather limited and so is mine as President of the House. So I would rather be reluctant to change the practice without further experience.

Mr. HARIDAS MAZUMDAR: Sir, I have already put forward my argument from the point of view of convenience. Unless we get these statements at least 30 minutes before the House sits, we feel it very inconvenient in the matter of putting supplementary questions. Therefore, I think the practice may be changed, as many things are being changed for the sake of convenience.

The Hon'ble Mr. H. S. SUHRAWARDY: May I point out, Sir, that if the honourable members are very keen on doing their parliamentary work, why don't they come a little bit earlier and take a little bit of trouble and go to the library to read the papers there?

Mr. HARIDAS MAZUMDAR: Then I would suggest, Sir, that the statements may be given to us one day before so that we may be able to equip ourselves with the supplementaries better, and it would be in the best interest of the House.

Mr. PRESIDENT: Mr. Mazumdar, this is something which is absolutely new, because the Parliamentary institution has been functioning in this Province for nearly a quarter of a century, and I can tell you that no member has ever complained that he had found no time to consult papers placed in the library. This is my experience.

Mr. LALIT CHANDRA DAS: Sir, on several occasions complaints of this nature were brought to the notice of your predecessor in office.

Mr. PRESIDENT: But what is the justification for doing so. If people associated with the legislature for the last quarter of a century could find time to look into the papers placed in the library table and get information from there, there is no reason to think that that practice has caused inconvenience and should be changed.

Mr. LALIT CHANDRA DAS: Are you sure, Sir, that the legislators for the last 25 years found time to go to the library and read the statements there? When Mr. Mazumdar was complaining about the existing practice and saying that for the sake of convenience the papers should be placed on the table within the House so that all members may read them, it was not merely for the convenience of this particular member only but for the convenience of all the members. Now, if really there are certain good reasons in favour of placing these statistics in the library, then will the Hon'ble Minister please rise up and give us those reasons so that we may be satisfied? At present we are not satisfied and so we press that these

statements ought to be placed within the House so that all members may immediately refer to them and put supplementaries to the Hon'ble Minister.

Mr. PRESIDENT: I understand that there is a file on the subject and my predecessor very carefully went into the matter. I would like to go through it before I give my final decision.

Mr. LALIT CHANDRA DAS and Mr. HARIDAS MAZUMDAR: Thank you, Sir.

Want of rice and cloth in Bakarganj district.

85. Mr. HARIDAS MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if he is aware of the fact that Bakarganj is now, as regards rice, a deficit district?

(*b*) Is it a fact that the district is running short of the supply of cloth and the available stock is selling at an abnormal price?

(*c*) Do the Government contemplate importing sufficient stock of rice and standard cloth from outside to relieve the distress of the people of the district? If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: The position on the 8th July, 1943, was as follows:—

(*a*) No.

(*b*) I have no such information, except that prices of cloth have risen high everywhere.

(*c*) Steps have been taken to import large quantities of standard cloth to Barisal. As regards rice the question does not arise.

Bad quality of rice.

86. Mr. HARIDAS MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if it is a fact that a very bad quality of rice which was declared by the Chief Analyst of the Corporation of Calcutta to be unfit for human consumption, was supplied by the Government to the said Corporation for their labour staff?

(*b*) Is he aware that a large volume of complaints against the rationed foodgrains supplied by the Government-controlled stores was to the effect that they were very bad in quality being rotten or sometimes mixed up with dust and rubbish?

(*c*) If the replies to (*a*) and (*b*) be in the affirmative, what steps do the Government propose to take to prevent such foodstuffs being supplied to the shopkeepers in future when wholesale rationing is going to be introduced in Calcutta and its adjoining industrial areas?

(*d*) Do the Government propose to appoint a non-official vigilant committee in every circle of every ward in Calcutta for the purpose of supervising supply of rations to the public? If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The Government of Bengal are in possession of a report by the Corporation of Calcutta to the effect that a quantity of rice delivered to the Corporation has been declared by their Chief Analyst to be unfit for human consumption. No copy of the Chief Analyst's report, however, has been supplied by the Corporation though they were asked to do so.

(*b*) Some such complaints have been received.

(*c*) Government have made arrangements to take samples of all food-grains arriving in Bengal whether by sea or by rail. Samples are examined and care is taken to ensure that only rice which is suitable for human consumption is supplied to shopkeepers in the rationed area.

(*d*) Government propose to appoint a Non-Official Advisory Committee for every sub-area in the rationed area. Steps have already been taken to constitute these committees.

Mr. HARIDAS MAZUMDAR: May I enquire if the Calcutta Corporation has up till now sent any report about the Analyst's Examination?

The Hon'ble Mr. H. S. SUHRAWARDY: Not up till now, as far as I am aware, Sir.

Mr. HARIDAS MAZUMDAR: As regards the decision of Government about the appointment of a Non-Official Advisory Committee for every sub-area in the rationed area, has this proposal been given effect to up till now?

The Hon'ble Mr. H. S. SUHRAWARDY: Steps are being taken to constitute these Committees; orders were passed long ago, and I hope these Committees will come into being shortly.

Mr. HARIDAS MAZUMDAR: How long will it take to give effect to these steps?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not in a position to give a date, Sir.

Debt Settlement Board.

87. Mr. NAGENDRA NATH MOHOLANOBISH: Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) whether the Government propose to dissolve the Debt Settlement Boards which are still functioning in view of the relief that the debtors may have under the Bengal Money-Lenders Act;

(*b*) if not, how long more the Government intend the Debt Settlement Boards to function?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Jogendra Nath Mondal): (*a*) No, as agriculturist debtors are likely to get more relief under the Bengal Agricultural Debtors Act than under the Bengal Money-Lenders Act.

(*b*) The Debt Settlement Boards will continue to function till the disposal of the applications made to them.

Introduction of Rationing Scheme.

88. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state when do the Government expect to start the Rationing Scheme at controlled rate of prices to relieve the people of Bengal including Calcutta, and whether sufficient stock of foodstuffs have been secured to maintain regular supply?

The Hon'ble Mr. H. S. SUHRAWARDY: Rationing has come into force in Calcutta, the South Suburban municipalities and the municipalities of Tollygunge, Garden Reach, Howrah and Bally-Belur with effect from the 31st January, 1944. The scheme will be extended as soon as practicable to the whole of Greater Calcutta, *i.e.*, Calcutta and the Industrial Area. The Central Government have undertaken to supply foodgrains sufficient to feed Greater Calcutta and it is expected that sufficient stocks will be available to maintain regular supplies.

It is not proposed to ration the whole of Bengal, but I have issued instructions to take steps to ration in a modified form all the urban areas and subdivisional headquarters and deficit rural areas. This system will apply to those persons who have no food stocks of their own. Some areas are already rationing themselves, while Chittagong town has been wholly rationed.

Mr. SHRISH CHANDRA CHAKRAVERTI: With regard to this question also I may say that it has lost its importance, for rationing has already been started in Calcutta. We know all these things. And you must pardon me, Sir, if I say that this delay has been made with a purpose.

The Hon'ble Mr. H. S. SUHRAWARDY: Why?

Mr. SHRISH CHANDRA CHAKRAVERTI: This question will have no effect. When we wanted to know of these things information was not supplied to us.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have already said that it is true that this question has not been formally answered on the floor of the House here but information relating to this matter has been given in numerous communiques. And honourable members of the House if they are also members of the public who keep in touch with what is going on in the province knew fully well when rationing was going to be introduced.

Mr. HARIDAS MAZUMDAR: Sir, if the Hon'ble Minister has been giving this information elsewhere, then why did he not take the earliest opportunity of laying this information before the House? Why then did he not answer my question? (No. 86.)

The Hon'ble Mr. H. S. SUHRAWARDY: Not elsewhere, but in this very province.

Mr. HARIDAS MAZUMDAR: With regard to the observation made by the Hon'ble Supply Minister that information given to the province is practically given to the House, then, what is the use of this House? We are sitting here at the cost of the ratepayers—at a daily cost of about Rs. 3,000 for both Houses combined, and if a press-note or communique is published for general information and we are referred to it in the House, then what is the use of our being here? The Hon'ble Minister has surely some sort of responsibility for placing information here and we are paid to do our duty to elicit information.

Mr. PRESIDENT: I hope the Hon'ble Minister realises that the House has a special right to get information from the Government and the House is not expected to draw its inferences or to get information from the information supplied to the public at large.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I made that observation in answer to a statement of Mr. Chakraverti that this answer had been held back purposely. It was that matter I was replying to. There is no question of keeping it back purposely and there is no point in doing so.

Mr. HARIDAS MAZUMDAR: Sir, but——

Mr. PRESIDENT: Is it necessary to pursue the point any further? You have made the position perfectly clear and the Hon'ble Minister has also explained his difficulties. After that is it necessary to pursue the point further?

Mr. HARIDAS MAZUMDAR: Sir, 12 days' time for answering questions should be insisted upon and the departments concerned should see to it that the information is collected within that time and on expiry of this period the matter should be brought before the House. Otherwise, what is the use of providing for 12 days' notice?

Mr. PRESIDENT: I hope Government do their best to see that questions are replied to as early as possible.

Mr. HARIDAS MAZUMDAR: That is not done, Sir, and that is our grievance.

Mr. PRESIDENT: Government should do it.

Point of Privilege.

Mr. HARIDAS MAZUMDAR: Sir, I rise on a point of privilege——

Mr. PRESIDENT: What is your point of privilege?

Mr. HARIDAS MAZUMDAR: My point of privilege is in connection with my adjournment motion which I wanted to move regarding non-availability of rice in the various parts of Bengal at controlled rates. When I made my statement Mr. Suhrawardy told this House that my statement was not based on facts and my statement was not correct—that it was a prejudicial report and that it caused unnecessary alarm. I submit, Sir, that I was justified in making my statement, as it was based on a Government document—I mean the *Calcutta Gazette*. Therefore what I said was

correct and based on Government report. The statement of the Hon'ble Minister has practically violated the privilege of a member of the House, because my statement was based on correct information—information supplied by the *Calcutta Gazette*. So, Sir, I want to have the statement made by the Hon'ble Minister withdrawn.

Mr. PRESIDENT: What Mr. Suhrawardy actually said was this: "On a point of order, Sir. I do not know whether the honourable member is in order in reading out his motion before it is admitted, but I wish to bring to your notice that the motion contains matters which are rather prejudicial. They are not based on facts and they are likely to cause unnecessary alarm".

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the honourable members had made so many wrong statements in the House, have they ever taken them back? Then, Sir, what is the privilege? How does the privilege of the House arise——

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, the Hon'ble Minister says that the honourable members of the House make wrong statements. Should he be allowed to make such a statement?

Dr. KUMUD SANKAR RAY: Does the Hon'ble Minister think that wrong statements should not be the monopoly of this side of the House only?

The Hon'ble Mr. H. S. SUHRAWARDY: What I meant was this: Sometimes wrong statements are made in this House; but are they taken back or expunged? After all, wrong statements that are made by members on the floor of the House are not taken back. I dare say that the speeches of many honourable members are sometimes wrong but are they taken back or expunged? So, I submit there is no question of a privilege motion.

Mr. LALIT CHANDRA DAS: Sir, as a matter of fact, Mr. Haridas Mazumdar's adjournment motion was based upon a copy of the *Calcutta Gazette*. In that copy it was specifically stated that in certain places there was shortage of rice. But the Hon'ble Minister used some words which were derogatory to the prestige of the honourable member and that is why he has raised this point of privilege.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the point was whether a serious situation had actually arisen or not. I have explained to the House the other day that the serious situation had not arisen. Take the specific case of Jhenidah. It has been stated in the Gazette report that there is no rice at Jhenidah. But, Sir, Jhenidah is set in a surplus area and there is plenty of rice and paddy. No serious situation has arisen because the market of Jhenidah as such has not got any rice. Now, Mr. Haridas Mazumdar from the statement which appeared in the *Calcutta Gazette* concludes that a very serious situation has arisen in the province. That, Sir, is an alarming news which is likely to arouse panic in the minds of the public. And this fact is wholly unwarranted.

Mr. LALIT CHANDRA DAS: Is the alarm due to Mr. Mazumdar's motion or due to the publication of the fact in the *Calcutta Gazette?*

Mr. PRESIDENT: I should like to know what is the point of privilege. How the privilege has been affected, you must explain that point.

Mr. HARIDAS MAZUMDAR: Sir, the point is this: I have been charged with making incorrect statements. But, Sir, I have conclusively proved from the *Calcutta Gazette* that there was shortage of rice at Jhenidah. My argument was based on the facts collected from the Gazette. But the Hon'ble the Civil Supplies Minister accused me of having made incorrect statements. That statement should be withdrawn by him.

There is another point, Sir. Whether there was a seroius situation or not, that was going to be discussed in the House. The Hon'ble Minister might have proved that the situation was not serious. The motion was simply before the House for discussion.

Mr. PRESIDENT: To cut short matters, if Mr. Mazumdar feels that his privilege as a member has been affected, this matter may be referred to the Privileges Committee.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I point out that Mr. Mazumdar is a little bit mistaken in the idea of a serious situation? If there was no case of a serious situation, then there was also no case for bringing in an adjournment motion by him. The adjournment motion is based on the arising of a serious situation of definite urgent public importance——

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, when you have decided the matter, can the Hon'ble Minister again speak?

Mr. PRESIDENT: As it has been decided to refer the matter to the Privileges Committee, there should be a formal motion by an honourable member to that effect. Will somebody move the motion?

Mr. HARIDAS MAZUMDAR: Sir, I beg to move——

Mr. PRESIDENT: Let someone else move it.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that the point of privilege raised by Mr. Haridas Mazumdar regarding the infringement of the privilege of an honourable member of this House in connection with the adjournment motion be referred to the Privileges Committee.

Mr. PRESIDENT: Is it the general desire of the House that the matter should be referred to the Privileges Committee?

Mr. MESBAHUDDIN AHMED: Sir, I do not think that after the explanation given by the Hon'ble Mr. Suhrawardy it is necessary that this matter should be referred to the Privileges Committee.

Mr. PRESIDENT: The question before the House is that——

Mr. HUMAYUN KABIR: Sir, before you put this matter to vote may I submit one thing? Matters of privilege of this House have generally been

referred to the Committee without any voting on the matter. We made no further comment on the matter raised by Mr. Mazumdar in the expectation that it was the general sense of the House to refer the matter to the Committee without any voting. You, Sir, as the custodian of the rights and privileges of this House should see that this matter is settled there. If matters like these are put to vote, a very bad precedent would be created.

Mr. PRESIDENT: I hope that Government will realise the position and they will not object to this matter being referred to a Privileges Committee.

Mr. MESBAHUDDIN AHMED: Sir, if I remember aright, votes were taken on previous occasions.

Mr. PRESIDENT: Do you insist or you accept my suggestion?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it is merely a question of wrong statement made over here. How many wrong statements have been made from time immemorial in all Parliaments?

Mr. PRESIDENT: Is it the desire of the House that this matter should be referred to the Privileges Committee where it may be discussed in an atmosphere of detachment? It is for the Committee to recommend whether this is a matter of privilege or this is not a matter of privilege. That is why I suggest that the matter should be referred to the Privileges Committee. Do I take it that it is the general desire, and there is no objection on the part of Government?

(There being no objection from any section of the House, the Hon'ble President declared the motion of Mr. Das carried.)

The Bengal Finance (Sales Tax) Amendment Bill, 1944.

Mr. PRESIDENT: Now, we come to the discussion of the next item on the agenda, namely, the Bengal Finance (Sales Tax) Amendment Bill.

Mr. HARIDAS MAZUMDAR: Sir, I beg to move that after paragraph (*a*) of clause 2 of the Bill, the following new paragraph be added, namely:—

"(*aa*) to sub-section (*1*), the following proviso be added, namely:—

'Provided that the tax shall not be leviable more than once on any goods in the course of its transit from the producer or importer to the ultimate consumer'."

Sir, in commending this amendment to the acceptance of this House, I must at the very outset say that it is the most reasonable and equitable amendment of the whole lot. The simple principle is that one commodity should not be twice taxed. Sir, it has got two aspects—one with finished goods and the other with the raw materials that are used to make the finished goods. Take for instance, a text-book. The primary education text-books are exempted but the paper that makes the books is taxed once

and when the books of the upper classes are printed, they are taxed for the second time; the ink is also taxed. Therefore, this is one aspect of the question that the same article is practically taxed twice. Take another instance. A patent medicine is taxed and the ingredients that go to make that medicine are also taxed separately.

Then the other aspect of the question is that the same goods are taxed twice when they are transferred from one place to another. There must be rules and other safeguards sufficient to protect that in the process of transfer the goods are not taxed twice. Sir, this tax practically falls on the shoulders of the poor masses and poor middle-class people. If the articles of luxury, such as liquor, wines, Burma cheroot and other things are taxed at the rate of annas 8 in the rupee, we have no objection. But what we say is this: there should be a graded and graduated incidence. If this sort of tax which makes every one, rich or poor, liable to the same amount of tax is to be resorted to, then it will be very inequitable, particularly in a country where literacy is about 6 per cent. I want to stress this point. I do not like to harp on the arguments that have been advanced by me and the honourable members of the House on several occasions but would again ask the Hon'ble Finance Minister if he has the power—of course I doubt very much if he has the right to change a comma, or a semi-colon of this amending Bill, because he is speaking nothing but His Master's Voice——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, this is my Bill and the drafting is also mine.

Mr. HARIDAS MAZUMDAR: Thank you. I am very glad to learn that the Hon'ble Finance Minister is in a position to change everything in his Bill, lock, stock and barrel. Very good. But I would only request him to change the lock only and keep the stock and the barrel to himself. With these words, I commend the motion to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that after paragraph (*a*) of clause 2 of the Bill, the following new paragraph be added, namely,—

"(*aa*) to sub-section (*1*), the following proviso be added, namely:—

'Provided that the tax shall not be leviable more than once on any goods in the course of its transit from the producer or importer to the ultimate consumer'."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, it is my painful duty to oppose the amendment moved by Mr. Haridas Mazumdar. It is painful because it seems to me a loss of time—I am sorry to have to use that expression—because the arguments advanced by him are obviously inspired by—again I shall not use a stronger word—by a misunderstanding of the provisions of the clause. What he has proposed is an unworkable proposition; it will benefit no one and it will only lead to friction, for it is impossible to keep a life-history of each and every item of commodity. The scheme of the Act is such that the articles have to bear only one tax. That is the whole scheme of the Act. It is a one-point tax. I need not deliver a lecture on that but would only ask Mr. Haridas Mazumdar to think over it and if necessary with the assistance of more intelligent persons.

Mr. HUMAYUN KABIR: Sir, I quite realise the force of what the Hon'ble Finance Minister has just now stated; but I would remind him of one consideration in connection with this amendment. When the original Bill was first moved, it was suggested on behalf of Government that there would be taxation at one point only.

Even now, I think that is the intention of Government. But as the Finance Minister has now pointed out, it is almost impossible to keep a life-history of every particular commodity. I commend for his consideration a suggestion that was made at the time of the consideration of the parent Act. The suggestion which was made at that time was that if the taxation could be imposed at the source, namely, in the case of manufactured goods at the time it passes out of the hands of the manufacturer into the hands of those who deal with the goods and in the case of raw materials at the time it passes into the hands of the buyer from the hands of the producer —if the tax could be fixed at one point—this mischief could be avoided. I agree with the Hon'ble Finance Minister that it is difficult to have any machinery for checking the operation of the tax which is being realised now. But if some such machinery could be evolved, that will probably serve the purpose which the Government have in view.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: May I offer an explanation in regard to what Mr. Humayun Kabir has said? I quite realise that at the early stage the trade may not be wise enough to avoid in some few cases double taxation; but as the trade gets used to it it will realise that it is a single tax and if the merchant is careful he will avoid double taxation.

Mr. PRESIDENT: The question before the House is: that after paragraph (*a*) of clause 2 of the Bill, the following new paragraph be added, namely:—

"(*aa*) to sub-section (*1*), the following proviso be added, namely:—

'Provided that the tax shall not be leviable more than once on any goods in the course of its transit from the producer or importer to the ultimate consumers'."

(The amendment was negatived.)

Mr. KAMINI KUMAR DUTTA: I beg to move that in paragraph (6) of clause 2 of the Bill, for the words "three per centum" in line 2, the words "two per centum" be substituted.

I think no comment is necessary in support of my amendment. The tax proposed is a mass taxation. So any reduction in its incidence will go to the benefit of a large section of the public. Therefore, I have suggested a reduction of one per centum, i.e., to say, from three per centum to two per centum, which will give some relief to a very large section of the population.

Mr. PRESIDENT: Motion moved that in paragraph (*6*) of clause 2 of the Bill, for the words "three per centum" in line 2, the words "two per centum" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I think, Sir, here there is some misconception. I took some trouble in my speech while introducing the Bill to show the necessity in fairness to the traders for allowing this percentage. The present provision of one per centum is really inadequate on the present rate; that is to say, in many cases the trade suffers a loss. Even with 3 per centum, as I pointed out as a result of a slight arithmetical calculation the dealer may still be losing something like ·18 of a pie of the Rs. 3-0-6 that Government collect on every Rs. 100 of his turnover. So in all fairness we should allow them this little concession. Not a concession, but just a fair share to which he is entitled.

Mr. PRESIDENT: The question before the House is that in paragraph (*6*) of clause 2 of the Bill, for the words "three per centum" in line 2, the words "two per centum" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 2 stand part of the Bill.

(The motion was put and agreed to.)

Clause 3.

Mr. PRESIDENT: Clause 3 stand part of the Bill.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in clause 3 of the Bill, the words "for the entries" in line 1 be deleted and for the word "substituted" in line 3, the word "added" be substituted.

I think, Sir, it is a very important amendment. In the schedule showing exemption from the Finance Sales Tax Act, 1941, in item 16 it has been laid down that handloom woven cloths when sold by a dealer who does not deal in any other kind of cloth would be exempted. The present Bill wants to do away with that provision, and in its place they suggest that the following should be substituted, namely: "When the sale price of a *dhoti, lungi* or *saree* does not exceed such amount as the Provincial Government may fix in respect of *dhooties, lungies* or *sarees*, as the case may be, by notification in the Official Gazette:

Provided that the Provincial Government may fix different amounts for *dhooties, lungies* or *sarees* of different sizes."

Now, Sir, to a certain extent cloths whose prices would be fixed by the Provincial Government would go tax-free and all the rest would be taxed. Sir, it is a very important thing and the whole House should consider it very carefully and seriously. We want that handloom and hand-woven cloths should remain exempt as before and should not be taxed as now suggested. All that I suggest is that this item 16 may remain as it is. Over and above that we would have no objection if this amendment is added. I got the impression from the Hon'ble the Leader of the House, that if item 16 of the schedule is abolished, a very small body of people would be affected. I desire to draw his attention to the fact that a very large body of people are

concerned with this particular trade of handloom-woven cloths. Let them enjoy the benefit as they have been enjoying from the time of the introduction of the Sales Tax in 1941. I desire to quote certain figures from the Annual Report of the All-India Spinners Association for the year 1941-42 to show the extent of *khadi* work in Bengal and its possibility—

	Rs.
Total production of *khadi*	6,13,118
Total nett *khadi* sales	5,64,055
Number of spinners under All-India Spinners Association in Bengal (of these 12,498 are Muhammadans) ...	15,726
Number of weavers under All-India Spinners Association	699
Wages distributed by the All-India Spinners Association, Bengal, to spinners	85,044
Wages distributed by the All-India Spinners Association, Bengal, to the weavers	48,936
Number of villages served	757

Besides this there are other *khadi* associations who deal in handloom woven cloth. Now, Sir, there is a very large body of people who will be affected by the abolition of item No. 16 of the Schedule. I want to remind the House that at the Madhabdih Bazar alone in the district of Dacca which deals exclusively in handloom woven cloths thousands of rupees worth of goods are transacted every week. In the district of Dacca there are 700 villages in which there are large numbers of dealers who deal in handloom woven cloths. In Tipperah, Sir, there are several well-known places where countless dealers deal in handloom woven cloths. There is a big centre for such goods at Barkamla and at Mainamati. Comilla is also well-known for such a centre. There are several villages, such as Hirapur, Andikote, Gungar, Kaliganj and other places where a large number of spinners deal exclusively in handloom woven cloths. Sir, even the Hon'ble Mr. Suhrawardy who pilotted the Sales Tax Bill when it was introduced for the first time during the régime of the First Fazlul Huq Ministry in 1941 never thought that handloom and hand-woven cloth should be taxed at all. I am quoting a portion of the speech which Mr. Suhrawardy then delivered in the Assembly—"Sir, such articles as *saris*, *dhootis* and *gamchas* as produced by our country weavers" that is his expression "produced by our country weavers". "Potteries produced by our *coomers*, slippers produced by our cobblers, tobacco is grown by our villagers and all these could be excluded from the taxation." But it pains me, Sir, to see that at a time when this matter is in the charge of Mr. Goswami, a prominent Congressman, he should do away with item No. 16 which exempts handloom woven cloth from taxation. Sir, this is an act which should not have come at least from him. The prince among men who is now detained in the palace of His Highness the Aga Khan in Poona used to say: "You Hindus and Muslims unite, be non-violent, spin and weave. This will lead you to Independence." Now, the Hon'ble Finance Minister who was a devotee of Mahatma Gandhi, should he now be a party to taxing spinning and weaving? Should he not encourage such a thing as handloom and woven cloth free of taxes? Should

he impose this tax upon handloom and hand-woven cloth? Then, again, not only is a principle here involved but there is also the question of patriotism, nationalism involved in the matter. Here, Sir, are our village cottage-industries awaiting development and encouragement and what is the best method of developing and encouraging them? Is it by the imposition of a tax that you are going to develop them or encourage them? Will they be able to hold their head high in competition with mill-made cloths and other kinds of cloths? That is the first thing to look into. If you are willing to encourage the village cottage-industries, the principal thing which comes first to one's mind is the handloom cloth which is as much necessary as food. Sir, just as without food no one can live, so without cloth no one can hide one's shame. There is another thing in connection with this matter, and that is the question of money. Where will the money go? The money will have to be paid for purchase of cloth. The money goes to the poor, for it is they who manufacture and actually sell these cloths without payment of any tax. Are they, therefore, the persons upon whom this tax should be imposed? So I think that a distinct improvement can be made in this Sales Tax Bill if the word "substituted" is changed and in its place the word "added" is substituted. Keeping these cloths tax-free as hitherto, the Hon'ble Minister can very well add to Schedule 16 *dhootis*, *lungis* or *sarees*. When the sale price of a *dhooti*, *lungi* or *saree* does not exceed such amount as the Provincial Government may fix in respect of *dhooties*, *lungis* or *sarees* as the case may be, by notification in the Official Gazette, they may also be exempted from the tax. This will be a great improvement, and I appeal to the Hon'ble Finance Minister to allow the House to make this improvement. With these words, I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill the words "for the entries" in line 1 be deleted and for the word "substituted" in line 3, the word "added" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to support the motion moved by my friend Mr. Lalit Chandra Das I would like to say a few words. As I made it clear yesterday in my speech, there are some defects in the wording of the Bill itself. Possibly it did not strike the Finance Minister when the Bill was drafted, and we were assured that the Bill was drafted by the Hon'ble Minister himself possibly without the assistance of the Legislative Department and that is why this mistake crept in. When we heard Government members during the last two days in connection with the discussion on the Bill, I think it was admitted on all hands that the poor man's cloth would be excluded from the operation of this tax. Possibly the Finance Minister knows very well, as has also been pointed out by the mover of this amendment, that a large section of the poorer people wear *dhotis* and *saris* which are prepared by the handloom weavers in the country and it will mean the abolition of the handloom industry altogether if you impose a tax on handloom products which would be used by the poorer population of the province. As a matter of fact, on further consideration I find that the amendments relating to clause 3 which have been tabled by many honourable members would have very much

improved the Bill if the Hon'ble Minister had made a provision that handloom cloths, *dhoties, saries, chaddars, gamchas, lungis* made of yarns up to 40 counts shall be excluded from taxation under the Finance Sales Act. That would have benefited the poorer section of the population; and even now I would suggest for the consideration of the Hon'ble Minister the suggestion which I am making, namely, that he should exclude *dhotis, lungis, sarees, gamchas, chaddars* and handloom woven cloths prepared up to 40 counts. This would be an improvement on the Bill as it stands now and if this amendment is accepted, possibly in course of 15 minutes all the amendments on the list, from No. 24 to No. 35, will be disposed of. With these words, I support the amendment.

Mr. KAMINI KUMAR DUTTA: Sir, I had also an amendment which is almost identical. Although the wordings are different, practically it covers the same ground. The amendment of Mr. Das which seeks to exempt from this tax *dhotis, lungis, sarees,* irrespective of the fact whether produced by handloom cotton weaving or by mill, if the sale price would not exceed a particular amount which the provincial Government may fix, would certainly benefit the poorer sections of the public. Item 16 in the schedule to the existing Sales Tax Act did exempt handloom woven cloth. It requires no speech to justify the amendment before the House. Handloom is an indigenous industry which requires all possible encouragement from the State. It benefits not only the weaver, the producer of the commodity but also benefits the poorer section of the public for whom generally a very large percentage of the handloom cloths are woven. So this industry which benefits not a very inconsiderable section of the population requires special protection from the State and as such handloom woven cloths ought to be exempted from the operation of this Bill. There is another factor, too, which has been brought home to us by the exigency of the war. Mill-made cloths are not so very easily available even now. A situation may arise when owing to the difficulty of transport and other factors mill-made cloths may not be available in every part of the country. So provision should be made for handloom woven cloths in this province and for this State-aid ought to be given to this industry. Instead of giving it this help, by this amending Bill a fresh tax is going to be levied on handloom woven cloths which were exempted in the original Act. So, from the stand-point of cottage-industry as well as from the stand-point that the poorer sections depend very much on these handloom woven cloths, these cloths should be exempted. Cloth is one of the essential necessities of our life and as there are weavers who are competent and capable of supplying the cloths required for this province, they ought to be given all possible aid and protection by the State. I do support the amendment with all the emphasis that I can command. This amendment should not be looked at merely from a commercial point of view. It should be looked at from the larger interest of the nation.

Mr. PRESIDENT: Mr. Haridas Majumdar, you have an amendment. Do you propose to move it now or separately?

Mr. HARIDAS MAZUMDAR: I shall move it separately.

Mr. PRESIDENT: You may move it now and after that I shall call upon the honourable members to speak on the amendments.

Mr. HARIDAS MAZUMDAR: All right, Sir. I beg to move that in clause 3 of the Bill, for the word "substituted" in line 3 the word "added" be substituted.

Sir, the arguments already advanced by my honourable friends who have supported the previous amendment will convince our friends opposite that it is necessary that handloom woven cloths should be excluded from the operation of the Bill. There is an additional reason also. These poor weavers, *jolas* and *tantis* should be given adequate relief, and not only the coarse cloths should be exempted but also cloths whose prices may be Rs. 20 or Rs. 30 a pair, should also be exempted for the sake of helping this cottage-industry. Sir, the Manchester mills dealt a heavy blow to this industry only a few decades back, but during the time of the Swadeshi movement this industry was again showing up its head: it was coming back to its own inch by inch, and if at this stage another blow is given, this industry will be killed not to come back to life again after the war. When the big factories will raise their heads not only on the banks of the Ganges but all over India, I am sure these poor people and this poor industry will be forgotten as a thing of the past. I hope and trust that this handloom industry will be spared by the Hon'ble Finance Minister if he has power to do so.

With these words, I commend the resolution to the acceptance of the House.

Mr. PRESIDENT: Mr. Dutta, I presume you do not propose to move your amendment.

Mr. KAMINI KUMAR DUTTA: No, Sir, it is all the same.

Mr. PRESIDENT: Yes, it is all the same.

Motions moved:

That in clause 3 of the Bill, for the word "substitute" in line 3, the deleted and for the word "substituted" in line 3, the word "added" be substituted.

That in clause 3 of the Bill, for the word "substituted" in line 3, the word "added" be substituted.

Mr. HUMAYUN KABIR: Sir, I rise to support this amendment. I hope that in this case at any rate the honourable members supporting Government will find it possible to accept this amendment. I find that amendments almost to an identical effect have been tabled by an important member from the Government side. If that is any indication of what he actually desires, I take it that the Government side already feel the force of some of the remarks which have been made from this side of the House. Now, Sir, the purpose of this amendment is to retain a very valuable provision which was made in the original Act. It was enacted that all handloom woven cloth, when sold by a dealer who does not sell any other kind of cloth should be exempted from the Sales Tax. The idea behind this exemption has already been stated. It is not necessary for me to dilate upon it very much. But I would nevertheless like to point out once more to members of this House that even today the supply of mill-made cloth is

not adequate for meeting the requirements of the province. In very many cases, there is local production and local consumption. If this process of local production and local consumption is disturbed, then it would affect the economic life of the rural areas. In very many cases, I know from personal experience that there are persons who are agriculturists but also have in addition probably a handloom. They manage to eke out an existence by combining the income from their agricultural and weavers' profession. Now, if the change which Government propose to make is carried into effect, the class of persons whom I have in mind and about whom the honourable members of this House also know from their personal experience, will be very seriously affected. This amendment which has been moved by my honourable friend Mr. Lalit Chandra Das does not in any way want to change the Government Bill beyond adding a particular clause of exemption in addition to what is already there. The present amending Bill seeks to take away a concession which had been enjoyed by the poorer classes, the weavers and their customers. The purpose of the present amendment is to retain that. As has been stated by speakers on this side of the House, this is necessary not only from the point of view of the actual economic interests of these weavers and their customers, but it is also necessary from the point of view of the development of a very important cottage-industry in this country. If this amendment is not carried and if all hand-woven cloth is included within the purview of this Bill, what will be the result? The Government can say that they are going to exclude cloth of a particular value, but they are not going to make any distinction between the mill-made cloth and the hand-made cloth of the same value. They will simply fix a price. The form in which the Bill-clause has been drafted is that the Government may fix different kinds of prices for different sizes. There is no reference whatsoever to the cloth which is woven on a handloom or to the cloth which is woven in a factory. The only reference is to a difference in size. If the Bill-clause as originally drafted is carried into effect, the result would be that a piece of cloth, whether handloom-woven or mill-manufactured, will come under exactly the same consideration from the Government. Now, Sir, it is known that cottage-industries cannot thrive unless there is a certain amount of protection for them. If it be the case that Government put the mill-made cloth and the hand-woven cloth exactly in the same category, then the handloom cloth will be gradually driven out of the market, and as has been pointed out by Messrs. Lalit Chandra Das and Kamini Kumar Dutta, a very large number of persons derive their livelihood from this source.

I would also in this connection make a passing reference to some observations made by Mr. Kader Baksh yesterday. He said, "What after all does a difference between one-quarter and one-half in the rate of the tax make"? It may be the case that to him or to the Hon'ble Finance Minister, the difference is not very material. Yet to a very large number of our fellow-countrymen, half an anna in the rupee means a quite considerable proportion of their daily income. Even under the present abnormal conditions in the rural areas, Government wanted to provide test relief only at the rate of six annas per day. According to the estimate of Government, six annas should thus be the income of a person a day even under the

present abnormal conditions. Some attempts were made to increase this rate but I do not know whether they were carried into effect. In some places test relief operations could not be continued as able-bodied workers did not come forward and were not willing to work at the rate of six annas per day. Therefore, in some cases Government had to abandon schemes of test relief. If the Government decide that six annas should be the average daily normal income of a labourer in this province, then to such persons the difference between a quarter of an anna and half an anna is certainly a material difference. I would ask Mr. Kader Baksh not to judge the poorer sections in this country by his own standard but to show them some sympathy. If he remembers that a considerable section of this community buy cloths locally produced and in the local market, then he will understand what a difference this amendment will make.

Mr. Latafat Hossain also made certain remarks yesterday. He took to task the members of the Opposition because he knew, he said, that these amendments were brought forward only in order to harass the Government —I think that is the term he used—and not out of sympathy for the poor. I do not know if he has genuine sympathy for the poor, and if he has, then he should come forward to support the amendment, which aims primarily if not entirely at doing good to the poorer classes of people in the country. From the point of view of the agriculturist, from the point of view of the rural population and from the economic point of view, it is desirable that handloom woven cloth should be exempted from the operation of the Sales Tax. The amendment Mr. Das has moved seeks to safeguard this privilege which is already being enjoyed and which was given to the poorer classes of persons by a former Finance Minister. I would put it to the Hon'ble Finance Minister whether he would be the person who is going to kill the cottage industries and especially handloom weaving? Will he be the instrument to destroy this item in the national economy, for which the Congress—to which organisation the Hon'ble Finance Minister at one time belonged—pressed so much? Is the Finance Minister going to be the person who is going to kill the handloom industry and cottage industry from which such a large proportion of our fellow-nationals today derive their income? If Mr. Das's amendment is carried, the position of the handloom weavers is safeguarded. In addition, one item which was missing in the existing Act will have been added in the present Bill, for there was no reference whatsoever therein to coarse *lungis*, *dhotis*, and *sarees* unless they were woven by hand. If Mr. Lalit Chandra Das's amendment is carried, we will have two types of safeguards. On the one hand, all handloom woven cloths will be exempted from the operation of this Bill. In addition, mill-made cloths below certain prices will also be exempted. This amendment gives double protection to the poorer section of the population, namely, he will be able to buy handloom-made cloth or if he so prefers he will be able to buy mill-made cloth and he will not have to pay any tax provided the quality and the price of the cloth is such as would be fixed by the Government. In view of these considerations, I would urge upon the Hon'ble the Finance Minister to look at this amendment with sympathy. It is a constructive suggestion of the Opposition which would definitely improve the Bill. It is a matter in favour

of which the Government party have expressed their own desires, and indicated unmistakably by amendments tabled by Government party members. We expect that they will accept the amendment and persuade the Government to accept it and not put it to the vote. As Mr. Mukherji has said, if this is agreed to, we would be finishing the Bill immediately, because all the other amendments will fall through. From that point of view, Government would be well advised to accept it.

Mr. K. C. ROY CHOWDHURY: Sir, I wholeheartedly support the amendment moved by my friend Mr. Lalit Chandra Das. This principally relates to the weavers, and we all know that the total production of handloom cloths in India has greatly dwindled. In olden days it was Lancashire that strangled the handloom industry in this country and now it is the cotton mills of India that are killing this industry. I may remind the Hon'ble Finance Minister that Mr. Rajagopalachariar, one of the greatest leaders of the Congress, introduced the Sales Tax Bill in Madras and exempted handloom products. This Bengal Act is a copy of the Madras Act. He made a famous speech while introducing his Bill, not from the point of view of the spinner, not from the point of view of encouraging *khadi*, not from the point of view of consumers, but from the point of view of protecting lakhs of weavers. The number of weavers in Bengal is very large, according to the report of the Royal Agricultural Commission. It is more than 2 lakhs in Bengal. The amendment asks for small concession which should be given to help the weavers. The production of handloom woven cloth should be tax-free not so much from the point of consumers as from the point of view of weavers. The consumers are already hard-hit because of the greed of the cotton mill-owners of Bombay. By wholesale exemption of handloom products he would be showing sympathy towards the hand-weaving industry and weavers of Bengal. The Hon'ble Finance Minister must exempt all production of handloom woven production. It is known to him no doubt that in the last year's famine and distress they suffered most. It is also perhaps known to the House that about 60 per cent. of the weavers in Bengal is Muslim. So my Muslim friends opposite should realise that 60 per cent. of weavers who belong to the Muslim community will be benefited if this amendment is accepted. I appeal to them to bring pressure on the Hon'ble Finance Minister to accept this amendment and to see that the production of handloom woven cloth is fully exempted from the operation of this Bill. Fancy *sarees* made by handloom weavers do fetch good prices but the power-looms are copying the designs and unless some protection is given, hand-woven *sarees* will disappear from the market and thousands of weavers would lose their bread.

Mr. KADER BAKSH: Sir, I had no desire to take part in this debate. But certain remarks have been made by my friend Mr. Humayun Kabir to which I have to reply, because I had not been truly represented in his speech. It is not a fact that when I spoke yesterday on his amendment to reduce the per centum from one-half to one-third I had not the interests of the poorer sections in view. He thinks that he knows better about the handloom weaving industry than I do, but he forgets that he has been all along in Calcutta and so he cannot speak of the weaving class in the villages.

He has never gone into the interior villages and seen things for himself. I speak from my own personal experience——

Mr. HUMAYUN KABIR: On a point of order, Sir. Am I the subject of this amendment or is he speaking on the amendment?

Mr. PRESIDENT: Probably that is the preamble to his speech. (Laughter.)

Mr. HUMAYUN KABIR: Preamble without any body.

Mr. KADER BAKSH: Sir, I have been with these weaving class people for the last 20 or 25 years. I started an association under the co-operative system in my own district. I have been thick and thin with these people. But be that as it may, Sir, I never said yesterday that these people should be taxed. I made a reference yesterday in my speech that certain classes of cloths ought to be exempted from the operation of this Act. But this is my personal view. I think *sarees*, *dhoties*, *lungis* and *gamchas* of certain counts, not the finer qualities, should be exempted. My honourable friends opposite have got into a habit of wearing khaddar which are very fine and costly. Those varieties should never be exempted.

As regards the difference between 1/3rd of an anna and $\frac{1}{4}$ of an anna, I said there is no difference. But there is difference between $\frac{1}{4}$ of an anna and $\frac{1}{2}$ of an anna. Sir, I think, I have made my position absolutely clear to Mr. Humayun Kabir.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, I may say at the outset that from the point of view of sentiment my sympathies are entirely with the movers and supporters of the two amendments, but there is also the other side of the question. I want to know how in a consumers' tax the weaver is directly hit. I have tried to find that out. I am sure that in trying to protect the weavers we are really giving a premium to dealers. Ours is a consumers' tax, remember that. Therefore, what I propose to do is this. Without making a long speech I may tell you what I propose to do. I propose by my rule-making power to fix different prices for handloom woven cloths and mill-made cloths (Mr. HUMAYUN KABIR: You cannot do so.) I am competent to do so, and thereby give a preference in favour of handloom made cloths——

Mr. HUMAYUN KABIR: Sir, may I interrupt the Hon'ble Minister for a minute and draw his attention to the proviso which says that "Provided that the Provincial Government may fix different amount for *dhoties*, *lungis* or *sarees* of different sizes." There is no reference whatever here to anything about the different types of cloths manufactured in mills. By his rule-making power he cannot do that. Of course, if he can do so we would welcome that and it would meet our point.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I have had it legally examined and I am in a position to say that it is possible for me to give a preference to the handloom made cloths. My object is not to kill the handloom industry. They must be protected not merely by an exemption here but by other means more effective and efficacious. But I think we have no right to exempt those purchasers, to give bounty to those

purchasers, who are able to afford cloths, *dhoties* or *saries*, priced at, say, Rs. 50 or Rs. 100, and that is why I am declaring on the floor of this House that in consultation with the representatives of different Indian Chambers of Commerce and Weavers' Associations I shall fix rates which will give a prefernce in favour of handloom woven cloth over mill-made cloth. I hope this will satisfy the honourable members. The statement which I have made is one which I hope I shall be able to implement. I cannot accept the amendment simply because I cannot exempt the rich man's cloth.

Mr. PRESIDENT: Order, order. There are two amendments before the House—one moved by Mr. Lalit Chandra Das, and the other by Mr. Haridas Mazumdar. Now, if Mr. Lalit Chandra Das's amendment is carried, then Mr. Haridas Mazumdar's amendment will not arise, and if Mr. Lalit Chandra Das's amendment is negatived, then Mr. Haridas Mazumdar's amendment will fall through. They are exactly the same. I shall put Mr. Lalit Chandra Das's amendment to vote.

The question before the House is: that in clause 3 of the Bill the words "for the entries" in line 1, be deleted and for the word "substituted" in line 3, the word "added" be substituted.

On division:—

AYES—14.

Rai Bahadur K. C. Banerjee.	Mr. Humayun Kabir.
Mr. S. C. Chakravorti.	Rai Bahadur B. M. Maitra.
Mr. L. C. Das.	Mr. H. D. Mazumdar.
Mr. B. C. Datta.	Mr. N. N. Mohalanobish.
Mr. N. C. Datta.	Rai Sahib J. N. Ray.
Mr. K. K. Dutta.	Mr. A. D. Roy.
Mr. M. R. Jaipuria.	Khan Sahib Maulvi Wahiduzzaman.

NOES—23.

Mr. Mesbahuddin Ahmed.	Mr. Mohammed Hossain.
Mr. Nur Ahmed.	Mr. W. B. G. Laidlaw.
Mr. Sultanuddin Ahmed.	Mr. Abdul Latiff.
Khan Sahib Nurul Amin.	Khan Sahib Subidali Mollah.
Khan Sahib Abdul Aziz.	Mr. T. B. Nimmo.
Mr. Kader Baksh.	Khan Bahadur Muklesur Rahman.
Mr. D. L. Barua.	Mr. Biren Roy.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mrs. K. D'Rozario.	Mr. Yakub H. S. Sattar.
Khan Bahadur Abdul Gofran.	Mr. J. W. R. Stevens.
The Hon'ble Khan Bahadur S. M. Hosain.	Khan Bahadur M. Shamsuzzoha.
Mr. Latafat Hossain.	

Mr. PRESIDENT: Order, order. The House has divided.

Ayes being 14 and Noes 23, the amendment is negatived.

Mr. HARIDAS MAZUMDAR: I beg to move that in clause 3 of the Bill, in column 1, after the word and comma "*lungis*," in line 1, the words "*chaddars* and *gamchas*" be added.

Sir, the amendment is self-explanatory and I need not say anything about it.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill, in column 1, after the word and comma "*lungis*," in line 1, the words "*chaddars* and *gamchas*" be added.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I am afraid, I cannot accept the amendment about *chaddars* and *gamchas*. (Laughter.)

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, in column 1, after the word and comma "*lungis*," in line 1, the words "*chaddars* and *gamchas*" be added.

(The amendment was negatived.)

Mr. NUR AHMED: Sir, in view of the assurance given by the Hon'ble the Finance Minister, I do not move any of the amendments standing in my name.

Mr. LALIT CHANDRA DAS: Sir, is it in order for Mr. Nur Ahmed to say that he would not move all the amendments when those amendments are not before the House now?

Mr. PRESIDENT: Strictly speaking he is not, because all his amendments are not yet before the House. But I think he did it as a matter of convenience.

Mr. HARIDAS MAZUMDAR: I beg to move that in clause 3 of the Bill, in column 1, after the items "*dhotis, lungis* and *sarees*", the following new items be added, namely:—

"and any cloth woven in handlooms".

Sir, I hope the Hon'ble Finance Minister will accept it for the sake of the poor section of the population and will not reject this modest amendment.

Mr. PRESIDENT: Amendment moved that in clause 3 of the Bill, in column 1, after the items "*dhotis, lungis* and *sarees*," the following new item be added, namely:—

"and any cloth woven in handlooms".

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I do not see any justification for exempting this because the actual purchase of these commodities by the poor will not entail any sale tax.

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, in column 1, after the items "*dhotis, lungis* and *sarees*," the following new items be added, namely:—

"and any cloth woven in handlooms".

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 3 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: After the time-limit fixed for amendments, the office received notices of two amendments, one from Mr. Kamini Kumar Dutta and the other from Mr. Shrish Chandra Chakraverti. In view of the fact that it is an important Bill, I am prepared to accept these amendments at short-notice. Will Mr. Dutta move his motion now?

Mr. KAMINI KUMAR DUTTA: Yes, Sir. I beg to move that after clause 3 of the Bill, the following clause be added, namely:—

"4. After item 16 of the Schedule to the said Act, the following new item be inserted, namely:—

1	2
16A Handloom woven cloth ..	When the cloth is woven in cotton yarns only."

Sir, the object of the amendment is simple. It has been stated by the Hon'ble the Finance Minister that under the rule-making power he would provide for some special concession in favour of handloom cloths. The real object of the present amendment also is to give relief to the poorer sections of the public who earn their living by weaving ordinary cotton cloths and not silk cloths.

Mr. PRESIDENT: Amendment moved that after clause 3 of the Bill, the following clause be added, namely:—

"4. After item 16 of the Schedule to the said Act, the following new item be inserted, namely:—

1	2
16A Handloom woven cloth ..	When the cloth is woven in cotton yarns only."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I take it that the Hon'ble the Leader of the Opposition is satisfied with my assurance which I have already given. Therefore, I hope he would oblige me by not pressing this amendment for the simple reason that even handloom woven cotton cloths are sometimes very expensive. We know that the price of ordinary cotton *khaddar* of special quality varies between Rs. 25 to Rs. 30 a piece. That is a fact. So, I hope he would not press his amendment.

Mr. PRESIDENT: The question before the House is that after clause 3 of the Bill, the following clause be added, namely:—

"4. After item 16 of the Schedule to the said Act, the following new item be inserted, namely:—

1	2
16A Handloom woven cloth ..	When the cloth is woven in cotton yarns only."

(The amendment was negatived.)

Mr. KAMINI KUMAR DUTTA: Sir, I beg to move that after clause 3 of the Bill, the following clause be added, namely:—

"4. After item 16 of the Schedule to the said Act, the following new item be inserted, namely:—

1	2
16A Handloom woven cloth ..	When the sale price does not exceed rupees fifteen."

My present amendment is just consistent with the principle enunciated by the Hon'ble Minister himself in his assurance. I have fixed the price at Rs. 15, so that the poorer sections may get some relief out of this handloom woven cloths.

Mr. PRESIDENT: Amendment moved that after clause 3 of the Bill, the following clause be added, namely:—

"4. After item 16 of the Schedule to the said Act, the following new item be inserted, namely:—

1	2
16A Handloom woven cloth ..	When the sale price does not exceed rupees fifteen."

Mr. HUMAYUN KABIR: Mr. President, Sir, I beg to support this amendment. I think that my friend Mr. Dutta has taken the Hon'ble Finance Minister at his word, and has taken him at a very great disadvantage. One of the main arguments advanced by my honourable friend, the Finance Minister, and some of his supporters was to the effect that there is handloom cloth which can sell for Rs. 50 or even more per piece, and as he has put it, he was not prepared to exempt any rich man's cloth from the operation of this tax. Now, Sir, the sting of that objection is entirely removed if this amendment is carried. I would ask my honourable friends to my left and in front to support the amendment for it will both save the weavers' interests and the interests of the poor people. My honourable friends to my left do not certainly want that the rich man should not enter heaven any more than the camel should pass through the needle's eye! This amendment is entirely in consistency with their principles and in consistency with the principle of the members of the other side.

There was one other point to which reference was made by my honourable friend the Finance Minister. He failed to understand how the consumers' tax can in any way affect the weavers. I ask him to apply his mind for a moment to the question and it will be clear to him. Our contention is that unless there is some difference in the price between the mill-made cloth and the hand-made cloth, there would be a general tendency for the consumer to prefer mill-made cloth to handloom woven cloth. For the same price, the average man would rather purchase the finer mill cloth than the coarser hand-woven cloth. Therefore, even if the tax is paid by the consumer, still the fact that it actually increases the price immediately places the handmade cloth at a disadvantage compared to the mill-made cloth. In view of these facts, I think that if the Hon'ble Finance Minister opposes this amendment, he will be doing so without any reasons or grounds but simply for the sake of opposition.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I hail from a district where cottage industries were in a flourishing condition in olden times, but now-a-days the handloom industry and the cottage industries of the district are practically non-existent. I do not say they are in a moribund condition, but they have practically ceased to exist. The famous *muslin* is gone, so are the other industries. In the Dhamrai thana as well as in Narsingdi thana in the district of Dacca, there are a large number of

weavers who have been eking out a wretched existence from income derived from the sale of hand-woven cloth. Sir, as Mr. Humayun Kabir has rightly said, it will indirectly affect the handloom industry to a great extent. That the price of hand-woven cloth is higher than that of mill-made cloth is well-known, and if on the top of that the Sales Tax is added to the price of the cloth, it will indirectly operate harshly upon the purchasers. Consumption will be directly affected, and the purchaser indirectly affected. My concern is about the poor middle classes and the poor, and as the Hon'ble Finance Minister has given us an assurance that he will see to it that the poor man does not suffer in any way, what harm can there be in accepting the amendment as it is practically in line with his argument?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, my difficulty in accepting the amendment is simply this: I wish to fix different rates according to the prevailing market rate in consultation with the various interests and it would be unfair both to myself and to those whom I want to consult if I were to accept any price in advance. Besides, there may be a necessity for charging those rates if the prices fall as we expect the prices will fall. Rs. 15 may be quite right today but may be much too much tomorrow. I therefore oppose the amendment.

Mr. PRESIDENT: Order, order. The question before the House is: that after clause 3 of the Bill the following clause be added, namely:—

"4. After item 16 of the Schedule to the said Act, the following new item be inserted, namely:—

1	2
16A Handloom woven cloth	.. When the sale price does not exceed rupees fifteen."

(The amendment was negatived.)

Preamble.

Mr. PRESIDENT: The question before the House is: that the Long Title and Preamble stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The Hon'ble Minister will now move the Third Reading of the Bill.

Mr. LALIT CHANDRA DAS: Are you going to take up the Third Reading just now when only 5 minutes are left? Under rule 67 of the Procedure Rules of this House I would suggest that the third reading be postponed till Monday. My reasons are these——

Mr. PRESIDENT: In view of the importance of the subject, it being a Finance Bill, I think it would be better not to take up the Third Reading of the Bill today. It should be taken up on Monday next.

The House now stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 17th March, 1944.

Members absent.

The following members were absent from the meeting held on the 16th March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Fariduddin Ahmed.
(3) Mr. Humayun Reza Chowdhury.
(4) Khan Bahadur Abdul Hamid Chowdhury.
(5) Mr. Khorshed Alam Chowdhury.
(6) Mrs. Labanya Probha Dutt.
(7) Mr. R. W. N. Ferguson.
(8) Maulana Mohd. Akrum Khan.
(9) Khan Bahadur M. A. Momin.
(10) Mr. N. N. Mookerjee.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur Kazi Abdur Rashid.
(13) Mr. B. K. Roy Chowdhury.

BGP-44/5-2116A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 25.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 17th March, 1944, at 2-15 p.m., being the twenty-fifth day of the First Session of 1944, pursuant to section 62(*2*) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble SIR BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Persons arrested and detained under Regulation III of 1818.

91. Mr. NAGENDRA NATH MOHALANOBIS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many persons in Bengal have been arrested and are still being detained under Regulation III of 1818, on and from 3rd June, 1943, to 15th June, 1943; and

(*b*) what allowances, if any, have been allowed to each such person and to his family?

Mr. BIREN ROY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Nine, but two have subsequently been released.

(*b*) A personal allowance of Rs. 30 per month has been granted to each Regulation III prisoner and in addition family allowances at Rs. 100 per month to three of these and at Rs. 30 per month to one.

Mr. LALIT CHANDRA DAS: Will the Parliamentary Secretary please name those persons to whom family allowances have been given?

Mr. BIREN ROY: Mr. Sibnath Banerji, Mr. Niharendu Dutta Mazumdar and Mr. Pratul Chandra Ganguli.

Mr. LALIT CHANDRA DAS: And Rs. 30?

Mr. BIREN ROY: The gentleman has since been released—Mr. Narendra Nath Sen Gupta.

Mr. LALIT CHANDRA DAS: What about the three more gentlemen who are under detention under Regulation III of 1818? Has any allowance been sanctioned to their families?

Mr. BIREN ROY: No, not yet.

Mr. LALIT CHANDRA DAS: Has any application been made by them?

Mr. BIREN ROY: No.

Mr. LALIT CHANDRA DAS: Does not the law require that they should be given family allowances even if they do not apply?

Mr. BIREN ROY: No; personal allowances are being given.

Mr. LALIT CHANDRA DAS: But why no family allowances are given?

Mr. BIREN ROY: The matter is under consideration.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state what was the income of these three Regulation III prisoners before their detention?

Mr. BIREN ROY: I want notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if it is a fact that under Regulation III these persons are entitled to family allowance whether they apply for it or not?

Mr. BIREN ROY: I have already replied that the matter is under consideration.

Mr. HUMAYUN KABIR: But are they not entitled to family allowance under the rules? If so, this cannot be under consideration because it is a question of fact.

Mr. BIREN ROY: It is.

Mr. HUMAYUN KABIR: If it is a fact—and it has been admitted by Government, that they are entitled to family allowances—then why no family allowances were granted to them?

Mr. BIREN ROY: Sir, I have already said that the matter is under consideration: various things have to be taken into consideration in that respect.

Dr. KUMUD SANKAR RAY: May I know what is the number of family members of the Regulation III prisoners whose allowances have been increased?

Mr. BIREN ROY: For such figures, I want notice.

Mr. SHRISH CHANDRA CHAKRAVERTI: What are the various considerations which are under the consideration of Government?

(Mr. Shrish Chandra Chakraverti put the question from a seat which was not allotted to him.)

Mr. PRESIDENT: Mr. Chakraverti, you must speak from the seat which has been allotted to you.

Mr. BIREN ROY: There are various factors, such as their income, properties and other things.

Mr. LALIT CHANDRA DAS: How is it that although the applications were submitted in June, 1943, and we are in the middle of March,—nearly 10 clear months have elapsed—they are still under the consideration of Government?

Mr. BIREN ROY: All these allowances were settled in February, so a little more time must elapse.

Adjournment motion regarding salt supply.

Mr. NAGENDRA NATH MOHOLANOBISH: Mr. President, Sir, with regard to my adjournment motion, the Hon'ble Minister for Civil Supplies wanted to make a statement today. I do not know if he is going to make the statement or whether I shall move my motion.

Mr. PRESIDENT: He is going to make the statement.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I would like the House to realise that except in the matter of price there is no control over salt. Private traders are free to get as much salt as they can and to move the salt wheresoever they like without any permits or hindrances. From this it will be obvious that if there are any difficulties at all in the supply and distribution of salt, it is due to difficulties of transport over the greater portion of which the Government of Bengal has no control. To begin the story from the beginning: Salt has to be imported almost exclusively from the Red Sea ports and the West Coast ports. Our monthly consumption is estimated at 30,000 tons of salt of which 4,000 tons are sent to Assam. This is the minimum estimate, although the trade puts it at a higher figure of between ten and eleven lakh maunds. I will not take the House through the correspondence between us and the Government of India on the question of building up reserves within the Province. It will suffice if I were to state that the Government of India have now come round to the view that we should have a reserve of 16 lakhs of maunds of salt within the Province, and of this I propose to keep 8 lakhs in Calcutta and 8 lakhs in the districts. The Government of India have further agreed to provide shipping for us at 30,000 tons a month. Shortage was apprehended by me when the Government of India decided to stop rail-borne traffic from the West Coast ports to Bengal. In the meantime, I have been successful in building up a reserve of 8 lakhs of maunds to meet the emergency that might arise owing to deficiency of transport. I made arrangements to send 2 lakh maunds to the mofussil for immediate consumption. This was in the beginning of December. Transport, however, was not provided, and when it was provided, it broke down owing to a jam in the Bengal and Assam Railway. It will thus be seen that steps, and early steps, were taken by the Government of Bengal long before any one realised that there was likelihood of any shortage of salt. But circumstances over which the Government of Bengal had no control prevented them from carrying out the programme. The present arrangements stand as under:

More than 2 lakh maunds of salt have already been despatched to the districts. There is a programme for a further despatch of 4 lakh maunds

on Government account. These were to be held as a reserve, but owing to the shortage of salt they will immediately go into consumption. An elaborate programme has been arranged for these despatches; from the 3rd of March 26 wagons per day have been available on the Bengal and Assam Railway. Two more wagons on the broad gauge above Abdulpur, making four wagons in all for these stations, will be available from today, bringing the total to 28 wagons. From the 1st April we shall have 30 wagons per day. From tomorrow 6 wagons a day will be available on the East Indian Railway, 7 wagons a day on the Bengal Nagpur Railway. Salt is being moved to Jessore to the extent of 6,500 maunds by military transport. Country boats are being utilised to carry salt to the East Bengal stations direct from Calcutta, and also from Khulna to which 15 trucks a day are being sent. A country boat convoy conveying 57,500 maunds of salt from Calcutta is already on the way to Madaripur, Gopalganj, Munshiganj Narayanganj, Chandpur, Feni, Hularhat and all such stations. By day after tomorrow I expect that the figures of our despatches will have gone up to 340,000 maunds of salt on Government account, and I expect to provide much larger facilities to private trade after the 21st of March, if necessary, by cutting down transport of other commodities. It will be realised by the members that many commodities have got to be sent at the same time, as there is a demand for all of them in all the districts at the same time, and transport therefore has to be balanced so that all the commodities may be sent, and at the same time the commodities which are most urgently needed should have precedence for the time being. All the districts therefore have been catered for. The honourable member, I understand, comes from Jalpaiguri. We have already sent to Jalpaiguri 8,000 maunds of salt; to Dinajpur 11,500 maunds; to Rangpur 12,000 maunds; and similarly every district has had a share. I am looking further into the question of sending salt to as many places within the district as possible so that distribution may be more easily effected. As regards supplies, not only did the Government of India stop rail-borne salt but we received little salt in October, none in November, and very little salt in December. I can only trust that the Government of India have awakened to the very serious, I may use the word desperate, situation which has developed in Bengal owing to their not having provided sufficient shipping space. There is, however, no need for despondency. The Government of India have promised that they will send us at least 30,000 tons per month in future. They have increased the allotment of our imports from the Red Sea ports. For some reason or other, they had laid down a basic figure for imports which was by no means typical, as the imports in that alleged basic year had been the least owing to war conditions. They have increased the figure by 50 per cent. and we are pressing upon the Government of India to increase it still further, as the quota still falls short of our requirements. Secondly, the quota was distributed amongst persons who could not take full advantage of it. We are impressing upon the Government of India to redistribute the quota amongst those who can take full advantage of these imports. As I said before, there is no necessity for despondency. There is plenty of salt both in the Red Sea

ports as well as in the West Coast ports, and all that now remains is for the Government of India to provide to us the necessary transport facilities. We are also impressing upon them the necessity of opening up rail-borne traffic at once until the situation here arises. I am also making arrangements for importing salt on behalf of the Government of Bengal so that we can build up our reserves, and in this respect I have every hope that the Government of India will come to the financial assistance of the Government of Bengal.

I need hardly assure the honourable members that I consider salt to be one of the most important commodities, and a very serious situation is sure to develop if arrangements are not made for proper supplies and distribution. So far as the Government of Bengal is concerned, we took precautions in time, we foresaw the difficulties, we made our arrangements, but these arrangements, so far as they have broken down, broke down due to supplies and transport questions over which we have no control. The situation has greatly improved at this stage, but I am leaving no stone unturned to secure salt from wherever I can get it and to impress upon the Government of India that they must keep to their promise and in fact they must make attempts to increase their monthly quota without which the situation will not be brought under control. In addition to this, I may also inform the House that we are taking urgent steps to put our own salt industry, both factory and cottage, on a proper footing. The price of salt is high enough to make it lucrative for our people to make salt by the *pan* method and an organisation on these lines, I am sure, will relieve the situation considerably. Our claim to manufacture salt, I am sure, will be recognised and encouraged by the Government of India.

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, after hearing the Hon'ble Minister I think the situation is rather more serious than I anticipated. I, therefore, submit that this is a matter which should be debated upon in the House specially when the Hon'ble Supplies Minister is trying to shift the blame on the Government of India. We shall have to consider as to how far the Government of India is responsible and how far the Government of Bengal is responsible for this non-availability of salt. Therefore, Sir, I desire to press the adjournment motion.

Mr. PRESIDENT: One fact you must bear in mind, Mr. Moholanobish, that the motion is for discussing the failure of Government. When you mention Government, you no doubt mean the Local Government, the Government of Bengal.

Mr. HUMAYUN KABIR: Sir, before you give your decision in the matter, may I be allowed to speak on the subject——

Mr. PRESIDENT: Yes, I would like to hear you but only on the point regarding the admissibility of the motion.

Mr. HUMAYUN KABIR: All right, Sir. As has been just now pointed out by you and rightly so, an adjournment motion will lie only if the responsibility can be fixed upon the Government of Bengal. I think the

statement made by the Civil Supplies Minister has not shifted that responsibility from the Government of Bengal. In his statement he clearly admitted that there was no salt which came into Bengal during the months of October and November. He no doubt argued that the Government of India did not provide any transport for bringing salt into Bengal during the months of October and November. But whatever the reason, as Government were not able to take necessary steps during the months of October and November, the situation is worse today. Therefore, I think that the charge of failure to bring salt into Bengal will lie against the Bengal Government. We are not primarily concerned with the Government of India. We are concerned with the Government of Bengal. We want them to put up a case to the Central Government so strongly that it will not be possible for the Government of India to refuse their demand.

Mr. PRESIDENT: The point is this, Mr. Humayun Kabir. You must convince me first of all that the Government of Bengal have failed in their attempt to supply salt. On the other hand, I am inclined to think from the very elaborate and illuminating statement made by the Hon'ble Minister that the Government of Bengal did their best and that the failure of the Government of India to supply salt during October had its repercussion on salt situation in Bengal in subsequent months. The statement does not show that the Government did not take sufficient steps for improving the supply of salt or that they did not do their best to remedy the situation. That is the view, I am inclined to take. I am, however, prepared to hear if any honourable member wants to speak on the point of admissibility.

Mr. HUMAYUN KABIR: Sir, the Government of Bengal may have made an attempt and even serious attempt; but this must also be remembered that the charge of failure of Government will lie if in spite of such attempts an untowrd incident takes place——

Mr. PRESIDENT: I am afraid, not.

Mr. HUMAYUN KABIR: Please listen to me, Sir. Suppose there is the possibility of disturbance and Government make some aarangements for keeping the peace. If these arrangements prove inadequate, then an adjournment motion will certainly lie because preparations for prevention of the breach of the peace were not adequate. Here also my contention is that since the Government of India did not supply salt in October and the Government of Bengal knew that they had not done so, it was their duty to make certain representations. If inspite of such representations after the failure to supply salt in October, the Government of India again failed to supply salt during November, then the representations were not of a nature likely to influence the Government of India. The Government of Bengal should then have put whatever pressure they had at their command upon the Government of India. I am submitting to you that the Government of Bengal have not been able to exert that pressure which it was possible for then to do. In any case, after the months of October and November, the months of December and January have passed. Instead of improving, the situation is continually deteriorating. Today the position

is far worse and to use the expression of the Hon'ble Minister himself, the situation is today desperate. If that is the result of the activities of the Government of Bengal, if that is the result of their pressure on the Government of India, if the situation is desperate, I submit that a case for discussion of the matter in this House has been clearly established.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, having regard to the admission made by the Hon'ble Minister in charge of the Supply Department that he failed to get supply of salt from the Government of India during October and November, what was he doing all this time? We are now in March. The Hon'ble Minister himself admitted that steps were taken, and steps can be taken even now for manufacturing salt within the province. But what was he doing last October and November when he found that the Government of India could not supply salt owing to transport difficulties and when it is further found that transport was not within the control of the Government of Bengal why the Hon'ble Minister did not tap all the resources within the province and arrange the manufacture of salt in the coastal districts of Bengal? I have personal experience about this matter. After the cyclone of 1942 I travelled through the coastal districts of Midnapore and walked down all the coasts where salt is manufactured. I found that there was ample scope for the manufacture of salt in Tamluk and Contai and the people and labourers told me that if they can have a pan worth Rs. 10, they could manufacture half a maund of salt every day. So if they could be supplied with three or four thousand pans we could have got two thousand maunds of salt daily and the desperate situation, as the Hon'ble Minister has himself said, could have been avoided. So, Government has failed to take early steps to avoid this desperate situation and therefore it ought to be discussed in the House.

Mr. K. C. ROY CHOWDHURY: Sir, may I be permitted to enquire if the Hon'ble Minister is aware that in the Ganjam district on the eastern coast of India through which I made extensive tour, there is plenty of salt made there—white salt and not black salt—and many merchants of Calcutta did procure Ganjam salt for Bengal's use. Has any attempt been made to get Ganjam salt through the Bengal-Nagpur Railway? Secondly, in Bihar, which has been taken over by the Governor under section 93 and is a non-Ministerial province, there is no scarcity of salt.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, however much I wish this matter to be discussed, if not for anything else, at least for finding if there is a solution of the salt problem, I submit that the technical difficulty standing in the way of this motion being moved is very great. First of all, the subject-matter of this motion is not the primary concern of the Provincial Government; Secondly, it does not fulfil the tests, viz., that the matter must not only be urgent, not only be of public importance but it must be of recent occurrence. (Interruptions from the Opposition benches.) ..... The honourable member ought to have brought up this motion before. But certainly on the question of urgency of the motion there is no doubt. As regards the merit of the motion, that is still to be discussed.

I am certain the matter has not been of recent happening. The situation was very bad for a long time—at least for 2 months. Extraordinary condition was prevailing in certain districts and salt was selling at Rs. 1-4 or Rs. 1-8 a seer. Honourable members who are anxious for this discussion had notice of that position and they could immediately bring this matter to the notice of Government and raise a discussion here upon that subject. The honourable member who has brought in this adjournment motion could have moved that the business on the Order Paper should be adjourned and that subject should be given precedence. But he has not done that at the appropriate time.

The other point is: whether this subject—this supply of salt or the failure to supply salt—is the primary responsibility of the Government of Bengal against whom the honourable member wants to bring this censure motion. I submit, Sir, if the responsibility of supplying salt lies with any Government, it lies with the Government of India. Therefore, you will have to decide whether the responsibility lies with the Provincial Government or with the Government of India. Because salt is supplied through the agency of the Central Government. They control the movement of wagons and other transport facilities. The Government of India are rigorously controlling the transport systems under the Defence of India Rules. They are controlling the different transport systems, viz., railways, shipping, private transport and all sorts of other mechanical transport systems. They are even controlling the loading itself. Therefore, it is the primary responsibility of the Central Government. If there is any failure—there is failure and a serious failure at that—the failure is on account of the failure of the Government of India.

Mr. HARIDAS MAZUMDAR: Mr. President, Sir, this is a very urgent matter. On an issue like this the Sind Ministry threatened resignation. I should like to enquire from the Hon'ble Minister to what length they put pressure on the Government of India, —whether they threatened resignation or not. If they have not done that, they have failed. That is my point.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I want to say something with respect to this matter. What has fallen from the lips of Mr. Hamidul Huq Chowdhury does not really comply with the provisions of the Procedure Rules. He has said that it is not a matter of urgent importance (Mr. HAMIDUL HUQ CHOWDHURY: It was urgent) nor of recent occurrence. But, Sir, the Hon'ble Minister himself has admitted that the matter is urgent. As regards whether the matter is of recent happening, I may say this, Sir, that shortage of salt is not a question of one day but it is a continuing incident and all the while we were hoping that the matter would be righted. We waited and waited and when we could not wait any longer we have brought this motion. We then thought that as the matter is definitely of urgent public importance, it should be brought to the notice of Government prominently. Sir, no question of its being of recent occurrence can arise now as it is a continuing grievance.

Then with regard to the failure of Government. The Hon'ble Minister tried to shift his own responsibility on to the Government of India. We have not heard the version of the Government of India as to whether they are really responsible for this shortage of salt in our province. So, I will put it to you, Sir, to consider whether it is not the duty of the present Ministry to supply salt to Bengal so long as they are on the saddle. We will not enquire how they will bring the salt. But they must bring the salt because that is a most essential thing for people to get. Can the Hon'ble Minister avoid responsibility by saying that there is no transport when there is dearth of rice? Sir, so, cannot dearth of rice be the subject-matter of an adjournment motion? As regards salt, how can they avoid responsibility? They must supply salt from outside, if necessary. They cannot plead want of transport facilities from the Government of India. I say, Sir, whether or not the Hon'ble Minister wants to shift responsibility from his own shoulder to the Government of India is quite a different thing. I will suggest, Sir, that as the Government of Bengal is bound to supply salt to the people of Bengal by whatever means they can, they cannot avoid their own responsibility by saying that it is due to the failure on the part of the Government of India. If a discussion on this matter is allowed it may transpire that the Government of India have not failed to discharge their duties in this matter. We have not heard whether the Government of India knew how matters stood during the months of December, January, February and March in Bengal. So, Sir, I should rather think that the Government of Bengal have not been able to tackle this problem properly.

There is another point, Sir. If the Hon'ble Minister allows the adjournment motion to be moved and the matter is discussed in this House, the Government of India may know the whole situation; otherwise a mere statement by the Hon'ble Minister that he had done everything that he could possibly do and that the Government of India did not fulfil their promise in the matter of providing transport facilities to the Bengal Government is no solution to the problem. If he is really sincere that he would not fail us in the matter of salt, then he should allow this House to discuss this matter and in that case the Government of India may also profit by our discussion here.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, we are not here to apportion blame either to the Government of India or to the Government of Bengal or for the matter of that, to anybody. We do not know the Government of India. We know the honourable gentlemen opposite—the members of the happy family who adorn the Treasury Bench. We are concerned with the Ministry in whose hands has been placed the destiny of nearly sixty million people. It is for them to see that salt is supplied to the population of Bengal. Sir, I do not know whether the Hon'ble Minister or Mr. Hamidul Huq Chowdhury has taken care to inquire for the last three or four days——

Mr. PRESIDENT: Rai Bahadur, you cannot go into the merits of the question. Whether it is admissible or not: that is the point which we are considering, and if you have got anything to say on that point you may say that.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, it is a matter of great provincial importance. If the Hon'ble Minister has failed to move the Government of India to supply salt to the people of Bengal, it is for him to see that the Central Government respond to his requests, and it is only for the purpose of giving the Legislature an opportunity to ventilate and give publicity to the matter and to bring home to the Government of India the importance of the question that discussion seems desirable. That is my point.

Mr. KADER BAKSH: May I say a few words, Sir? We are not discussing the merits or demerits of the motion at present. Here the Hon'ble President has asked us to give our views as to whether the motion can be admitted or not. Now, Sir, everybody knows that salt has become a rare commodity in Bengal. This is a fact which cannot be denied. Now we have to see how salt has become so scarce? My honourable and learned friend who always blames us for some reason or other——

Mr. PRESIDENT: Mr. Kader Baksh: please speak strictly on the admissibility of the motion.

Mr. KADER BAKSH: All right, Sir. Everybody knows that salt has become scarce: but, Sir, time is the most important factor in deciding the matter of the admissibility of a motion like this. This situation has arisen for more than two months. We have been experiencing this difficulty in mofussil towns for more than two months. What prevented my honourable friend from raising the question before the House in time? I do not understand why there has been all this delay in bringing this question before the House for discussion? I beg to submit that since the problem has eased to a certain extent, this motion has lost all its importance and should not be admitted.

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, I should have thought that Mr. Das has very clearly replied to the point raised by Mr. Hamidul Huq Chowdhury about the urgency and the recent nature of the question. I do not want to take your time, Sir, by dilating on this point. Mr. Kader Baksh just now has said that this scarcity of salt has been existing for the last two months and yet this matter was not raised and asks why it is that it should be brought up at this stage. On this point, Sir, as you will remember, you gave your ruling that as the matter is a continuing one and as the situation is getting from bad to worse, there is no question that it is of recent occurrence and also of urgent public importance as has been admitted by the Hon'ble Minister himself. (The Hon'ble Mr. H. S. SUHRAWARDY: No.) The question therefore is, as you have been pleased to observe, whether having regard to the explanation given by the Hon'ble Minister this matter should be further discussed. If I have read the rules aright, then I think that the question of the admissibility of such a motion depends upon whether or not there has been a failure of duty on the part of Government. That is, I think, admitted. We are not concerned with reasons just now. On the question of admissibility, failure is admitted and the other points, namely, public importance and recent occurrence also

are admitted. I submit that this is a question which should be discussed in the House. Whether the explanation of the Hon'ble Minister is satisfactory or not, whether that should be accepted or not, that is for the members of this House to decide. Therefore, I hope, you will be pleased to admit the motion, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: I am not certain whether you have ever given your ruling on this point that a continuing case entitles a motion to be brought up whenever any member chooses to do so. Let me give an instance. We have been passing through a very difficult period, we have had distress for a considerable time, almost on the verge of famine; but will that enable any honourable member to come up at any time that he chooses and move an adjournment motion on the ground that the distress is continuing? In this particular case, far from the situation getting worse I have pointed out to the House that the situation is getting better, that it is now under control today, and that steps have been taken to move salt from here to the districts in increasing quantities. Sir, I was beginning at first to wonder, I say this with great respect and I hope the honourable members opposite will kindly bear with me, I was at first begining to wonder whether it was worth while, if the Opposition developed such a factious mentality, for me to take them into such serious confidence, as I always do. I thought that what the honourable members opposite really wanted was information on the matter and that they were keen on knowing the present condition and not that this was going to form the subject-matter of another debate which they would utilise to make matters worse. I shall have to consider seriously in future whether.....

Mr. HUMAYUN KABIR: On a point of order, Sir. Is the Hon'ble Minister speaking on the point of the admissibility of the motion? Then why should he bring in the question of what his attitude should be and also the attitude of the Opposition?

The Hon'ble Mr. H. S. SUHRAWARDY: I may not have been quite relevant; but, Sir, you have allowed members of the Opposition to raise many points.....One further point for instance which has been raised by certain honourable members——

Mr. PRESIDENT: The Opposition may have been irrelevant but why should not Government be relevant? The Hon'ble Minister is expected to reply to the point as to whether the adjournment motion may be admitted or not.

Mr. LALIT CHANDRA DAS: Evidently, the Hon'ble Minister has nothing to say on the point of admissibility, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: An insinuation has been made today to the effect that attempts have been made by this Government to shift responsibility on the Government of India. I have done nothing of the kind, Sir. I have just told the House where the responsibility lies

and I have merely stated facts in an objective manner. Then, Sir, as I have said, if honourable members opposite develop a factious mentality it is extremely difficult for me——

Mr. PRESIDENT: That is not the point we are discussing just at present. That you can say during a general discussion. Do you mind replying to some of the questions put by Mr. Mukherji and Mr. Roy Chowdhury?

The Hon'ble Mr. H. S. SUHRAWARDY: If you mean, Sir, the question whether we could have imported Ganjam salt—if that is a point relevant to the question of admissibility,—the reply to that is that we pressed upon the Madras Government to send us salt and they have refused to do so. The only arrangement that has been made with them is that they are going to send 25 wagons of salt all told, which is nothing..... (Mr. SHRISH CHANDRA CHAKRAVARTI and other members of the Opposite Benches: When, when.) This has been going on for some time—25 wagons are only a recent concession.

Then, Sir, with regard to the point that in Bihar there is no salt difficulty. Restriction of import from the west coast by rail applies to Bengal and not to Bihar. Bihar is being supplied through the kindness of the Government of India with rail-borne salt. Certain honourable members raised the question of resignation, but, Sir, that question does not arise and never arose, because whenever we took up this question with the Government of India, that Government always acceded to our demands. They have acceded to our demands but did not send us the salt.

Mr. PRESIDENT: I have very carefully considered the question and I am grateful to the honourable members for giving their views. There is no doubt that the question is urgent and it is of public importance. As regards the matter being of recent occurrence, I stick to my views that it is a continuous grievance. The example has been given by the Hon'ble Minister in charge of the Civil Supply Department, namely, when last year we had been passing through a severe famine, would honourable members have been justified in moving adjournment motions whenever there was a single case of death in a particular house. It is probably a hypothetical example to which it is difficult to reply. If, however, there is a situation as happened last year it is not possible for anybody to fix a particular point of time when an adjournment motion can be moved. With regard to the matter before the House, I consider that the primary responsibility does not lie with the Government of Bengal, because supply of salt, as Mr. Hamidul Huq Chowdhury has pointed out, is the responsibility of the Central Government and the Central Government also control transport. The Government of Bengal has to appeal to the Central Government for supply of transport and supply of salt and to bring to their notice the situation that has occurred in the province. I think Government did their best: that is the inference that I draw from the statement of the Hon'ble Minister. So in that view of the matter, I think that the adjournment motion is not

admissible because although it is of.....(Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, you said that the matter is of public importance.) Yes, I have already said that the matter is urgent and of public importance. But it must also be the primary responsibility of the Government of Bengal. It would have been quite relevant if this adjournment motion had been brought in the Central Legislature.

Mr. SHRISH CHANDRA CHAKRAVERTI: How do you say, Sir, that this responsibility lies with the Central Government?

Mr. PRESIDENT: Because salt forms a Central subject and the supply of salt to the province is a Central subject. So, the Government of Bengal can merely appeal to the Government of India for salt. They can bring to the notice of the Government of India the need of the province as regards salt. That is why it is not the concern of the Provincial Government.

Mr. LALIT CHANDRA DAS: But, Sir, two conditions have been satisfied, namely, the matter is of urgent public importance and is of recent happening——

Mr. PRESIDENT: But that will not do It must also be the primary concern of the Provincial Government.

Mr. BANKIM CHANDRA MUKHERJEE: What about the manufacture of salt within the province? Is not that the primary concern of the Bengal Government?

Mr. PRESIDENT: Mr. Mukherji, there are three conditions to the admissibility of an adjournment motion: First, the matter must be of urgent public importance, secondly, that it must be of recent happening and, thirdly, it must be the primary concern of the Provincial Government. Here, it is not the primary concern of the Provincial Government. So, in spite of the fact that the matter is urgent and of definite public importance and also that the matter is of recent happening, the fact remains that it is not a matter which is primarily a concern of the Bengal Government. In view of the fact, I cannot give my consent to the moving of this adjournment motion.

In this connection I may also mention that salt is included as item 47 in List I, Schedule VII of the Government of India Act, 1935.

Mr. LALIT CHANDRA DAS: Sir, is not supply of salt the primary concern of the Provincial Government?

Mr. PRESIDENT: I have given my ruling, Mr. Das, that supply of salt is controlled by the Government of India, because transport is entirely in their hand.

Mr. HUMAYUN KABIR: Sir, you have given your ruling and we cannot have any further discussion on that; but, Sir, one aspect of the ruling given by you in this matter may be cited for future occasions also.

Today, Sir, as you have rightly pointed out that there is the question of definiteness, there is the question of public importance, there is the question of recent occurrence and there is also the question of failure of Provincial Government or otherwise. But what I want to know from you, Sir, is who will decide the question of the failure of the Government? Is it desirable that this question should be decided by the President?

Mr. PRESIDENT: I have not decided that, Mr. Kabir. You are mistaken. I have read rule 98 of the Council Procedure Rules which lays down that a matter must be definite, must be of urgent public importance and must also be primarily a concern of the Provincial Government. So, on the last point the adjournment motion fails.

Mr. HUMAYUN KABIR: This has cleared the position, Sir. I was not quite clear about the position.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, is he discussing the merits of your decision? Because, if it is so, I want to join in the discussion.

Mr. PRESIDENT: Mr. Hamidul Huq Chowdhury, it is the duty of the Chair to explain the decision if there is any doubt in the mind of any honourable member. Now, Mr. Kabir, I hope you now understand the point.

The House will now take up Non-official Bills.

NON-OFFICIAL BILLS

The Bengal Local Self-Government (Amendment) Bill, 1943.

Mr. HUMAYUN KABIR: Sir, on the last occasion I replied at some length to some of the points which were raised by Government with regard to this Bill and most of my honourable friends opposite were convinced that the objection which had been raised by two members of Government were based on the fact that neither of them had read my Bill. In fact, Sir, the objections had no reference whatsoever to the Bill of which I had given notice. My Bill, as you will remember, Sir, concerns the local self-governing institutions. The primary purpose of the amendment Bill which I have moved is to do away with the system of nominations in local bodies. Even though at one time it was my intention to include in this Bill also the question of the introduction of adult franchise, at the suggestion of the then Government this portion was excluded. My honourable friend the Minister for Revenue who took it upon himself to reply on behalf of Government on the other occasion read the Statement of Objects and Reasons in which there was a sentence which dealt with adult franchise. Basing his argument on that sentence without reading the actual clauses of the Bill, he opposed the Bill on the ground that adult franchise raised a very difficult question which should not be mooted at this time. I have tried to convince my honourable friends opposite that the apprehension expressed by the Government was absolutely unjustified and in fact unfounded; for the provision in regard to adult franchise has already been

dropped at the suggestion of the Select Committee. Therefore, the Bill which we are now considering in this House has nothing whatever to do with adult franchise. In that connection I also said that it was still my conviction that adult franchise should be introduced and local bodies were the best place where adult franchise could be introduced. But in any case that question is not before us now, since the Select Committee dropped the clauses dealing with adult franchise. Now, we are concerned only with the Bill as it is before the House.

Now, Sir, one other objection which was raised by an honourable member was that if nominations were abolished, what would happen to certain special interests? Here, again, the objection was raised because he had not read the Bill. In the Bill certain elaborate provisions have been introduced, which again were drafted by the Legislative Department of the Government of Bengal. These provide that for industrial and other interests, some special seats would be created. Therefore, most of the objections which were raised by the Government were against imaginary defects in the Bill, against clauses which did not exist in the present Bill but which were in the original Bill. The Bill as it was before the House did not contain any of the provisions against which Government was tilting more or less, I should say, like Don Quixote against the wind-mill and the imaginary robbers.

I will not take much longer time of the House. We have discussed this question at great length—not once or twice but on many occasions. This Government and the first Fazlul Huq Ministry in 1937 also sent this Bill for circulation for, I think, four or five times. It was during the interregnum when the Progressive Coalition Government was formed that they accepted the principle of my Bill. Though that Government accepted the principle of my Bill and sent it to a Select Committee, it could not be enacted due to sudden dissolution. My honourable friend Mr. Hamidul Huq Chowdhury pretends to be opposed to it. With his experience in this House for six or seven years he knows better than anybody else that the question of abolition of nomination has come up before the Government of which he is a supporter today. The Government of which he was a supporter in the past also accepted the principle of abolition of nomination. But when it actually comes to put it into practice, the Party of which he is a supporter appears to be opposed to the idea. I will remind him that at one time, because of this very attitude on the part of Government, he had for a short while come over to the Opposition and tried to force Government to be a little more progressive. The Hon'ble Leader of the House has professed on more occasions than one that he is against nomination. He urged the last Government to abolish it. I would ask him, what has happened to his professions now? Once I twitted him, "Now that you have changed sides, you would oppose this Bill;" but he said that he would do nothing of the kind. He also told me that whatever might be his position in this House, to whichever Government he might belong, he would always uphold the principle of abolition of nomination, and therefore any Bill which wanted the abolition of nomination

would have his support. Now I think he should justify his profession by actual practice. The motion today is admittedly one for abolition of nomination. From experience we have learnt that nomination does not help anybody, it does not make for good administration, it does not in any way remedy the inequities from which the minority communities suffer. My honourable friend the Leader of the House, when he was on this side, was always against nomination. He has made statements which are on record and which show that he was against nomination. Many members on the other side of the House have also stated,—and their statements are on record,—that they are against nomination. Well, Sir, if everybody is against nomination, why not abolish it? The European party too are in a way committed to my Bill, because the European party participated in the deliberations of the Select Committee. After the question of industrial representation was settled, the leader of the party, Mr. Ross, signed the report of the Select Committee without any Minute of Dissent. He thus expressed his own consent, and since in the European party an individual member never speaks for himself but always speaks for his party, his signature signified also the consent of his party. Since in this House—so far as statements and professions regarding the abolition of nomination are concerned —every one is in favour of abolition, I would ask the Honourable the Leader of the House to carry into practice what he has been actually professing, protesting and declaring all these days. With these words, I commend my motion to the acceptance of the House.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, on behalf of Government I want to reply to the speech of Mr. Humayun Kabir because he has raised certain matters which require a reply. It has been said that the Bill has been circulated many times and therefore it does not require circulation. But at the same time the mover of the Bill admits that the Bill has been substantially changed in the Select Committee and that there were certain defects in the Bill which have been removed by the Select Committee. Whether those modifications are according to the wishes of the public in general we want to know. It is the duty of Government to know whether the modifications made by the Select Committee were sufficient to safeguard the interests of the backward communities and other minority communities, if nomination were abolished and election pure and simple were adopted. In order to safeguard the interests of the backward communities it is very necessary that Government should obtain public opinion. Moreover, the Hon'ble Minister in charge of the Local Self-Government Department has already pointed out that Government is bringing out a comprehensive Bill for the abolition of nomination which would at the same time safeguard the interests of the backward communities. In view of that I think this Bill should go out for circulation and we should get public opinion on the provisions of the Bill. Once those opinions are with us, we might be able to consider this Bill along with the Government Bill which is being drafted at the present moment. For the information of the House I may say that we have appointed a Special Officer for six months to draft a comprehensive Bill relating to the self-governing institutions, one of the principal objects of which will be the

abolition of the nomination system. After this decision having been taken and sanction having been given to the appointment of a Special Officer to draft such a Bill, it will be absolutely unnecessary now to consider a Bill of this nature by a private individual, the provisions of which have been substantially changed and on which the public opinion of the country has not been taken. So, in this view, I think the Bill should be circulated for eliciting public opinion thereon.

Mr. PRESIDENT: The question before the House is: that the Bengal Local Self-Government (Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 31st August, 1944.

The motion being put, a division was claimed and taken with the following result:—

(When the question was put by Mr. President, Mr. Hamidul Huq Chowdhury shouted for division along with the members of the Opposition.)

Mr. HUMAYUN KABIR: Sir, as Mr. Hamidul Huq Chowdhury has asked for the division against Government motion, he cannot vote for the Government under the rules.

Mr. PRESIDENT: Yes, you cannot vote in that case, Mr. Chowdhury.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I called the division by mistake.

Mr. PRESIDENT: It is always done by mistake.

AYES—23.

Mr. Mesbahuddin Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Nur Ahmed.	Mr. Latafat Hossain.
Mr. Sultanuddin Ahmed.	Mr. W. B. G. Laidlaw.
Khan Sahib Nurul Amin.	Mr. Abdul Latiff.
Khan Sahib Abdul Aziz.	Khan Sahib Subidali Mollah.
Mr. Kader Baksh.	Khan Bahadur Muklesur Rahman.
Mr. D. L. Barua.	Mr. Biren Roy.
Mr. Moazzemali Chowdhury.	Rai Bahadur R. B. Roy.
Mr. C. E. Clarke.	Mr. S. N. Sanyal.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. K. D'Rozario.	Mr. J. W. R. Steven.
Khan Bahadur Abdul Gofran.	

NOES—10.

Mr. S. C. Chakraverti.	Rai Bahadur B. M. Maitra.
Mr. L. S. Das.	Mr. N. N. Moholanobish.
Mr. B. C. Datta.	Mr. B. C. Mukherjee.
Alhadj Khan Bahadur Shaikh Mohammad Jan.	Dr. K. S. Ray.
Mr. Humayun Z. A. Kabir.	Mr. A. D. Roy.

Mr. PRESIDENT: Order, order. The House has divided.

Ayes—23; Noes—10. The amendment is, therefore, carried.

Mr. PRESIDENT: The next item is "The Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1943.

Rai Bahadur BROJENDRA MOHAN MAITRA: What about my Advocates' Robes Bill?

Mr. PRESIDENT: Previous sanction with regard to it has not yet been obtained from His Excellency the Governor.

Rai Bahadur BROJENDRA MOHAN MAITRA: I think that His Excellency has not refused his sanction.

Mr. PRESIDENT: We have not yet received any communication from His Excellency.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, may I inform the honourable member that Government is already going to introduce a Bill on the lines of the Hindu Women's Rights to Property Bill. So may I request the honourable member not to move his motion?

Mr. NAGENDRA NATH MOHOLANOBISH: I have seen it published in the *Calcutta Gazette*, and it is almost in similar line with mine save and except a very minor alteration which can be accepted. If the Hon'ble Revenue Minister moves that as an amendment, I am prepared to accept it. Because there is a similar Bill introduced or sought to be introduced by the Hon'ble Minister, there is no reason why this Bill should be postponed. If my Bill is passed into law, then the same purpose may be served and a lot of money will be saved thereby.

Mr. PRESIDENT: So you do not accept the suggestion of Government.

Mr. NAGENDRA NATH MOHOLANOBISH: No, Sir.

Mr. PRESIDENT: Then you may go on.

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, I beg to move that the Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1943, be taken into consideration.

Sir, as will appear from the Statement of Objects and Reasons which is appended to the Bill, this Bill is really necessitated by the decision of the Federal Court. As honourable members are aware, under the Hindu Law the widows have really only the right of maintenance and they have no right of inheritance if there are son or sons left, and the widow of a predeceased son will not even be entitled to maintenance as of right so long as the father-in-law is alive, and the law is that after the death of the father-in-law the widow of the predeceased son might only claim maintenance as of right. To avoid this situation, the Central Legislature passed a Bill in 1937, being Act No. XVIII of 1937, by which rights were sought to be conferred upon the widow and the widow of the predeceased son, and the widow of the predeceased son's son, and also rights were conceded to widows of coperceners in joint *Mitakshara* family. Now, when that Act was passed, the Legislature intended to cover all sorts of properties, but subsequently when the matter was referred to the Federal Court, the Federal Court came to the conclusion that having regard to the limitation that was imposed upon the Central Legislature by virtue of List I of the Sixth Schedule to the Government of India Act, 1935, the Central Government had no jurisdiction to legislate with regard to agricultural lands, and

therefore the decision has led to this position that though the Act applies to all properties and lands, they are entitled to have better rights with regard to all properties save and except agricultural lands. Now, there is obviously no meaning in having two different laws of devolution of succession or inheritance in regard to different classes of property. Therefore, Sir, following the decision of the Federal Court, the Bombay Legislature passed Act No. XVII of 1942 in which the Central Act was applied to agricultural lands. Shortly after that in 1943, by Act No. IX of 1943 Sind also adapted the said Act to agricultural lands. I, therefore, propose that in Bengal also the said Act, as amended by Act XI of 1938 of the Central Legislature, should be applied to agricultural lands so that there may not be any difference in the case of inheritance to agricultural lands as well as to other properties. It is perfectly clear that the Central Legislature never intended that their enactment should govern only properties other than agricultural lands. That being the case, it was really a mistake on the part of the Central Legislature to pass that Act including agricultural land; that is now being rectified. The principle of the Bill is, I think, quite clear and I do not think there is any honourable member of the House who will oppose the Bill for it is necessary that widows, predeceased sons' widows, predeceased sons' sons' widows should be allowed to have a share in the inheritance under circumstances which have been enumerated in the Central Act of 1937. I do not know if there is any one here in this House who would raise any objection to the principle of the Bill; but if there be any conservative member who would like not to interfere with the Hindu law as it is, I may also submit that the law must be progressive and that having regard to the change in society and also to the habits and social structure and the position of the members of a family as is now in vogue in this country, we should have a law which would be adapted to the temper and inclinations of the present society. Therefore, this small change is really no change at all because the right to maintenance was already there; all these widows had also the right of inheritance and in case of partition amongst the sons, Hindu widows are entitled to have a share equal to that of a son. This is now going to be legalised—whether or not there is partition amongst the sons, widows must have a share during her life time and after her death it would go to the reversioner. I submit, therefore, without taking much time of the House that the Bill is really a Bill the principle of which we have already accepted by the Central Act which is now in operation with regard to every property save and except agricultural land and that if the law is not brought into line with the Central Act, there would be unnecessary litigation between the son and the mother over the simple question as to whether a certain property is agricultural property or not. Take, for instance, a zemindary. The son would say to the mother in terms of the Central Act—this is to be regarded as agricultural land and therefore a widow is not entitled to have any share of it. The same for instance, in regard to *patni* tenure and permanent tenure, and so on and so forth. So that unnecessary litigation between the widow and her sons would go on over the nature of a property which they are going to inherit, because the expression agricultural land, as honourable

members will see, has not been defined in the Constitution Act. To set at rest all these controversies, I think the present Bill should be enacted which would help the women to acquire better rights as has already been acquired by others who are entitled to property other than agricultural land. In that view of the case, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that the Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1943, be taken into consideration.

Mr. BIREN ROY: Sir, as a Hindu member of this House I would like to state a few things in support of the Bill when it is being taken up for consideration. In doing so, my first contention would be to record my dissent against the creation of an idea that there is unanimity of Hindu opinion against the Bill. The leader of the Hindu Nationalist Party is significantly absent though he is at an advantage in this House, as he is not confronted by educated progressive women legislators from his community and this is primarily due to the denial of economic independence to our womenfolk. It is the property instinct of selfish men which is responsible for this state of affairs, as the men in India have so long treated women as mere private property in all respects and hence have denied them the right to inherit properties in the same manner as are accorded to men, and thereby they have been able to keep the women perpetually under their economic domination. Our conservative Hindu colleagues have practically gained the point in that they have been able, as I hear, to get on their side some of our Muslim friends with the slogan that this is a communal matter and hence Muslims, should not interfere in this Bill which affects only the Hindus. I hope at least my progressive Muslim friends would not be taken in in this way. Any measure that is likely to better the position of women generally should be supported by all progressive modern men. There are whisperings that the only two ladies in this House being Christian, they would not be competent to say anything on this aspect of inheritance by Hindu women. But certainly these ladies do represent the spirit of the progressive women in taking up their position as an equal and fit partner of men in all spheres of public activity, and I hope they will whole-heartedly support any Bill including the present one that might be brought before this House for the betterment of the women-folk generally.

If we look at the position of women in that country of admirable fighters for all that is best and progressive in modern civilisation, I mean the U. S. S. R., we find that in the brief span of 25 years women in Soviet Russia have been raised from a state of drudgery to one of vigorous participation in every form of public activity, in striking contrast to the status and position of women here and in some other backward countries, where she is relegated to the task of child-bearing and house-keeping only.

My conservative Hondu friends may put forward various points, namely, that unscrupulous men would take advantage of uneducated and helpless women when they get property rights; but I hold completely different

views. The same thing may be urged about ignorant uneducated men also. At present women are in the most helpless condition, and it is only now that some progress is suggested. With more education and a feeling of security brought on by acquiring the right of inheritance, women-folk of our country will certainly try to take more active part in the social, political and cultural spheres in our country and will contribute generally to the betterment of the country as a whole. The Government have already under contemplation a Bill of a similar nature, I mean like the one which has already been passed by the Central Legislature and as the Hon'ble Minister in charge has already stated that Government are going to bring a Bill of a similar nature in the near future, I think the Bill may be circulated for ascertaining public opinion on it.

Mr. PRESIDENT: Will any other honourable member speak on this Bill?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, I have already stated that this Bill requires very careful consideration and from the speech of the last speaker it seems that there is a section of the Hindu community which is not in favour of this Bill. That is all the more reason why Government should carefully consider the position and in view of the fact also that Government has already introduced a Bill of a similar nature for ascertaining public opinion thereon, I think it is only fair that the Bill should not be taken up hurriedly and passed in such hot haste. I intended to move that the Bill be circulated, but as I could not give notice, it is not possible for me to do so. Therefore, there is no other alternative but to oppose the motion. If the Opposition agrees, I am prepared to move for the circulation of this Bill.

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, having regard to the Bill that has been introduced by the Government, by the Hon'ble the Revenue Minister, I do not see any point in circulating the Bill for eliciting opinion, because if you kindly refer to the wordings of the provisions of the Bill that has been published in the Gazette and compare them with the present Bill, you will find that the only difference is that whereas by this Bill transfers made up to the commencement of this Act should be protected, the Government Bill provides that transfers made up to the 13th January 1944 would only be protected. Save and except that, there is absolutely no difference between the provisions of these two Bills and Government having accepted the principle of this Bill in its entirety, I see no reason why they should oppose the Bill. I am agreeable to accept the small modification as regards restricting the transfers up to the 13th January 1944. Therefore, I submit, Sir, there is no point in circulating this Bill for eliciting opinion thereon. On the other hand, if the Government really insist, this minor modification may be settled if the Bill is referred to a Select Committee.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, unfortunately the honourable member——

Mr. PRESIDENT: Are you rising on a personal explanation Mr. Mukerjea? Because otherwise you cannot again speak on this motion.

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes, Sir. Unfortunately, the honourable member has misunderstood my point. The Government has published the Bill so that the public may go through the Bill and examine the provisions of the Bill carefully. Sir, I have no other alternative but to oppose the motion.

Mr. PRESIDENT: Before I put the motion to vote, I would just like to draw attention to rule 40 of the Council Procedure Rules according to which a motion which is identical with the one on which the Council has given a decision in the same session cannot be brought forward in that session again. So whatever the decision the House might give on this motion, the Government Bill cannot come up this session. Once some decision is given no further decision can be taken on the same subject.

The question before the House is: that the Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1943, be taken into consideration.

(The motion was negatived.)

The Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940.

Sir, I beg to move that the Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., Minister in charge of the Home Department,
(2) Khan Bahadur Mr. Shamsuzzoha,
(3) Mr. Bankim Chandra Datta,
(4) Mr. D. J. Cohen,
(5) Mr. Lalit Chandra Das,
(6) Mr. Bankim Chandra Mukherji,
(7) Mr. R. S. Purssell,
(8) Rai Bahadur Radhika Bhusan Roy,
(9) Mr. Dhirendra Lal Barua,
(10) Khan Sahib Subidali Molla, and
(11) the mover,

with instructions to submit their report within four months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, this is a very important amending Bill, and its importance has been increased by the recent happening in the country. It is a Bill which wants to amend the Bengal and Assam Disorderly House Act of 1907. Sir there are two Acts which deal with the evils of prostitution—one is the Bengal Suppression of Immoral Traffic Act and the other is this Act. The Bengal Suppression of Immoral Traffic Act is more wide and comprehensive and provides for all sorts of remedies. There is provision in this Act for Rescue House and other things which are very costly, and so this Act is in force only in Calcutta and its suburbs. But this Act which I want to amend is in force in all the mofussil towns of Bengal. Sir, I find from the opinions received in respect of this Bill that there is some misapprehension that because the Bengal Suppression of Immoral Traffic Act is in

force, so this Act cannot be in force. Sir, the main provision of this amending Bill is that there is a definition of prostitution, whereas in the Act of 1907 there is no definition of prostitution, and that is, Sir, a great lacuna on account of which Government have failed to secure conviction in many cases instituted by police. There is an important decision of the Calcutta High Court which is to the effect that this Act cannot be effectively enforced in an urban area. In my amending Bill I want to meet that lacuna by providing a definition of the term "Prostitution". Then, I have added after the words "occupied by students", the words "any place of public worship". It is desirable that no brothel should be established near any house of public worship. I think this amendment is also necessary. In connection with the regulation of this evil, I want to add some other provisions. At present brothels exist promiscuously in all parts of a town. There is no restriction as to the place where these prostitutes may live. I have accordingly added a clause so that municipal commissioners may regulate the location of brothels within their own area. There was an important lacuna in the Act in that there was no provision about punishment for procuration of girls for purposes of prostitution. I have provided that procuration of a girl to become a prostitute or detention of a girl or woman against her will will be an offence. These are some of the provisions of the Bill under consideration. This Bill was circulated thrice for eliciting public opinion. At the first time about 68 opinions were received. Out of them except 2 everybody supported the provisions of the Bill. The second time also a majority of opinion supported the provisions of the Bill and last time I have received opinions strongly supporting the provisions of the Bill. Members of Associations and also of public bodies have supported the Bill. At a time, when taking advantage of the famine situation in the country and helplessness of women and girls some unscrupulous people are trying to turn them into prostitutes, it is necessary that the provisions which are embodied in this Bill should be added to the Act of 1907 which is in force in all the towns of Bengal. I think I need not make a long speech on this important subject; the utility of such a measure is apparent and I hope the House will accord wholehearted support to the motion for referring the Bill to a Select Committee.

Mr. PRESIDENT: Motion moved: that the Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Honourable Khwaja Sir Nazimuddin, K.C.I.E., Minister in charge of the Home Department,
(2) Khan Bahadur M. Shamsuzzoha,
(3) Mr. Bankim Chandra Datta,
(4) Mr. D. J. Cohen,
(5) Mr. Bankim Chandra Mukherji,
(6) Mr. Lalit Chandra Das,
(7) Mr. R. S. Purssell,
(8) Rai Bahadur Radhica Bhusan Roy,
(9) Mr. Dhirendra Lal Barua,

(10) Khan Sahib Subidali Molla, and
(11) the mover (Mr. Nur Ahmed),

with instructions to submit their report within four months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, on behalf of Government we are prepared to accept this motion for reference to Select Committee. It is a social legislation and a move in the right direction. It seeks to improve the present law on the subject and Government are prepared to accept the motion for Select Committee.

Mr. PRESIDENT: The question before the House is that the Eastern Bengal and Assam Disorderly House (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., Minister in charge of the Home Department,
(2) Khan Bahadur M. Shamsuzzoha,
(3) Mr. Bankim Chandra Datta,
(4) Mr. D. J. Cohen,
(5) Mr. Lalit Chandra Das,
(6) Mr. Bankim Chandra Mukherji,
(7) Mr. R. S. Purssell,
(8) Rai Bahadur Radhica Bhusan Roy,
(9) Mr. Dhirendra Lal Barua,
(10) Khan Sahib Subidali Molla, and
(11) the mover,

with instructions to submit their report within four months from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The motion was agreed to.)

Mr. NUR AHMED: Sir, may I have your permission to postpone item No. 11, because the Hon'ble Minister wants time to consider it?

Mr. PRESIDENT: You do not want to move No. 11?

Mr. NUR AHMED: I want to postpone its consideration for the next non-official day with your permission.

Mr. PRESIDENT: I think there is no harm in that. Then what is your next motion?

Mr. NUR AHMED: Sir, I want to leave out all items from Nos. 11 to 17. I propose to move from the circulation of motion No. 18.

Mr. PRESIDENT: If you do not want to move these items, why did you give notice of them? It means a lot of work in the Council Department and also a lot of work for Government. You should give notice only

of those motions which you want to move. Practically, all the non-official Bills are yours. Please give notice of those Bills about which you are serious.

Mr. NUR AHMED: Sir, I was serious about all the Bills of which I gave notice. But Government want time to consider them.

Mr. PRESIDENT: In that case, it means that all your motions lapse.

Mr. NUR AHMED: But, Sir, I want to leave them out with your permission, for discussion on another non-official day.

Mr. PRESIDENT: Which one you want to move?

Mr. NUR AHMED: No. 18.

Mr. LALIT CHANDRA DAS: What about the rest?

Mr. PRESIDENT: His motions lapse: the matter stands.

Mr. NUR AHMED: I beg to move that the Indian Registration (Bengal Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

Mr. PRESIDENT: Motion moved: that the Indian Registration (Bengal Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Government have no objection to this circulation motion.

Mr. PRESIDENT: The question before the House is that the Indian Registration (Bengal Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

(The motion was agreed to.)

The Land Acquisition (Bengal Amendment) Bill, 1943.

Mr. NUR AHMED: Sir, I beg to move that the Land Acquisition (Bengal Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

Mr. PRESIDENT: Motion moved: that the Land Acquisition (Bengal Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1943.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Government have no objection to the circulation motion of this Bill.

(The motion was agreed to.)

The Bengal Melâs Regulation Bill, 1943.

Mr. NUR AHMED: Sir, I beg to move that the Bengal *Melâs* Regulation Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal *Melâs* Regulation Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Government have no objection to the circulation motion of this Bill.

(The motion was agreed to.)

The Indian Lunacy (Bengal Amendment) Bill, 1943.

Mr. NUR AHMED: Sir, I beg to move: that the Indian Lunacy (Bengal Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

Mr. PRESIDENT: Motion moved that the Indian Lunacy (Bengal Amendment) Bill, 1943, be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Government have no objection to the circulation motion of this Bill.

(The motion was agreed to.)

The Bengal Music in the Moslem Shrine Prohibition Bill, 1943.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Music in the Moslem Shrine Prohibition Bill, 1943, be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal Music in the Moslem Shrine Prohibition Bill, 1943, be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Government have no objection to the circulation motion of this Bill.

(The motion was agreed to.)

The Bengal Holy Quoran Sales Bill, 1943.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Holy *Quoran* Sales Bill, 1943, be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal Holy *Quoran* Sales Bill, 1943, be circulated for eliciting public opinion thereon by the 30th June, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Government have no objection to the circulation motion of this Bill.

(The motion was agreed to.)

The Bengal Criminal Procedure (Election Offences) Amendment Bill, 1943.

Mr. NUR AHMED: Sir, I beg to move that the the Bengal Criminal Procedure (Election Offences) Amendment Bill, 1943, be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal Criminal Procedure (Election Offences) Amendment Bill, 1943, be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Government have no objection to the circulation motion of this Bill.

(The motion was agreed to.)

The Bengal Children (Amendment) Bill, 1943.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Children (Amendment) Bill, 1943, be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal Children (Amendment) Bill, 1943, be circulated for the purpose of eliciting public opinion thereon by the 30th June, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government have no objection to the motion for circulation.

(The motion was agreed to.)

The Bengal Famine Insurance Fund (Amendment) Bill, 1943.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Famine Insurance Fund (Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal Famine Insurance Fund (Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government have no objection to the motion for circulation.

(The motion was agreed to.)

The Bengal Money-lenders (Amendment) Bill, 1942.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Money-lenders (Amendment) Bill, 1942, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal Money-lenders (Amendment) Bill, 1942, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government have no objection to the motion for circulation.

(The motion was agreed to.)

The Bengal Borstal Schools (Amendment) Bill, 1942.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Borstal Schools (Amendment) Bill, 1942, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal Borstal Schools (Amendment) Bill, 1942, be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government have no objection to the motion for circulation.

(The motion was agreed to.)

The Bengal Intoxicant Liquor Sale Regulation Bill, 1942.

Mr. NUR AHMED: Sir, I beg to move that the Bengal Intoxicant Liquor Sale Regulation Bill, 1942, be circulated for the purpose of eliciting opinion thereon by the 15th July, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal Intoxicant Liquor Sale Regulation Bill, 1942, be circulated for the purpose of eliciting opinion thereon by the 15th July, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government have no objection to the motion for circulation.

(The motion was agreed to.)

The Bengal Indecent Advertisement Prevention Bill, 1943.

Mr. NUR AHMED: Sir I beg to move that the Bengal Indecent Advertisement Prevention Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 15th July, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal Indecent Advertisement Prevention Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 15th July, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government have no objection to the motion for circulation.

(The motion was agreed to.)

The Transfer of Property and the Indian Registration (Bengal Amendment) Bill, 1943.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Transfer of Property and the Indian Registration (Bengal Amendment) Bill, 1943.

Mr. PRESIDENT: Leave has been asked for by Mr. Nur Ahmed to introduce the Transfer of Property and the Indian Registration (Bengal Amendment) Bill, 1943.

(The motion was agreed to.)

The Secretary then read the short title of the Bill.

The Bengal Amusement House Smoke Nuisance Prohibition Bill, 1944.

Mr. HARIDAS MAZUMDAR: Sir, I beg to move for leave to introduce the Bengal Amusement House Smoke Nuisance Prohibition Bill, 1944.

Mr. PRESIDENT: Leave has been asked for by Mr. Haridas Mazumdar to introduce the Bengal Amusement House Smoke Nuisance Prohibition Bill, 1944.

(The motion was agreed to.)

The Secretary then read the short title of the Bill.

The Bengal Urban Area Rent Regulation Bill, 1943.

Mr. PRESIDENT: With regard to this Bill, I may say that the previous sanction of the Governor has not yet been received. So it cannot be moved at this stage.

The Bengal Anti-Dowry Bill, 1944.

Mr. HARIDAS MAZUMDAR: Sir, I beg to move for leave to introduce the Bengal Anti-Dowry Bill, 1944.

Mr. PRESIDENT: Leave has been asked for by Mr. Haridas Mazumdar to introduce the Bengal Anti-Dowry Bill, 1944.

(The motion was agreed to.)

The Secretary then read the short title of the Bill.

The Bengal Public Demands Recovery (Amendment) Bill, 1944.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Public Demands Recovery (Amendment) Bill, 1944.

Mr. PRESIDENT: Leave has been asked for by Mr. Nur Ahmed to introduce the Bengal Public Demands Recovery (Amendment) Bill, 1944.

(The motion was agreed to.)

The Secretary then read the short title of the Bill.

The Bengal Land Revenue Sales and the Bengal Tenancy (Amendment) Bill, 1944.

Mr. NUR AHMED: Sir, I beg to move for leave to introduce the Bengal Land Revenue Sales and the Bengal Tenancy (Amendment) Bill, 1944.

Mr. PRESIDENT: Leave has been asked for by Mr. Nur Ahmed to introduce the Bengal Land Revenue Sales and the Bengal Tenancy (Amendment) Bill, 1944.

(The motion was agreed to.)

The Secretary then read the short title of the Bill.

Mr. PRESIDENT: The House now stands adjourned till 1 p.m. on the 20th March, 1944.

Adjournment.

The Council then adjourned till 1 p.m. on Monday, the 20th March, 1944.

Members absent.

The following members were absent from the meeting held on the 17th March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Fariduddin Ahmed.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. Khorshed Alam Chowdhury.
(5) Mrs. Labanya Probha Dutt.
(6) Mr. K. K. Dutta.
(7) Mr. R. W. N. Ferguson.
(8) Maulana Mohd. Akrum Khan.
(9) Khan Bahadur M. A. Momin.
(10) Mr. N. N. Mookherji.
(11) Mr. T. B. Nimmo.
(12) Mr. R. S. Purssell.
(13) Khan Bahadur Kazi Abdur Rashid.
(14) Mr. B. K. Roy Chowdhury.

BGP-44/5-2243A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 26.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 20th March, 1944, at 1 p.m., being the twenty-sixth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Release of the political prisoners of the Midnapore district.

92. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that none of the political prisoners belonging to the district of Midnapore has yet been released? If so, what is the reason thereof?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY, (on behalf of the Hon'ble Khwaja Sir Nazimuddin): It is not a fact that none of the political prisoners from Midnapore district has been released.

Mr. SHRISH CHANDRA CHAKRAVERTI: Is the Hon'ble Minister aware that two members of the Assembly returned from the Midnapore district have not yet been released?

Mr. BIREN ROY: Yes.

Grievances of the Anglo-India Jute Mill workers.

93. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state if he is aware that the workers of the Anglo-India Jute Mills at a meeting held on the 20th December, 1943, at Kakinara, presented a statement of their grievances to the Labour Commissioner?

(*b*) If so, does he propose to enquire and state if the mill authorities are withholding the wages, dues, pensions and other allowances from the mill labourers?

(*c*) What steps do Government propose to take to remedy the above state of affairs?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. K. Shahabuddin): (*a*) A representation on behalf of the workers of the Anglo-India (Upper) Jute Mill, over the signatures of four workers, containing a list of grievances was received by the Labour Commissioner on the 24th December, 1943.

(*b*) Enquiries were made by the Labour Commissioner's Office and it has, so far, been known that the management did not withhold wages, dues, etc.

(*c*) Does not arise.

Mr. HUMAYUN KABIR: Arising out of (*a*), will the Hon'ble Minister be pleased to state what were the grievances mentioned in that representation?

The Hon'ble Mr. K. SHAHABUDDIN:. I want notice.

Mr. HUMAYUN KABIR: Arising out of (*b*), will the Hon'ble Minister be pleased to state what exactly is meant,—what is the implication,—when Government use the two words "so far" in the reply here?

The Hon'ble Mr. K. SHAHABUDDIN: Information received up to that date.

Notice of strike by the Bengal Chemical Mazdoor Union.

94. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state if he is aware that the Bengal Chemical Mazdoor Union has given the Company notice of strike and sent a copy of the same to the Labour Commissioner?

(*b*) If so, will he please state what are the demands of the labourers?

(*c*) What steps do the Government propose to take for meeting their demands and preventing a strike?

The Hon'ble Mr. K. SHAHABUDDIN: (*a*) Yes.

(*b*) (*i*) Reinstatement of Babu Panchanan Karmakar and Babu Ramesh Chandra Seal or payment of extra one month's salary, gratuity and Company's contributions to their Provident Fund.

(*ii*) Dearness allowance of Rs.30 at flat rate.

(*iii*) Free family quarters for wholetime workers.

(*iv*) Leave with pay for 45 days per year; 30 days as compulsory leave and 15 days as sick leave.

(*v*) Abolishment of contract system.

(*vi*) Registration of Provident Fund and to make it compulsory for every employee.

(*vii*) Formation of an enquiry committee with three members; two nominated from Mazdur Union and one from the Company.

(*viii*) Free uniform (pant and shirt) for mechanical workers.

(*ix*) To introduce graded service according to nature of work and seniority.

(*x*) One month's pay as bonus.

(*c*) An enquiry into the matter with a view to prevent a strike and to meet the legitimate demands of the workers is in progress.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that similar demands on behalf of the workers have been made from other factories as well?

The Hon'ble Mr. K. SHAHABUDDIN: Representations have been received, but it is very difficult to say whether their demands are similar in nature.

Mr. HUMAYUN KABIR: In view of the fact that there are similar demands from many different factories and mills, will the Hon'ble Minister consider the preparation by Government of a scheme making for uniform conditions of service in the different mills?

The Hon'ble Mr. K. SHAHABUDDIN: Sir, in this connection I may inform the honourable member that the Government of India, as a result of the recommendations of the Tripartite Labour Conference, have set up a Committee which is touring all over India, and most of the points raised in this connection are to be considered by it. We are awaiting the report of that Committee; in the meantime the Government of Bengal also are collecting facts and data for the purpose of coming to a satisfactory decision.

Wages of jute mill hands.

95. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state if he is aware that the existing rate of wages and dearness allowances paid to the jute mill hands per head is on an average only Rs.25 a month?

(*b*) Is this amount adequate to meet the present cost of living?

(*c*) Does he proposes to take steps to see that jute workers are paid wages commensurate with the present cost of living?

The Hon'ble Mr. K. SHAHABUDDIN: (*a*) As far as I am aware, the existing rates of wages and dearness allowances paid to jute mill hands per head are, on an average, above Rs.25 a month.

(*b*) The Family Budget Enquiry is in progress and a Subsistence Level Enquiry will be taken up shortly. Adequacy of the present rates of wages and dearness allowances may be determined on the completion of these enquiries.

(*c*) Does not arise at present.

Mr. HUMAYUN KABIR: Arising out of (*a*), will the Hon'ble Minister be pleased to state whether Rs. 25 represents the wages or wages and dearness allowance combined?

The Hon'ble Mr. K. SHAHABUDDIN: I suppose it is wages and dearness allowance combined.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that Re. 1 per day is the minimum cost of living for an adult person today in Bengal?

The Hon'ble Mr. K. SHAHABUDDIN: That is, Sir, a question of opinion, I submit.

Mr. PRESIDENT: Questions over.

Mr. HUMAYUN KABIR: Sir, I sent notice of an adjournment motion regarding large-scale arrest by the police in certain villages of Faridpur——

Mr. PRESIDENT: It has not come to me as yet.

Mr. HUMAYUN KABIR: I sent it this morning at 9-30.

Mr. PRESIDENT: It was received in office at 10-30 and so no action has been taken on it as yet.

Mr. HUMAYUN KABIR: I hope it may be raised tomorrow, Sir.

Mr. PRESIDENT: Yes.

Message from the Assembly.

Mr. SECRETARY: Sir, the following message has been received from the Bengal Legislative Assembly:—

"The Bengal Orphanages and Widows' Homes Bill, 1944, as passed by the Bengal Legislative Assembly at its meeting held on March 3, 1944, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

SYED NAUSHER ALI,
Speaker,
Bengal Legislative Assembly."

CALCUTTA;
The 17th March, 1944.

Sir, I herewith lay on the Table the Bengal Orphanages and Widows' Homes Bill, 1944, as passed by the Bengal Legislative Assembly at its meeting held on the 3rd March, 1944.

The Bengal Finance (Sales Tax) Amendment Bill, 1944.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I beg to move that the Bengal Finance (Sales Tax) Amendment Bill, 1944, as settled in the Council be passed.

Sir, I thank the honourable members for having thoroughly discussed my little Bill. I thank them particularly for the reason that any misgivings that there might have been in their minds must have been cleared up during the last three days' long discussions. Really, it is a very short Bill which deals mainly with the question of doubling the rate of the sales tax. Other questions were also raised, the most important of which was that of exempting the handloom-woven cloth entirely. I stated before the House my reasons for not being able to accept the proposition entirely. But the House will remember that I gave an assurance, which I propose to make good in the next few days if this Bill receives the concurrence of this House, that I would by my rule-making powers see that preference is given to the handloom industry. I may tell the House that representatives of Indian Chambers of Commerce have been consulted by me and I think I may say that they were quite satisfied with the rates proposed by the Finance Department. There is very little for me to add to what I have been saying during the detailed discussion of the Bill. I therefore hope that my little Bill will be sanctioned by the House.

Mr. PRESIDENT: Motion moved: that the Bengal Finance (Sales Tax) Amendment Bill, 1944, as settled in the Council, be passed.

Mr. HARIDAS MAZUMDAR: Sir, I have the painful duty of opposing the passing of the Bill. The Hon'ble Finance Minister has just now told us that this little Bill of his should be passed. The Bill may be little in size but its implications are very great. When I spoke about the budget I said that the budget was a ministry-saving budget and I think that this Bill may be termed as a handloom-killing Bill. Sir, a sales tax if properly designed and judiciously spent and intended to relieve general taxation is

a beneficent measure worthy of support. I do not dispute that. We are now disillusioned as regards the help from the Centre—4½ crores are all it assures us in two years——

Mr. PRESIDENT: Order, order. I hope honourable members would not talk with one another in this way.

Mr. HARIDAS MAZUMDAR: Sir, here in Bengal, we have to reconstruct the social structure which has been damaged so severely by famine and pestilence and mints of money will be required for this purpose. The money must be well spent; otherwise the result will be nothing. Even if the Central Government pay us their entire revenue, that would not be enough for restoring at Government expense every piece of land which has been sold in distress, covering the province with a net work of hospitals, nursing every individual diseased person suffering from starvation and semi-starvation for months with the same care as is bestowed upon Mahatma Gandhi after his historic fasts and selling rice at four rupees per maund (the pre-famine price) to every person whose per capita income is below Rs. 15 per month. Irrespective of outside help, we have got to do our duty by our less fortunate brethren. The sales tax is the only weapon in the armoury of the provincial Government for imposing such taxation as will not fall ultimately upon the poor. The most objectionable feature of the present Bill is that it does away with the exemption so long enjoyed by the handloom cloth. The Finance Minister said in the other House that he did not want that the costly Dacca *saree* would go tax-free. I only wish that Mr. Goswami, whose ancestral home is situated in the heart of a handloom weaving area very near Farashdanga and Chandernagore and whose forefathers were great patrons of this industry, spent a couple of hours in the cottage of a *tanti* or *jola* and studied sympathetically and analytically the difficulties of the handloom weaver who for years has been fighting a losing battle against the multicoloured, richly bordered *sarees* of mills like Calico. The smaller rate of import duty on foreign yarn than on foreign piece-goods devised by the Central Government acted as a sort of protection to the weaver. The import figure of yarn in pre-war years will give an idea of how this industry was kept going. Handloom weaving, according to the Royal Commission on Agriculture, is next to agriculture, the largest industry in the country. Persons employed in mills, factories and mines are far less in number than those engaged in handloom weaving. This fact is all the more important in Bengal where in the vast jute mill industry operated with the golden fibre grown by sweated Bengalee peasants, Bengalee labour constitutes a negligible fraction of the total number of mill-hands. In spite of strong agitation in the Press the local Government has done nothing to ensure a fair share of the heavy wage bill to the children of the soil though, as demonstrated by Srijut Alamohan Das in his Bharat Jute Mills, this can easily be done with a little sympathetic handling. The British managing agents of by far the major number of jute mills should try to rectify the present state of things with great benefit to our famine-ridden population. Now handloom weaving remains our only considerable industry leaving out agriculture—our সবে ধন নীলমণি Government, as I described in my last budget speech, squandered away large

sums of money advanced by the Central Government for resuscitating handloom weaving while the Madras Government spent every rupee effectively and enabled the Madrasi weaver to capture Bengal market. Now the Government comes with the proposal of taxing the handloom cloth. The most formidable competitor of the poor handloom weaver is the wealthy Indian cotton mill owner who can employ artists to invent new methods of dyeing and border designs. This fact has to be recognised and borne in mind by well-wishers of our village industries. We know that the cotton mill industry has had for many years now a high tariff wall to its advantage. On the same principle on which the cotton mill claims protection against foreign cloth, the handloom is entitled to protection against Indian cotton mills. The small protection which the village weaver enjoyed by way of less import duty on yarn than on piece-goods was not enough and even this has been neutralised by the reduction of imports on account of the war. When Srijut C. Rajgopalchari became Chief Minister of Madras, he for the first time evolved a scheme of protection for the handloom industry within the narrow limits of provincial taxation by imposing the sale tax on mill-made cloth and exempting the handloom from it. The whole of India was agreeably surprised at this feat and some other provinces followed the example of Madras. Handloom cloth in this war has so far gone free from sale-tax in our province but the Ministry is now going to undo that principle of Provincial protection which is the result of considerable hard thinking on the part of one of India's astutest politicians. I now want to point out to the British members of the legislature that before the war the village weaver used British and Japanese yarn. After this war there will be for some years an embargo on the import of goods from enemy countries like Japan so that there is a good prospect of substantial business between Britain and India on this head. So before killing the weavers with this tax we should remember that they are like "a bold peasantry, a country's pride, when once destroyed can never be supplied". The Bengalee weaver is the best of the whole Indian species. According to the Finance Minister, the costly Dacca *sarees* can easily bear the sale tax. But any one who has studied the problem with some attention knows that during the Pujas of the last ten years the sale of Bengal handloom *sarees* has been declining steadily at Howrah *hat*, one of the biggest marts of handloom products in India. The rich borders and colour-designs of Cauvery *sarees* and *sarees* of mills like Calico of Bombay have captured the imagination of our ladies and the earnest expostulation of anxious publicists that from the aesthetic point of view a rich colour ill-suits our ladies most of whom are dark in complexion has failed to produce the desired effect. If the sale-tax now render the handloom *saree* more costly, the process of conquest by other *sarees* will be accelerated. It will then be easy for the ultra-modern daughter or daughter-in-law to persuade the mother or the mother-in-law to take to other *sarees*. The poor *tanti* or *jola* who weaves the costly Dacca or Farasdanga *saree* could not earn more thn eight to ten annas a day even before the war. What must be his lot now?

Of the weavers, the greater number is drawn from the Muslim community and I am grieved to think that Muhammadan legislators and Ministers do not realise what they are doing. If any body of men were impelled

by the motive of crushing the Muhammadan population of Bengal after a devastating famine while masquerading as impartial administrators of a province, it could not do better than take up the items of imposing the sale-tax on the handloom cloth and fixing by statute the maximum price of jute, the only Muhammadan crop under the sun at Rs. 17 while the ruling price of hessian is Rs. 28-8: so that quantity for quantity raw jute sells in Calcutta at Rs. 14 while hessian sells at Rs. 28-8. While the Morley-Minto Government and the Montford Ministries tolerated a tyranny carried on for decades by a well-knit body of British jute magnates against the poor, dumb unorganised millions of Moslem cultivators of Bengal, the present Ministry legalises it and prevents the possibility of a windfall to the jute-grower as in 1925-26 when the price of jute soared up to Rs. 25. The tax on the handloom cloth will complete the work of annihilation of the Moslems. Milton wrote of a section of his countrymen "License they mean when they cry for liberty". Of the present Muhammadan Ministers and Muhammadan members supporting them, it may be said, "Themselves they mean when they cry for Community".

Relief to handloom weavers figured prominently in famine relief work during a hundred per cent. British rule in India in the past. After the intense and widespread famine of 1897 in Northern India, Bengal, Burma, Madras and Bombay a Famine Commission was appointed in 1898 under the presidency of Sir James Lyall. It made special recommendations for the relief of the weavers. Our Ministers, who are present here with the proposal of taxing the weavers when with the price of rice at Rs. 24 in some parts famine still continues, provide an example of fools rushing in where angels fear to tread. It is sheer misfortune of Bengal that Congress majority did not make possible the inauguration of cent. per cent. British rule here at least for the duration of the War. The farsightedness of Mahatma Gandhi saved many provinces in war time.

In a normal year Bengal purchases piece-goods worth 12 crores of rupees from other provinces. If we want to stop this drain for post-famine reconstruction, our only means is to increase very largely the production of the handloom and this can be done by maintaining the sale-tax on mill-made cloth and keeping the handloom cloth tax-free.

Cotton mills in Bengal cannot supply more than 10 per cent. of the province's requirements. Our capitalists are determined not to invest money in industries. Under the circumstances the only practicable proposition to make Bengal self-contained is to strengthen and not weaken the handloom industry.

To exempt the handloom products and coarse mill-made cloth 10×44, as well as slate, pencil, text-books for schools and colleges and medicines for epidemic diseases, we may treble, quadruple, even increase tenfold the sale-tax on liquors and wines, cosmetics, gramophone records, fine mill-made *dhuties* and *sarees*, shoes above the price of Rs. 10, ladies' umbrellas, musical instruments, and such other luxury articles. The craze for luxury is so great at the present moment that the sale of these articles will not be impeded by the tax while round sums will be collected for the public exchequer.

Before I conclude, let me quote some observations of Sir George Birdwood one of those Englishmen who loved this counrty:—

"In the village—at the back of the house, which form the low irregular street, there are two or three looms at work.....the frames hanging between the acacia trees, the yellow flowers of which drop fast on the webs as they are being woven".

"In consequence of the improvement of national taste in this country, and the spread of higher education and culture among the natives of India, we may hope for a rapid increase in the demand for Indian handloom made and artistically dyed and printed piece-goods. Nothing could be more distinguished for the ball-room, nothing simpler for a cottage, than these cloths of unbleached cotton with their exquisitely ornamented narrow borders in red, blue or green. Indian native gentlemen and ladies should make it a point of culture never to wear any clothing or ornaments but of native manufacture."

With these few observations, Sir, I oppose the passing of this handloom-killing Bill.

Mr. NUR AHMED: Sir, I rise to support the motion for the final consideration and passing of the Bengal Finance (Sales Tax) Amendment Bill, 1944. During the discussion of this Bill we have heard many speeches from a large number of members. The learned speaker who has just sat down gave a homily and a sermon about the utility and necessity of handloom industry. In this House, I think, every honourable member is solicitous about the development of handloom industry in Bengal. Sir, Bengal was once very famous for its handloom industry, and it even attracted in the past the attention of the world's market to its *muslin*, so much so that the great and powerful British Government had to pass a law prohibiting the import into United Kingdom of Bengal's *muslin* and other finer cloth for which it was once very famous. Sir, nobody is less anxious than the previous speaker to see that such an industry of our country is not allowed to die out. Mr. Majumdar has raised the question that as a result of this tax handloom industry of ours will receive a death blow. But, Sir, the Hon'ble Finance Minister who is in charge of this Bill gave us a solemn assurance that he will exclude the handloom-woven cloth of a certain value from the operation of this tax by virtue of the power given to him under section 6 of the original Act.

Sir, with great respect I would ask my honourable friend, Mr. Majumdar to look to section 6 of the Sales Tax Act, 1941. That section says that by notification issued three months ago Government can add to the schedule of exempted articles any new article. As regards the exemption of handloom-woven cloth up to a certain extent and of certain value there will be no difficulty in view of the clear provision of that section which empowers Government to add to the exempted articles, as I have already said. So we can rely on the assurance given by the Hon'ble Minister. Really speaking, the handloom industry is a great necessity in Bengal. In Bengal at present about two lakhs of people live on the handloom industry and its products are worth 5 crores or more per year. From the statistics of 1942, it appears that Bengal handloom industry produced about 16 per cent. of cloths whereas the Bengal mills produced 20 per cent. and the rest, that

is, 64 per cent. is produced by Ahmedabad and Bombay and other places. Out of Bengal's total requirement, this industry caters to the extent of 42 per cent. So anything which is likely to affect this very important industry, specially in war time when prices of cloths have increased, every one is anxious to prevent that, but I may assure honourable members on the other side that——

Mr. PRESIDENT: Order, order, again there is too much talking going on among the honourable members and I am finding it difficult to follow the debate.

Mr. NUR AHMED: I may assure honourable members that we are for unfettered growth and development of this industry in Bengal, as has been stated by the Finance Minister himself. As regards a sale tax, the principle of such a tax had been accepted by the Congress Ministry when it was in office. Before the war this tax was a prime source of income of some of the Governments of the world. About 26 per cent. of the income of Russia used to come from the sales tax. As regards the rate we find that it was 5 per cent. in Australia and 2 to 16 per cent. in France and so forth. The only other point for consideration, when we accept a sales tax, is the inequality of the distribution of the tax. It is an admitted fact that in India the burden of taxation among the poor and the rich is very unequal. According to Prof. K. T. Shah, the poor pay about 167 crores of taxation whereas the rich pay only 111 crores of taxation per year. Of course, owing to the imposition of the excess profits tax and other taxes, this inequality has been to some extent reduced but still the burden continues to affect the poor unequally and the question of adding to that burden should receive very careful consideration at the hands of honourable members of this House. But unfortunately I must assert that this tax will fall on the poor consumers to some extent.

Sir, I submit with all respect to the Hon'ble Finance Minister that this tax will be an additional burden on the poorer section of the population. So my appeal to the Hon'ble the Finance Minister is that the tax may be administered in such a way as not to harass the poor. Individually speaking, I would be the last person to favour such a measure of taxation at this time of our province. But considering the necessity of money for rehabilitation, for reconstruction, I have persuaded myself to support the measure. But I appeal again to the Hon'ble the Finance Minister and also the Ministry that the money raised by this tax must be spent for the benefit of the poor and spent for the purpose of rehabilitation of the poorer section who have lost their all in this world and are without any means of livelihood. With this appeal, I support the Third Reading of the Bill.

Mr. C. E. CLARKE: Mr. President, Sir, in supporting the motion for the passing of this measure, I congratulate the Hon'ble Minister for the dignity and composure with which he has faced formidable opposition.

Sir, in considering the Bill which amends the Bengal Finance (Sales Tax) Act of 1941, we have endeavoured to keep properly focussed the original aims of the Act—principally those of nation-building and being convinced of the greatly increased spending power now unquestionably in

our midst, we have no hesitation in supporting a measure that will bring the additional revenue of which the province is sorely in need for this purpose.

Sir, many speakers have stressed that the budgetary deficit was to some extent the result of the famine conditions being in turn the result of war conditions and therefore not the responsibility of the Provincial Government. To this, we must, in a measure agree, but it would be a matter of extreme satisfaction to be able to tell the world that Bengal has done her utmost by her own efforts to extricate her people from the distress into which they have fallen through, what to some extent we regard as, uncontrollable circumstances. Greater dignity and more respect will come to Bengal if our efforts are substantial. In any event, the measure of assistance likely to be given will, in all probability, depend upon the measures we ourselves adopt.

The effect of the war on Bengal's finances was touched upon by my honourable colleague Mr. Chakraverti whose opinion seemed to be that the British and United Nations should shoulder some portion of the deficit burden, particularly of famine expenses. I join issue with Mr. Chakraverty. The presence of large numbers of overseas forces in our province has undoubtedly brought vast quantities of money into the principal cities. Whether the distribution or spending power has or has not been equitable is not for comment on this occasion but large sections of the public have more to spend and by applying the increase in Sales Tax, considerable revenue having its source in far distant countries, should be available for the purpose for which the Act of 1941, now amended, was conceived.

Sir, speaking on Sales Tax collections, as notified in the Budget estimates, we feel justified in drawing attention to the relatively small amount shown as collections for 1942-43. I do not think we can express very great satisfaction with this result and it is perhaps not unnatural that we should wonder if all the sources for collection are being fully examined. Some business and commercial houses in this city alone are collecting on behalf of Government quite substantial sums and it seems to us, Sir, that this point requires the attention and close scrutiny of the Hon'ble Minister and of the department concerned. Particularly, we would refer to sub-clause (*1*) of clause 7 of the Sales Tax Act, 1941. It is highly probable that many dealers who need not have registered at that time are now doing business on a scale that should bring them well within the necessity of registration.

In the Budget estimates, the anticipated revenue is slightly higher and it is perhaps a matter for commendation that any figure could have been arrived at, at all, particularly as taxable turnover is likely to be adversely affected by clause 3 of this amending Bill and also by the anti-inflationary measures introduced during the year in the form of the Cotton Cloth and Yarn Control Order and Hoarding and Profiteering Preventing Ordinance. These two measures are necessary and would have been widely welcomed and probably improved if the business and commercial houses had been permitted to bring their knowledge and experience to bear upon the framing of them. As it is Sir, the Hoarding and Profiteering Prevention Ordinance obliges the dealer to issue a cash memo. for purchases under Rs. 10 only when asked to do so. Sir, this is not merely a loophole but a

wide open drain so far as the Bengal Sales Tax is concerned. We fail to see how taxable turnover can satisfactorily be checked by the Sales Tax Inspectors if all sales are not properly recorded and this, we contend, can only be done if memos. are made out at the time of purchase. We suggest that such an obvious defect in the Hoarding and Profiteering Prevention Ordinance, which might result in evasion of the payment or collection of the Bengal Sales Tax, should form the subject of close examination by the Finance Department.

In regard to clause 3 of the present amending Bill, we have to express satisfaction at the statements which have been made by the Hon'ble Minister. It is obvious that he has the interest of the Weavers of the class of textiles specifically referred to very much in mind and in view of his assurances that this will continue to engage his attention, we support the motion for the passing of this Amendment Bill and again congratulate the Hon'ble Minister on its framing.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Mr. President, Sir, I think, I cannot support the Bill in the form in which it is going to be passed by the Council. I am not against the principle of taxation, because as the Hon'ble the Finance Minister and the Hon'ble the Leader of the House have said that taxation is indispensable in all civilized countries and without taxation no progress can be made. I quite agree with them with this proviso that the taxes must be realised from those who are able to pay. I am not in favour of indiscriminate taxation. Had this Bill been introduced for the purpose of taxing the rich people, I would have been the first man to support it. Of course, we cannot make any discrimination between the rich and the poor in the matter of a sales tax. But if we are serious, we can make discrimination in this way. Articles which are indispensable, *i.e.*, articles which are required both by the rich and the poor should be exempted; but articles which are not indispensable and which are not required by the poor, such as motor-cars, spirits and many other things should be taxed. Medicine which is required both by the rich and the poor should be excluded from the operation of this tax. This is why my honourable friend Mr. Humayun Kabir wanted the Bill to be referred to a Select Committee, because there we would have been able to persuade the Hon'ble Finance Minister to exempt items such as medicine, etc., from the operation of this tax. Similarly, we would have been able to induce the Hon'ble Minister to impose this sales tax at a much higher rate, not like one pice or two pice in the rupee but 2 annas and 4 annas in the rupee, on such articles of luxury as are exclusively used by the rich. In that case, the Hon'ble Minister would have got more money than he expects to realise at present. Therefore, as I said before, I am sorry I cannot support this Third Reading of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I am sorry I cannot agree with my colleague of the European Group who congratulated the Hon'ble Finance Minister on his introduction of the present Finance Bill and on the steps that he has taken for the purpose of meeting the deficit that has been disclosed in the Budget of the present year. The honourable member agreed that the deficit is due largely to causes connected with the war, and after having made that admission, I think, he ought to have at

once proceeded to the next bold step of agreeing to the suggestion that the entire deficit should be met from resources other than taxing the already heavily taxed poor people of Bengal. It is admitted on all hands that so far as the poor people are concerned, the tax which is proposed to be passed will fall on them to a very large extent. While I make this submission, I would like to take one particular matter for the consideration of the House. The Hon'ble Finance Minister has given us an assurance and I find that the honourable member of the European group who spoke referred particularly to this matter, namely, that the Finance Minister would make certain provisions with regard to exempting certain classes of handloom-woven cloth up to certain prices from the operation of the tax. Sir, I do not know whether this implication was present in the mind of the Finance Minister or of the Legislative Department so far as the drafting of this particular clause is concerned. As a matter of fact, in opposing the provisions of the Bill and in supporting the amendment to clause 3, I made it clear that unless some specific reference is made in the clause about exemption with regard to the handloom-woven cloth, it would be very difficult to introduce by exercising the rule-making power any exemption in favour of the handloom cloth of a certain price. As a matter of fact, under clause 3 what is proposed is this: for the entries in columns 1 and 2 of the Schedule to the said Act in respect of item 16 of the said schedule, the following entries shall be substituted, namely,.....etc., etc. If we refer to item No. 16 in the schedule, we find that limited protection was given under the existing Act to the handloom-woven cloth and not to other cloths. Even that limited protection however is now expressly withdrawn by reason practically of the repeal of that item and the substitution in its place of a new clause which says that *dhotis, lungis* and *sarees* which do not exceed in value such amount as the Provincial Government may fix in respect of them as the case may be by notification in the Official Gazette shall be exempted. With regard to this provision, I submit that it may be contended hereafter that having expressly excluded the handloom-woven cloth, the provision which is substituted does not include the handloom-woven *dhotis, lungis* or *sarees*, there may be difficulty, and what we wanted was to point out that this glaring defect in the present Bill should be remedied by providing certain exceptions in case of the handloom-woven *dhotis*, etc. As a matter of fact, my suggestion was that if the Ministry really wanted to give the poor people of Bengal some relief, it could exclude all *dhotis, sarees* and *lungis* and handloom cloth up to a yarn of 40 counts. They could give such protection to the industry and could make an express provision in the provisions of the Bill without any ambiguity. As it is, I submit that so far as this particular clause is concerned, it would be open to very serious comment and I doubt very much whether by the rule-making power which is provided in the Act itself, Government would be able to legally exclude the handloom-woven cloth up to a certain value from the operation of the tax. So much for the amendment to clause 3, Sir.

With regard to the other provisions, namely, about the question of raising revenues from this province, I submit that if the Finance Minister had looked to other sources of revenue and if he had looked to the schedule

itself, as has been pointed out by several members on this side of the House, if he had looked to the various other articles which are not generally used by the poorer section of the people. In the poorer section I include the lower middle-class of the population who have to purchase various other things, other than *dhotis*, *lungis* and *sarees*, middle-class people who have been hard hit by reason of the distress which prevailed last year, hard hit by reason of the abnormal prices of foodstuffs prevailing last year and who are now practically on the verge of bankruptcy. The proposed tax would practically kill the poorer middle-class of Bengal, who are the backbone of society, who are the backbone of the inhabitants of Bengal. You are killing them by means of these new provisions of the Sales Tax Bill without trying to impose taxation on items which would yield much more revenue. Looking to the sources of Provincial Revenues, we find under the Receipt side of the Provincial Excise a sum of Rs. 72 lakhs. If tax under this head is doubled, another sum of Rs. 72 lakhs could easily be obtained and at the same time it would not touch the pocket of the poorer section of the people at all. I would next refer to another item, item 13, page 18, of the Receipt side where taxes and other duties are mentioned. Here we find an item named "entertainment tax Rs. 30 lakhs" and "betting tax Rs. 25 lakhs." The Hon'ble the Finance Minister could have substantially raised the taxation under these two heads without touching the pockets of the poor people. So far as the entertainment tax is concerned, it may be said that it does touch the poor people. But there is one consolation in this tax that if the poorer section want to enjoy, they must pay the tax inasmuch as without additional tax it is not possible to balance the budget. I, therefore, submit that the consideration which the Hon'ble the Finance Minister did not give ought to have been given to the poorer section of the people in attempting to raise increased revenues and therefore I say that I cannot congratulate the Hon'ble the Finance Minister on his bringing up this Bill for consideration of the House. With these words, I oppose the passing of the Bill.

Mr. K. C. ROY CHOWDHURY: Sir, I make this last minute appeal to the Hon'ble Finance Minister for the wholesale exemption of the productions of handlooms from this tax. He has taken powers to exempt handloom cloths of certain value—but I say, make it wholesale exemption as in the Madras Act which we have practically copied. The reasons are obvious. We know that the *sarees* used by the Bengali ladies throughout Bengal are made in handlooms and their prices are higher than the prices of coarse cloth. They are fancy *sarees*. But the cotton mill companies are making and marketing fancy cloths in imitation of handloom *sarees*. The result is a serious competition and before long handloom weavers of fancy *sarees* will have to give up weaving handloom *sarees* and lose their living.

There is another more important question. There are 2 lakhs weavers employed in handloom industry in Bengal. The Government cannot expect to get good revenue by taxing these *sarees*. Then, why touch the poor weavers' pockets? If Government forego this, say a lakh of rupees on fancy *sarees*, they will earn the gratitude of the handloom weavers. This you can do by your rule-making power. I should like to have your assurance that you will exempt wholesale the productions of handloom.

Secondly, you must exempt the handloom-woven cloths, otherwise the country will take serious notice of your apathy towards the weavers. I appeal to the Hon'ble the Finance Minister to make a declaration here that he would see to it that the purchasers are not fleeced by shopkeepers in respect of denomination of coins. For example, you go to a shop and buy 12 annas worth of taxable articles. Now under the Act you are to pay one pice for every 8 annas and what about 4 annas? As there is no half-pice or even one pice, you will have to pay two pice for 12 annas. I had been to the Gariahat market and there I saw hundreds of pice are being illegally collected in this way. Government must appoint inspectors to check these collections. Either you should ask the shopkeepers to forego the half pice and take one pice from the purchasers or introduce and supply half pice or cowries. If you give assurance on these two counts, you will earn the gratitude of the poorer section of the country. Sir, I have no objection to accept the Third Reading of the Bill, if these assurances are forthcoming.

Mr. HUMAYUN KABIR: Sir, we have already made our position in regard to this Bill perfectly clear. We are on principle opposed to a taxation measure just now. We consider that the economic condition of the country is not such as to justify any taxation measure at this time unless there be very good reason to the contrary. We have also urged upon the Hon'ble Minister to limit the life of this Bill to one year, and asked the House to build up a convention by which taxation measures can be annually renewed and surveyed by the Legislature in order to see that the amounts which are voted by the Legislature for particular purposes are used for those purposes in a proper manner and are not diverted to other channels. That is all the more necessary in view of the fact that in the past new taxation measures have at times been introduced on the ground that the money would be used for specific purposes in nation-building departments; but after the money has been obtained by the Government, it has been used in other directions. The Hon'ble the Finance Minister has himself admitted that that has been the case with regard to the Sales Tax itself. We also find, Sir, that in the Budget provisions for this year, the amount of money spent for the "Police" and the "Jails" together amount to approximately Rs. 4 crores. I believe the expenditure under "Police" is very near Rs. 3 crores and under "Jails" the amount is over Rs. 1 crore, say one crore and 20 lakhs—I do not remember the exact amount. In any case, the "Jails" and the "Police" together cost nearly Rs. 4 crores during the current year. This certainly is a very large increase upon the expenditure incurred for "Police" and "Jails" in previous years. We find that after the inauguration of Provincial Autonomy, the expenditure on the "Police" and the "Jails" has been continually increasing.

Now, Sir, I stated a moment ago that this is not, in our opinion, the time for the introduction of a new taxation measure or for realising money from the people at large for the purpose of meeting expenditure under the head "Police"! Unless there is a very good reason to the contrary, unless money is used for nation-building departments, for departments which will improve the community as a whole and make individual members of the community better in every respect, there is no justification for fresh taxation at such a time. I am not opposed to taxation as such. I quite agree with the Hon'ble

the Finance Minister that it is the best instrument through which the Government can redistribute the financial resources of the country, and carry out in a more efficient manner the social services and other welfare measures than through individual efforts. All these we admit; but at the same time we hold that unless money which is obtained through new taxation at the present juncture is ear-marked for some nation-building department, there is no justification in the present crisis for imposing a new tax.

There is no doubt that there is financial crisis. There is no doubt that there are difficulties with which the country is faced; but as has been pointed out by more speakers than one, the particular Bill which we are considering to-day will be merely a drop in the ocean so far as the actual deficit of this year is concerned. Besides, as I submitted to the Hon'ble Finance Minister a point to which he did not give any satisfactory reply, the deficit which has been incurred by the Province during the last two years has been largely on account of factors which do not mainly concern the Province. They are a direct corollary to the conditions which obtain as a result of the war, and therefore they should be treated as part of the war expenditure. Therefore, I suggested to the Hon'ble the Finance Minister that he should take the country and the Legislature into his confidence and build up public opinion behind him so that a united demand can be placed before the Government of India that these moneys should be obtained from sources other than the Provincial revenue as part of the war expenditure. That demand on our behalf has also not been met by the Hon'ble Finance Minister. Therefore, as I said a moment ago, unless he can prove and make out a very good case that this money is going to be used for nation-building departments, at the present juncture and with the present economic background, there is no justification whasoever for the increase in the tax which he seeks to impose.

References have been made to the improvement of particular items of the Bill. The Hon'ble Finance Minister will remember that we suggested that some machinery should be devised by which a different rate of the tax can be imposed on different types of articles. The articles which come under the category of luxury should be treated in a manner different from articles which are necessities and which are essential for the purposes of the existence of the people of this country. As I pointed out to him, medicine has not been exempted from the operation of this tax. On this point we would like an assurance from the Hon'ble Finance Minister. We are glad that he has given a qualified assurance so far as the handloom industry is concerned, but I would like him to state his position more explicitly and clearly before this House. What exactly will be the difference in taxable price between the cloth that is woven on handloom and the cloth that is manufactured in mills? I have an impression that the price which the Hon'ble Finance Minister has in mind is that the handloom *saree* priced at Rs. 12 per pair will be exempted from the operation of this tax. If this is the figure which he has in mind, I would submit that it is quite inadequate. To-day even ordinary *sarees*, not handloom-woven but woven by mills, cost more than that sum.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: If the honourable member would excuse my interrupting him for a moment, I may say that I have not fixed the prices as yet.

Mr. HUMAYUN KABIR: Well, I am glad to learn that he has not yet fixed the prices. So, I would like him to keep this point in mind when he will be considering the question of fixing the limit beyond which the handloom cloth will be taxed. The figure should be such as may actually afford a protection to the handloom weavers. I would, in fact, support the demand which has been made by my frend Mr. K. C. Roy Chowdhury so far as the handloom cloth is concerned, that Government will be well-advised to exempt them altogether from the operation of this tax. The fact has already been pointed out that the amount of money which the Government can hope to obtain from the handloom cloth cannot be very large, and as the Hon'ble Finance Minister himself knows, all the cloth woven on handloom in Bengal today or at least a major portion of it is of lower count. Therefore, if he wants to give an actual protection to the handloom weavers by this Bill, I would ask him to consider if there is any justification in giving pinpricks to the weavers of our Province. It will, after all, not fetch any large revenue to the Government coffer; it will not affect a very large proportion of the finer cloth.

I, therefore, submit to him from the point of view of considering the handloom-woven cloth as a craft that there is some justification for safeguarding and for giving a certain amount of protection even though it may be the case that some of these cloths is fine and is sold at a price which only the relatively well-to-do can pay for. I would also ask him to consider the consequences that are likely to follow. If the finer handloom cloths are taxed, the tendency will be for those who patronise this type of finer cloth to transfer their patronage from the handloom-woven cloth to other types of fine cloth, and in this way one of the finest handicrafts which still exist in Bengal may be killed.

Mr. Krishna Chandra Roy Choudhury has also referred to the fact that a very large proportion of the agriculturists in the different parts of the province are now engaged in the production of handloom-woven cloth. If this large class of men is affected, if a source from which they derive their livelihood is taken away from some of them at least, as will be the case if the finer cloth is taxed, then they will lose their main source of income. From the sale of the coarser kind of cloth the profits are bound to be less and the profits from the finer count cannot be very large; and taking all the coarser types of cloth together they cannot derive from them that amount of income which is necessary in the present circumstances. In view of these considerations, I would urge upon the Finance Minister to accept the suggestion of Mr. Krishna Chandra Roy Chowdhury and exempt the handloom-woven cloth altogether from the operation of this tax. Even then, however, that would not entirely satisfy this section of the House, for unless the receipts from this tax are ear-marked for expenditure on the nation-building departments, we cannot with a clear conscience support at the present moment any taxation measure. Moreover, it has not been made a time-measure. There was a suggestion that Government might limit the life of this measure to two or three years, which suggestion the Opposition would have been prepared to consider if it came from the Government. If the life of the tax were limited to three years, Government could very well have argued that an emergency measure like this during

the duration of the war was necessary and the Opposition might have gone some way towards meeting them. But that limit too has not been proposed or accepted by the Government, and the suggestion that the money which would accrue from the tax might be ear-marked for the nation-building departments, that, suggestion, too, has not been accepted by them. And finally the suggestion was made to them that the handloom-woven cloth should be entirely exempted from the tax; but that too was not accepted by Government. All this shows that Government are not prepared to consider even constructive suggestions from the side of the Opposition. With these words, I express my general dissatisfaction and disapproval of the Bill at the present moment.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I rise to oppose the motion. I oppose the passing of the Bill not because it is a taxation measure but because the proposal to double the rate of the Sales Tax is ill-timed and inopportune. The economic condition of the country has undergone a considerable change for the worse since the year 1941 when the Act which the present Bill seeks to amend was passed. The situation was bad enough in 1941 and it is undoubtedly a hundred times worse now owing to the devastating famine of last year and the epidemic diseases and pestilence which followed in its wake taking a heavy toll of human lives in the province.

Sir, I am not convinced that this measure will not affect the poorer middle-class and the poor. The Hon'ble the Finance Minister has tried in the course of the debate on the Bill to impress upon the House that it is a beneficent measure and that it will not touch the poor. He has pleaded for its acceptance as the proceeds of the tax, we are led to believe, will be devoted to the expansion of the nation-building departments. Sir, the same arguments were trotted out by his honourable colleague, Mr. Suhrawardy, who as Finance Minister piloted the Sales Tax Bill in 1941. I have tried in vain to elicit from the Hon'ble the Finance Minister information regarding the expected yield from this taxation—what came to the coffers of Government after the passing of the Act in 1941 and how was the money spent. I do not know why the matter is being kept a close secret from us; yet we are asked to cast our votes in favour of the Bill, not knowing how much we will get and to what extent, if at all, it will benefit the public utility services, such as Education, Public Health, Sanitation, Irrigation, Agriculture and Industry. We, on this side of the House, are not prepared to take a leap in the dark and to encourage the distribution of patronage to the adherents and supporters of the Ministry by the creation of new posts for them and their relatives. If the Ministry had been sincere in their protestations and their solicitude for the poor, they would not have provided for the exclusion of the handloom-woven cloth (item 16 of the Schedule), from the list of articles exempted from taxation under the proposed measure. The privilege which cottage industries are now enjoying is thus sought to be taken away without any justification whatsoever. If the Finance Minister had suggested the omission of country liquor, *ganja*, *bhang* and *charas* from the schedule, we would have been glad to support him. While consumers of these articles are still to enjoy exemption from taxation, handloom products are to be taxed with vengeance! The Hon'ble the Finance

Minister does not seem to realise the far-reaching effects of this imposition. It will give a death-blow to the handloom industry of Bengal. The weavers of the district of Dacca which is famous for its handloom-woven fabrics and their fellow weavers in other parts of the Province will be hard-hit if the Bill is passed into law in its present form. It is strange that while the Ministry is prepared to encourage the drink evil and the evil habit of smoking *ganja* and *charas*, they are out to strangle and destroy the cottage industries. Sir, we did not expect that the Hon'ble Mr. Tulsi Chandra Goswami, the erstwhile Congressman and an exponent of the *khaddar* cult would suddenly change his front and make a reactionary proposal like the one under discussion in company of those from whom nothing better can be expected.

Sir, if we analyse for a moment the assurances given by the then Finance Minister, Mr. H. S. Suhrawardy, the original sponsor of the 1941-Bill, we find that these were mere empty promises. The money derived from the levy does not appear to have been profitably spent although during the consideration stage of the Bill at another place and subsequently in this House, the Hon'ble Mr. Suhrawardy said "that the purpose of this taxation is to provide further funds for nation-building departments and further amenities to the masses of this province!" Addressing his critics he added that "to them it did not matter if there was no money for water-supply, for primary education, for public health, for irrigation or for agriculture". May I now ask whether those promises have been redeemed? Has there been any expansion of the nation-building activities since the passing of the Bengal Finance (Sales Tax) Act of 1941? If so, in what direction? The only development noticeable has been in the ministerial sphere—expansion of the Cabinet from 8 to 13 Ministers and the appointment of 15 Parliamentary Secretaries and a number of Government Whips, thus bringing the total to 30. Look at the expenditure that the province has been made to incur on account of the costly paraphernalia of administration. Sir, the proposal of the Finance Minister to double the Sales Tax cannot be too highly condemned. Let there be a substantial reduction in the salaries of Ministers, their Parliamentary Secretaries and the Whips. First impose a cut of 50 per cent. on their salaries and an uniform cut of 20 per cent. upon the salaries of all Government employees drawing a monthly salary of Rs. 300 and above and then resort to further taxation, if necessary.

Then, Sir, there is another important point which may be urged against the passing of the Bill. It is well known that the prices of articles of daily use are going up by leaps and bounds. The tax already imposed is being realised for the last three years and as the prices of commodities increase, Government also derive additional income from these sources. If the prices had been stationary, then the Government could complain that they needed more money and that therefore, this Bill had been brought forward. Sir, the policy of Government is inexplicable. In this connection, I may mention another important point.

Mr. PRESIDENT: Do you propose to quote from all the books? They are a formidable lot.

Rai KESHAB CHANDRA BANERJEE Bahadur: No, Sir, I am just quoting an extract from the speech of the Hon'ble Minister's predecessor in office, the redoubtable Mr. Suhrawardy. He said on the 12th March,

1941, when the Bill was in its consideration stage: "We have chosen this tax out of several taxes, because for a small sacrifice we hope to obtain large income which may be of real use to the province." Elsewhere he said, "He was not in a position exactly to state what income this tax would fetch"

Sir, the Hon'ble the Finance Minister has not also enlightened us as to what amount we are going to get from this increased taxation. There is a huge deficit in the Bengal Budget. In his Budget speech he struck a pessimistic note to the effect that if things went on like this, the Province would be heading towards bankruptcy. Sir, if the Hon'ble Finance Minister had given us any idea as to the amount that this taxation measure would fetch, we would be justified in supporting him at this stage.

Sir, with these words, I strongly oppose the motion.

Mr. SHRISH CHANDRA CHAKRAVERTI: Mr. President, Sir, I do not desire to repeat the argument advanced by the previous speakers against the passing of this Bill. I know very well that all these arguments are of no avail to a Ministry having a comfortable majority still to disregard any opposition we may raise. However, Sir, this measure of taxation is being passed at a time when Bengal is groaning under famine, pestilence and epidemics and their consequences—death all round. But our Hon'ble Finance Minister has told us in a technical manner that this is an anti-inflationary measure. Of course, this is a very easy device for shelving the responsibility of further taxation. He has not explained to us the causes of the inflation and how much the people are responsible for such an inflation and from which quarter this inflation is coming. I believe, this inflation has its root elsewhere in the far off British Isles and on the other side of the Atlantic, I mean America, which are responsible for causing inflation in this country and we are to pay the penalty. That is the argument——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is better not to embark upon a technical subject without technical equipment.

Mr. SHRISH CHANDRA CHAKRAVERTI: I wish the Hon'ble Finance Minister had not used a technical argument in the course of his speech. Since he has done so he should have enlightened not only the members of this House but people outside in this respect. My honourable friend Mr. Clarke has joined issue with me as regards my contention that the British Government and the United Nations should bear the deficit burden of this Province when this Province is landed in such a condition by their action. At least everybody should admit that war is not of our making. He has also preached self-help and suggested that Bengal should bear the burden wilfully; but I should tell him that he should preach self-help among his own people: they should not help themselves with others' resources. Before resuming my seat I join in the request to the Finance Minister to exempt the handloom cloth as the entire Bengali community wants such an exemption. With these words, I oppose the motion for passing the Bill.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I remember that at the time when Provincial Autonomy was inaugurated the Government of India wiped off eight crores which was then the debt of the Government of

Bengal to the Centre. Before the new Constitution came into being, the Bengal Government used every year to run into deficits and they came to a huge amount, namely, to eight crores. And just to give the autonomous Government in Bengal a start, the Government of India wiped off that debt. Now, Sir, our debt, or to be exact, our deficit has come to a huge amount of over 10 crores this year and over 7 crores for the next year, that is to say, altogether to 17 crores 46 lakhs. It would not be possible to meet even a substantial portion of this deficit by the receipts which are expected to accrue from this taxation measure. Even if we add to this tax the receipts which will be in our hands by the passing of the Agricultural Income Tax Bill, even that will not be enough or sufficient to wipe off the deficit. So what I contend for is that to meet the deficit this measure is not essential. But how to meet this deficit, that is the point; that is a point for serious consideration even now when the matter is being discussed. As I have remarked while moving some of my amendments, I would repeat my statements even now, that Bengal did her utmost to increase her revenue. Bengal's revenue in 1941-42 was not more than 16½ crores of rupees. But we were able to raise it in 1942-43 to rupees 21⅓ crores. That is a good increase on the side of receipts no doubt; but fortunately or unfortunately for Bengal, things so shaped themselves that we could not help the rise of expenditure at a tremendous speed. The expenditure swelled up to 32 crores from 16½ crores. To 32 crore from 16 crores is a big enough jump. Now, Sir, what is this big jump due to? Mainly, to extraordinary charges in India, mainly to the war conditions and the famine. Is Bengal responsible for all these? Should Bengal alone be made to pay all these debts? We can, of course, tax ourselves but it will be to no purpose unless the Government of India realises its own responsibility in the matter. I say that a large proportion of this deficit can be accounted for as having been spent on civil defence, and also on famine. Sir, defence is a Central subject; but be it civil or military, I submit the whole portion of the civil defence expenditure as well as the expenditure on famine should be borne entirely by the Government of India.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, may I say that a large portion of this expenditure is paid by the Government of India?

Mr. LALIT CHANDRA DAS: A large portion is paid by the Government of India, I admit; but a large portion is also paid by the Provincial Government and in respect of famine and extraordinary expenditure on "extraordinary charges in India", the responsibility to pay should be entirely that of the India Government. If things are viewed in the right perspective, the influx of soldiers into Bengal, the influx of population from outside India and from outside the province—all these factors have got to be considered along with the tremendous rise in the cost of living due to war. I think, Sir, that a large portion of it should be borne by the Government of India. Our revenues cannot meet those expenses. We tried our best to raise our income, and we raised it from 16 crores to 21 crores,—not a matter of joke. In this time of difficulty, we are asked that we should double the sale tax. We have not been told yet why this is required. The time, Sir, is inopportune because Bengal suffered severely

from famine; a heavy toll of human life was taken by this famine and there are vast masses of people who have sold away their all for the purpose of keeping body and soul together. Government ought to realise their position. Government ought to take up the question of their rehabilitation. Government has, of course, brought forward a Bill for the purpose of rehabilitation of these people, I mean the Land Alienation Bill. It means that the vast majority of the people of Bengal are on the verge of ruin and this taxation measure will operate as the last straw on the camel's back at this particular moment. This taxation measure would affect the poor and rich alike. Why should there be a tax like this at the present moment inflicting equal burden on all? The Hon'ble the Finance Minister has said that the purchasing power of the people has increased. If that is so, let this tax be paid by those people alone whose purchasing power has increased. If the burden of this taxation measure falls not only on the rich people but also on others who do not profit by the present war and who have been hard-hit, there will be great injustice. As the Hon'ble Mr. Goswami said during the Budget debate, only a very small proportion of the people have become rich and they are getting richer while richer every day and the poor are becoming poorer every day. Nobody denies that a certain proportion—a very small proportion—has become rich and their purchasing power has increased. But it cannot be said that the purchasing power of the people has increased generally. That being the position, we tried our level best to meet the awkward situation. During the debate on this Bill, at every stage we fought our points, and when we wanted to limit the life of the Bill to one year we almost succeeded, the difference of votes was only 3—18 to 21. We wanted to limit the life of the Bill to one year but we failed. Then we fought the next ground, that is to lessen the incidence of taxation. We tried to fix it at one-third, one-half and again tried to fix it at one pice on mill-made cloth; but we failed in our attempt. And lastly, it pains me most because it was the unkindest act of the Hon'ble the Finance Minister, he declined to agree to our suggestion that there should be no taxation on handloom-woven products. That I think is the unkindest act of the Hon'ble the Finance Minister. The Hon'ble Mr. Suhrawardy did exempt them. He went further even. He exempted certain other articles also, namely, articles grown by our cultivators such as tobacco and articles manufactured by our potters, etc. Most unfortunately Mr. Goswami has selected that particular item which should not have been taxed at all. Sir, cloth is as much essential for the people as food. Sir, he realises the force of our arguments and now he says that he would try to protect certain classes of handloom-woven cloth under his rule-making power. Sir, this rule-making power is a kind of despotism which has been exercised by the so-called autonomous Government behind the back of the Legislature. They take away the power of the Legislature and act behind the Legislature. They do not place the rules before the Legislature for its approval even. Now, Sir, who is to judge whether the rules are good or bad? If after drafting the rules, the Government would come before the Legislature for approval, that would have been a different thing. But that was not to be. As I have already described, this rule-making power is a sort of despotism which should never be largely resorted to by autonomous Governments. Secretly

it is taking away the power of the Legislature. Then, Sir, everybody on this side of the House has suggested that the handloom-woven cloths should be exempted from the Sale Tax but the Hon'ble the Finance Minister has not accepted that suggestion. He comes to put certain kinds of ordinary *dhuties*, *sarees* and *lungies* out of the purview of the tax when they fall within controlled prices. It is our view that so far as item 16 is concerned, it should be left untouched. I do not think that the promise of the Hon'ble the Finance Minister to give some sort of protection to hand-woven cloths is quite sufficient for the purpose of deleting item No. 16 of the Schedule to the Act. In this connection, I may mention one thing. Weavers of Bihar, Orissa and Assam are being encouraged to produce fine *khadi;* but here you are going to put an embargo upon *khadi* if the price is more than the minimum to be fixed by you. But why not exempt altogether from taxation the finer quality of *khadi*? You should by all means encourage the production of fine *khadi*. This industry is not big enough to compete with other kind of cloth industries. Sir, Dacca *muslin*, one time a very fine fabric, has completely disappeared from the market. There were instances of the fingers of the *muslin* weavers being cut to kill this industry. Taxation is another way of killing cottage industries. The weavers of Madras have not got to pay the Sale Tax. They are producing finest fabrics. There is no embargo. Why you are taxing here? Why handicap Bengal weavers? Bengal is to compete with the weavers of Bihar, Orissa and Madras and other places. You speak of Madras in this connection. But Madras left out of taxation the handloom-woven cloths. Madras had to resort to Sales Tax because they introduced prohibition. In order to meet the deficit owing to prohibition, they resorted to this tax. They thought that that would be the best thing to meet the deficit. In Bengal, however, the receipt on head "Excise" is increasing by leaps and bounds.

Sir, I think I have said enough to show that I am not at all satisfied with the provisions of the Bill, and therefore, Sir, I oppose the final passing of the Bill.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I should like to give a very short reply to one of the points on which special stress has been laid. Special stress has been laid on the point that handloom industry should not have been taxed at all, but Sir, most of the criticisms, I find, are due to incorrect understanding of the provisions of the Bill. As regards Mr. Humayun Kabir, he has already admitted that most of the handloom-woven cloth will go untaxed, because the cloth that will be purchased by the poor will be below the minimum. It is not only this; I may point out that those cloths which are of the higher price and which will pass direct from the weaver to the consumer will also escape the tax. It is only the cloth of finer texture which will pass through shops whose annual turnover is more than Rs. 50,000 that will be taxed; also the cloth which will pass through manufacturers whose annual turnover is Rs. 10,000 will be taxed and not any other cloth. But, I know that our weavers are very few in number whose annual turnover is Rs. 50,000, or whose aggregate manufacture is Rs. 10,000, because the handloom weavers work individually and they are generally poor.

Mr. LALIT CHANDRA DAS: Then why do you abolish item No. 16?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We have been very much solicitous to protect the poor, and this no other province has done. I have got the Madras Act before me, and I find that there even foodgrains have been taxed and rice and paddy have not been exempted and it is only the cotton textile that has been exempted: whereas in Bengal we have exempted from taxation all essential articles of food and also things like kerosene and other necessaries of life. I assert that not a single poor man will be touched by the tax which we have imposed. In the Original Act there was no provision for exempting cloth. A person however poor he might be cannot do without cloth and poorest of the poor was liable to pay the tax. We have exempted such poor people's cloth from the operations of the Act. In the present Bill we have not only exempted pulses and cereals and other essential articles of foodgrains, and necessaries of life such as quinine and primary school text-books but also poor man's cloth. In our country the poor cannot afford to buy anything other than what has been exempted. According to the standard of Bengal as it is now, the average income of the people is only Rs. 15 per annum per head. By exempting from taxation absolute necessaries of life—articles which are necessary for an average man,—are we not taxing only those who are better placed in life in order to help those people who are poor? Are we even now when poor people are dying for want of food, to sit idle and wait for help to come from the Centre or the United Kingdom? Will that be creditable for us? Are we to do nothing to help ourselves, relying on the impression that help will come from the Centre or that the United Kingdom will come to our help? Nobody realises better than I do as to what injustice has been done to Bengal, because I know how very badly we have been treated by the Centre. It is also the land system of our country which is responsible to a very great extent for our poverty and for our chronic financial stringency; and unless and until these things are righted, we must go on taxing the people who are better off. If we don't do it, then we would be held responsible to somebody some day, I think. With these words, I support the motion for the passing of the Bill.

Mr. PRESIDENT: Order, order. The question before the House is: that the Bengal Finance (Sales Tax) Amendment Bill, 1944, as settled in the Council be passed.

(The motion was agreed to.)

Amendments to the Bengal Legislative Council Procedure Rules.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that the proposed draft amendments to rules 56, 57 and 58 of the Bengal Legislative Council Procedure Rules be referred to a Select Committee under rule 110(3) of the Rules.

The Committee will have to be elected or nominated by consent. Perhaps that may be done tomorrow.

Mr. PRESIDENT: A day will have to be fixed for election which will take place according to the proportional representation system.

Motion moved: That the proposed draft amendments to rules 56, 57 and 58 of the Bengal Legislative Council Procedure Rules be referred to a Select Committee under rule 110(3) of the Rules.

(The motion was agreed to.)

The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

Mr. PRESIDENT: The House will now resume consideration of the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944. Mr. Mesbahuddin Ahmed.

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in clause 2 of the Bill, before sub-clause (*1*), the following sub-clause be inserted, namely:—

"(*al*) 'agricultural land'—

(*a*) when used with reference to a proprietor or tenure-holder, means any land which on the date of the transfer of such land by sale referred to in sub-section (*1*) of section 4 was comprised in the estate or tenure, as the case may be, of, and held in *khas* by, the proprietor or tenure-holder who made such transfer; and

(*b*) when used with reference to a *raiyat* or under-*raiyat* means a holding or a part of a holding of such *raiyat* or under-*raiyat*."

Mr. PRESIDENT: Amendment moved: that in clause 2 of the Bill, before sub-clause (*1*), the following sub-clause be inserted, namely:—

"(*al*) 'agricultural land'—

(*a*) when used with reference to a proprietor or tenure-holder, means any land which on the date of the transfer of such land by sale referred to in sub-section (*1*) of section 4 was comprised in the estate or tenure, as the case may be, of, and held in *khas* by, the proprietor or tenure-holder who made such transfer; and

(*b*) when used with reference to a *raiyat* or under-*raiyat* means a holding or a part of a holding of such *raiyat* or under-*raiyat*."

Mr. NUR AHMED: I beg to support this amendment. By this amendment the definition has been widened in the Bill which formerly included only under-*raiyats* and *raiyats*. Now, the difference of opinion as evidenced in the amendments before the House in the cases of proprietors and tenure-holders with regard to holding their land has disappeared. With these words, I support the amendment.

Mr. HUMAYUN KABIR: Sir, I am glad to find that the Government have come forward to accept the suggestions made from this side of the House and incorporated in the amendment the suggestions which we have proposed. We welcome this response on the part of the Government and would only ask you to consider what will be its repurcussions on the Bill as a whole; for, as has just been told by my friend Mr. Nur Ahmed this has had in effect the consequence of enlarging the scope of the Bill and perhaps it may be also necessary to change the very Title of the Bill as a result of

this amendment. However, we on this side of the House can naturally have no objection whatsoever to accepting it since this amendment was originally initiated from this side of the House.

Mr. PRESIDENT: Mr. Kabir, I have considered the points which you and Mr. Nur Ahmed raised. If this Bill were sent to a Select Committee at the time, the Select Committee could have enlarged the scope of the Bill. So what the Select Committee would have done, the house can do.

Mr. LALIT CHANDRA DAS: Sir, may I say a few words? The title of the Bill as published says that it is a temporary measure: it refers first of all to the lands of *raiyats* and under-*raiyats*. It states in the preamble: "to provide for the restoration to *raiyats* and under-*raiyats* of agricultural lands alienated by them during the year 1943 as a result of the prevailing economic distress". It is here, Sir, in the Bill itself this is what is stated. Now, Sir, so far as this definition goes the Government has accepted our suggestions and has incorporated them in this amendment; we all support this particular amendment. Would it not require the sanction of the Governor for this purpose?

Mr. PRESIDENT: It has been obtained.

Mr. LALIT CHANDRA DAS: Thank you, Sir.

Mr. PRESIDENT: The question before the House is that in clause 2 of the Bill, before sub-clause (*1*) the following sub-clause be inserted, namely:—

"(*al*) 'agricultural land'—

(*a*) when used with reference to a proprietor or tenure-holder, means any land which on the date of the transfer of such land by sale referred to in sub-section (*1*) of section 4 was comprised in the estate or tenure, as the case may be, of, and held in *khas* by, the proprietor or tenure-holder who made such transfer; and

(*b*) when used with reference to a *raiyat* or under-*raiyat*, means a holding or a part of a holding of such *raiyat* or under-*raiyat*;"

(The motion was agreed to.)

Proposed change in sitting hours.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the Lower House has agreed to sit from 4 o'clock from tomorrow; so I suggest that we meet at 1-30 p.m. from tomorrow.

Mr. PRESIDENT: As the Leader of this House you should realise one fact that this House cannot change its sitting hours to suit the convenience of the other House.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I was told by some of my colleagues and even the members of the Opposition complained that 1 o'clock is too early; so they have agreed to——

Mr. PRESIDENT: I know that. We decided to sit earlier only to accommodate the other House. But that House changes its sitting hours without referring the matter to us.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I told them to accommodate us and as a result of my request they have changed the time.

Mr. PRESIDENT: Is it the general desire of the House to sit at 2 o'clock? I suggest that we may sit at our usual time of 2-15 p.m. and continue till 4-15.

Mr. LALIT CHANDRA DAS: Yes, Sir, we may sit from 2-15 p.m. from tomorrow.

Mr. MESBAHUDDIN AHMED: We might meet at 1-30 p.m. from tomorrow.

Mr. PRESIDENT: I do not propose to take the responsibility: I will leave it to the party leaders. So I suggest that we sit at 2 o'clock tomorrow and then if the party leaders come to an agreement that we should meet at 2-15 p.m. or at 1-30 p.m., I shall accede to it.

The House stands adjourned till 2 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2 p.m. on Tuesday, the 21st March, 1944.

Members Absent.

The following members were absent from the meeting held on the 20th March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. D. L. Barua.
(3) Mr. Hamidul Huq Chowdhury.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. Khorshed Alam Chowdhury.
(6) Mr. B. C. Datta.
(7) Maulana Mohd. Akram Khan.
(8) Khan Bahadur M. A. Momin.
(9) Mr. N. N. Mookherji.
(10) Mr. R. S. Purssell.
(11) Khan Bahadur Kazi Abdur Rashid.
(12) Mr. S. N. Sanyal.

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BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 27.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 21st March, 1944, at 2 p.m., being the twenty-seventh day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Appointments in Medical Department.

96. Khan Sahib NURUL AMIN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the number of permanent and temporary posts separately in the Provincial cadre in the Medical Department;

(*b*) the number of such posts permanently and temporarily held by Muslims;

(*c*) the number of such posts reserved for Muslims according to the Communal Ratio Rules; and

(*d*) whether all such posts reserved for Muslims have been permanently filled up, and, if not, what steps are being taken by the Government to recruit Muslims to fill up these vacancies?

Mr. BIREN ROY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) (*i*) Bengal Medical Service (Upper)—

Permanent	...	...	164
Temporary (Normal)	...	...	10

(*ii*) Bengal General Service—

Permanent	...	...	40
Temporary	...	...	Nil

(*b*) (*i*) Bengal Medical Service (Upper)—

Permanent	...	...	35
Temporary	...	...	5

(*ii*) Bengal General Service—

Held permanently by Muslims	...	...	4
Held temporarily by Muslims	...	...	5

(*c*) The number of vacancies that occurred since the introduction of Communal Ratio Rules on 17th March, 1939, and the number filled up, the number reserved for Muslims as well as the number of Muslims appointed are given below:—

	Number of vacancies.	Number filled up.	Number reserved for Muslims under Communal Ratio Rules.	Number of Muslims appointed.
(*i*) Bengal Medical Service (Upper)—				
Permanent ..	37	24	12	9
Temporary ..	76	50	25	23
(*ii*) Bengal General Service	19	18	9	7

The above figures are as they stood on 1st February, 1944.

(*d*) No. Attempt is being made to fill up 50 per cent. of the vacancies that have occurred since March, 1939, by Muslims, as far as possible, according to the availability of suitable Muslim candidates.

Rai Bahadur KESHAB CHANDRA BANERJEE: Arising out of (*d*), were the posts advertised in due course?

Mr. BIREN ROY: Yes, Sir.

Rai Bahadur KESHAB CHANDRA BANERJEE: What do the Government propose to do if the vacancies are not filled up?

Mr. PRESIDENT: That is a hypothetical question.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, my idea is to elicit information regarding Government's intention as to how these posts are going to be filled up. Will the vacancies be filled up in the near future?

Mr. BIREN ROY: That has already been answered in the reply that most of the vacancies have been filled up and as for the vacancies that have not yet been filled up, it was because suitable candidates were not available.

Rai Bahadur KESHAB CHANDRA BANERJEE: Do the Government propose to advertise again for these posts?

Mr. BIREN ROY: Yes, Sir.

Mr. HARIDAS MAZUMDAR: Arising out of (*d*), am I to understand that by suitable Muslim candidates Government mean suitable Bengali Muslim candidates?

Mr. BIREN ROY: Yes, as far as possible.

Relief to the poor.

97. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether any steps have been taken by the Government of Bengal to enforce the provisions of the Bengal Rural Poor and Unemployed Act, 1939, especially to make a list of the destitute and unemployed in every union with a view to giving relief to them in these days of acute distress and starvation? If not, why not?

(*b*) Is it a fact that the deficit areas of Bengal have been organised on a famine basis?

(*c*) If so, have the Government taken any measure as laid down in the Bengal Famine Code to provide relief to the destitute *pardanashin* women in these areas and to provide medical relief as enjoined in the said Famine Code in these areas? If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) Yes, in most of the unions, but the Priority Lists prepared for relief during the present distress have met the purpose to an even greater extent than contemplated by the Act.

(*b*) and (*c*) Yes.

Mr. NUR AHMED: Arising out of (*c*), will the Hon'ble Minister be pleased to state what steps and what special measures have been taken to provide medical relief to the *purdanashin* women in their homes?

The Hon'ble Mr. TARAK NATH MUKERJEA: They were treated, as far as possible, by the doctors especially employed for this purpose.

Mr. NUR AHMED: Will the Hon'ble Minister please give an idea of the steps that have been taken?

The Hon'ble Mr. TARAK NATH MUKERJEA: I regret to say that it is not possible for me to give a detailed account of the steps that have been taken, as it is a matter for the Medical and Public Health Department.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state if the provisions of the Famine Code have been applied in respect of last year's famine?

The Hon'ble Mr. TARAK NATH MUKERJEA: More than that.

Rai Bahadur KESHAB CHANDRA BANERJEE: In reply to questions (*b*) and (*c*), the Hon'ble Minister has said "Yes". Now my supplementary question is: how does the Hon'ble Minister say that measures have been taken according to the provisions of the Bengal Famine Code?

The Hon'ble Mr. TARAK NATH MUKERJEA: Not only the provisions of the Famine Code have been followed, but much more steps have been taken.

Rai Bahadur KESHAB CHANDRA BANERJEE: My question is: how the Bengal Famine Code can be applied here, when the Government declared that there was no famine in Bengal.

The Hon'ble Mr. TARAK NATH MUKERJEA: Although famine was not declared, there was no bar to taking steps according to the provisions of the Famine Code.

Mr. HARIDAS MAZUMDAR: With reference to the reply (*a*), am I to understand by the words "most of the unions" that at least in 50 per cent. of the unions such lists have been prepared?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is rather difficult to say what is the percentage exactly, but it is certainly more than 50 per cent.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Arising out of (*c*), will the Hon'ble Minister please say what is the nature of the relief that is being provided?

The Hon'ble Mr. TARAK NATH MUKERJEA: Relief in the shape of foodgrains, medical aid, supply of cloth and all other things, is provided.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Without doing any work?

The Hon'ble Mr. TARAK NATH MUKERJEA: For work in the shape of test relief work.

Rai Bahadur KESHAB CHANDRA BANERJEE: What steps have been taken so far as Dacca and Mymensingh districts are concerned?

The Hon'ble Mr. TARAK NATH MUKERJEA: For these details I want notice.

Adjournment Motion.

Mr. HUMAYUN KABIR: Sir, I gave notice of an adjournment motion regarding the situation arising out of the action of the police in arresting a large number of persons in the villages of Rashinagar, Atghar, Gobindapur, Sinhapratap, Gattibalia, etc., under the police-station Kotwali in the district of Faridpur, following an affray between some villagers and Government medical units at the Kanaipur *hat* on 10th March, 1944, over the question of forcible vaccination.

Mr. PRESIDENT: Mr. Humayun Kabir, will you please satisfy me on one point? The incident took place, according to you, on the 10th March; but you gave notice only yesterday, *i.e.*, on the 20th March. Why this delay? How do you justify the delay?

Mr. HUMAYUN KABIR: The quarrel took place on the 10th March, but arrests took place thereafter. From the 11th March arrests began and they were continuing thereafter. The people came and saw me on Saturday last, and since there was no sitting of the House on Saturday and Sunday being a holiday I sent in notice as early as I could, namely, on Monday morning.

Mr. PRESIDENT: What is the special feature of the incident? Why do you want to adjourn the ordinary business of the House to discuss it?

Mr. HUMAYUN KABIR: Sir, it is a definite matter of urgent public importance which may be readily admitted by you. In connection with this incident a large number of persons in different areas have been arrested and this has caused panic in the locality, and is also in fact affecting the cultivation of the land. The incident arose over a quarrel between some medical units who tried to vaccinate the people——

Mr. PRESIDENT: What was the number of people who were arrested, according to your information?

Mr. HUMAYUN KABIR: About ten important persons, leading persons of the different villages, have been arrested up till now. The arrest of these ten important persons has naturally created a panic among the other villagers. Sir, I find that some honourable members on the Government benches are smiling at the number mentioned by me. Sir, I need hardly say that if one of the members on the Government benches is arrested, it

will create much more panic than the arrest of these ten insignificant persons——

Mr. PRESIDENT: No analogy need be cited, Mr. Kabir. Please come to the point.

Mr. HUMAYUN KABIR: This occurrence arose over the attempts of the medical unit to vaccinate the villagers who being superstitious and ignorant thought that there was something dangerous about the matter. Instead of dealing with the situation in a tactful manner, attempts at forcible vaccination were made. Some of the villagers took the law into their own hands and some persons belonging to the medical unit were assaulted. That is a very regrettable thing, I admit; but if the Government instead of arresting persons who had nothing to do with the incident—for instance, they arrested a person named Bahadur Khan who had been lying bed-ridden for about two months—had tried to reason with them, it would have been far better. This has, therefore, created a general sense of panic in the locality. It is in order to draw the attention of the Hon'ble Home Minister to the situation that has been created that I have given notice of this adjournment motion. You will remember, Sir, that formerly we have sometimes *called for papers* on the subject in such a situation. If, Sir, you so desire, instead of pressing my adjournment motion, I shall be content with *calling for papers* on the matter if Government are prepared to make a statement regarding the situation under reference. I feel that if the attention of the Hon'ble Home Minister and of the higher authorities is drawn to it, the grievances of the local villagers may be largely met. There is a saying in Bengali, Sir, that when one asks a *payada* to get hold of a person, he very often goes and binds him, insults him and abuses him and commits far more excesses than is sanctioned by the authority concerned.

Mr. PRESIDENT: What I feel is this: after all, on your own admission the number of persons arrested is only 10. Is it not so?

Mr. HUMAYUN KABIR: Yes, Sir, that is so, as far as my information goes up till now.

Mr. PRESIDENT: Well, it is not then a very important matter, because such arrests take place every day all over the province and Government are expected to carry on their administrative duties in the normal manner. I would, therefore, suggest that you ask for information on the subject from the Hon'ble the Home Minister and let the information be placed before the House, instead of moving for adjournment of the ordinary business of the House.

Mr. HUMAYUN KABIR: If you so desire, Sir, as I have already said, I will ask for papers on the subject if the Government are prepared to make a statement. This adjournment motion may be taken up afterwards, if at all necessary. I, therefore, would move for papers in connection with the incident that took place in these villages in police-station Kotwali in the district of Faridpur, following an affray between some villagers and Government medical unit at the Kanaipur *hat* over the question of forcible vaccination on the 10th March, 1944.

Mr. HAMIDUL HUQ CHOWDHURY: May I rise on a point of information, Sir? Will the honourable member kindly explain what is the special

feature of these arrests which distinguishes this case from the ordinary rioting cases in which arrests are made?

Mr. PRESIDENT: Let us hear the Hon'ble the Home Minister first.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am glad to make a statement on this subject. As regards this matter, as far as I am concerned, I have not got the file with me now. But I want to make a protest and submit for your consideration that in my opinion this case is not different from the other cases that occur in many parts of Bengal almost daily. Then, Sir, the honourable member has himself admitted that there was an incident in which the medical unit people were assaulted. So, if after the assault 8 or 10 persons, who might have taken part in the affray, had been arrested, this by no stretch of imagination can be the subject-matter of an adjournment motion and a matter for discussion here. For such cases, the courts of law are open. If anybody has been wrongly arrested, the courts of law are there to see that justice is done. But how can I, sitting here, give any satisfaction to the honourable member? After all, the matter has to be investigated. Another thing I may point out to you—who are the people on whose behalf the honourable member is speaking? Is it on behalf of the persons who are resisting the vaccination and have thus violated the law? If so, this is very serious. I think every one —every sensible man will admit that when there is a serious epidemic of smallpox or cholera, compulsory vaccination is the only remedy and people are liable to be prosecuted for resisting vaccination during such time under the law of the land. So, if there are arrests for refusing to be vaccinated and for assaulting the persons who went to do their duty, the police have only carried out their normal duties in arresting them. May I ask whether the honourable members are prepared to jeopardise the health of the people by espousing the cause of such people instead of condemning the people who took part in the riot? If the honourable members do so, it would be jeopardising the health of the people—it would be encouraging the people who are resisting vaccination. It is well-known, Sir, that smallpox has been eliminated from every civilised country. There is no smallpox in those countries because they went in for mass vaccination. It is recognised by all medical authorities that the only way by which we can drive away smallpox is by means of mass vaccination. The Military authorities are assisting the Government in carrying out this work. Instead of honourable members coming forward to help us and support our action, if they try to prevent mass vaccination it is really a tragedy. So, I submit that there is no case whatsoever for bringing up this matter before the House. When the honourable member said that a large number of arrests had been made, the impression I got was that 50 or 100 persons had been arrested. I do not deny that such things happen. But it cannot be helped. It has been admitted by the honourable member himself that the medical unit people had been assaulted and it has also been admitted that some people took part in the assault—who are those people—they must be some of those who assaulted the medical unit people. The police in course of arrest may have arrested some of the innocent people. But my submission is that it is the court of law that can decide these cases. I submit, Sir, no statement is called for and accordingly the proposal of the honourable member should be rejected.

Mr. PRESIDENT: I have considered this question. In my opinion it is not a matter of sufficient public importance to justify the adjournment of the ordinary business of the House. But if the honourable member wants information from Government on this subject, certainly he can ask for information and it is for the Government to supply the information if they want to do so. That is all I can say.

Mr. HUMAYUN KABIR: As I said, Sir, as soon as you made the suggestion about calling for papers, I asked for the same instead of pressing the adjournment motion before the House. I would make only one remark in reply to what the Hon'ble the Home Minister has said. We are not in any way defending those people who took part in the riot. As for the number of arrests, I think the Hon'ble Minister has overlooked the fact that the arrests of 10 leaders of 10 villages is certainly a fact which creates considerable panic in such a situation. It is to the interest of the Government to see that there is no state of panic over this matter. Then he stressed the necessity of vaccination. We all agree that it is a vital matter. Sir, Government themselves had been sleeping over the matter for a long time and suddenly they have awakened to the necessity of vaccination. We are thankful to them for this even at this belated hour. If the villagers are superstitious, it is no fault of theirs; if they are uneducated, it is no fault of theirs. We should persuade them to get themselves vaccinated. Sir, I submit that the public importance of this incident arises in this manner. If 10 important villagers in 10 important villages are in this way arrested and some of them, we have reason to believe, were arrested without sufficient reason, it does create a state of panic; and if there is panic, that can be the subject-matter of discussion in this House. In this connection, I would call for papers, if the Hon'ble the Home Minister is prepared to make a statement before the House.

Mr. PRESIDENT: Mr. Kabir, my suggestion would be that you should put a short-notice question and Government, if they consider the matter of sufficient importance, will agree to reply to that short-notice question. They should give you full information on the subject. I think that is the best method of getting information.

Mr. HUMAYUN KABIR: I will do so; but, Sir, you yourself know that short-notice questions even if they are accepted by Government are not answered always.

Mr. PRESIDENT: They are being answered.

Mr. HUMAYUN KABIR: Many of them are not being answered.

Mr. KADER BAKSH: Sir, may I speak a word or two?

Mr. PRESIDENT: But the matter has been disposed of. There is nothing to be said now.

Mr. KADER BAKSH: Sir, the matter may be disposed of here but it will be discussed——

Mr. PRESIDENT: No, Mr. Kader Baksh there is nothing before the House on which you can speak now.

Amendments to the Bengal Legislative Council Procedure Rules.

Mr. PRESIDENT: As regards the amendments to rules 56, 57 and 58 of the Bengal Legislative Council Procedure Rules, they have been referred to a Committee under rule 110 (*3*) of the said Rules. A Committee is, therefore, to be constituted with the President and the Deputy President and five other members to be elected as required under the said rule.

I therefore fix 1 p.m. on Saturday, the 25th March, 1944, as the last hour and date for receiving nominations for the said election.

The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

Mr. PRESIDENT: The House will now resume further consideration of the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

Mr. MESBAHUDDIN AHMED: Sir, I beg to move: That in clause 2 of the Bill, after sub-clause (*1*), the following sub-clause be inserted, namely:—

"(*1a*) 'complete usufructuary mortgage' means a transfer of the right of possession in any land for the purpose of securing the payment of the mortgage debt upon the condition that the said debt shall be deemed to be extinguished by the profits arising from the land during the period of the mortgage."

Sir, the definition of other usufructuary mortgages is necessary to cover the cases of such transfer by proprietors as the Bengal Tenancy Act definition will be inapplicable to such cases.

Mr. PRESIDENT: Amendment moved: That in clause 2 of the Bill, after sub-clause (*1*), the following sub-clause be inserted, namely:—

"(*1a*) 'complete usufructuary mortgage' means a transfer of the right of possession in any land for the purpose of securing the payment of the mortgage debt upon the condition that the said debt shall be deemed to be extinguished by the profits arising from the land during the period of the mortgage."

Mr. PRESIDENT: The question before the House is that in clause 2 of the Bill, after sub-clause (*1*), the following sub-clause be inserted, namely:—

"(*1a*) 'complete usufructuary mortgage' means a transfer of the right of possession in any land for the purpose of securing the payment of the mortgage debt upon the condition that the said debt shall be deemed to be extinguished by the profits arising from the land during the period of the mortgage."

(The amendment was agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in clause 2 of the Bill, for sub-clause (*3*), the following sub-clause be substituted namely:—

"(*3*) 'proprietor,' 'tenure-holder', '*raiyat*', 'under-*raiyat*,' 'landlord,' 'estate,' 'tenure,' 'holding,' and 'improvement' have the same meanings as they have in the Bengal Tenancy Act, 1885."

Sir, this is a matter of definition only.

Mr. PRESIDENT: Amendment moved: That in clause 2 of the Bill, after sub-clause (*3*), the following sub-clause be substituted, namely:—

"(*3*) 'proprietor,' 'tenure-holder', '*raiyat*', 'under-*raiyat*,' 'landlord,' 'estate,' 'tenure,' 'holding,' and 'improvement' have the same meanings as they have in the Bengal Tenancy Act, 1885."

(The amendment agreed to.)

Mr. MESBAHUDDIN AHMED: Sir, I beg to move that in clause 2 of the Bill, for sub-clause (*4*), the following sub-clause be substituted, namely:—

"(*4*) references to 'proprietor,' 'tenure-holder,' '*raiyat*,' 'under-*raiyat*' and 'transferee' shall be deemed to include references to their successors in interest."

Sir, this is also a matter of definition only.

Mr. PRESIDENT: Amendment moved: That in clause 2 of the Bill, for sub-clause (*4*), the following sub-clause be substituted, namely:—

"(*4*) references to 'proprietor,' 'tenure-holder,' '*raiyat*,' 'under-*raiyat*' and 'transferee' shall be deemed to include references to their successors in interest."

Mr. HUMAYUN KABIR: Sir, I would only enquire of the honourable mover of this amendment why he has excluded any reference to a holding or a portion of a holding. There is no doubt that proprietor, tenure-holder, *raiyat* or under-*raiyat*, all these have been included; but nevertheless in the original Bill clauses, there was also a reference to a holding or a portion of a holding, and it was explicitly mentioned that reference to a holding shall be deemed to include references to a portion of the holding. Will the honourable mover please explain?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, "holding" includes a portion of a holding and therefore no separate definition is necessary.

Mr. HUMAYUN KABIR: Then why was it not mentioned before?

Mr. PRESIDENT: But the word "portion of a holding" does not occur in the amended Bengal Tenancy Amendment Act. It was bad draftsmanship.

Order, order. The question before the House is that in clause 2 of the Bill, for sub-clause (*4*), the following sub-clause be substituted, namely:—

"(*4*) references to 'proprietor,' 'tenure-holder,' '*raiyat*,' 'under-*raiyat*' and 'transferee' shall be deemed to include references to their successors in interest."

(The amendment was agreed to.)

The motion that clause 2, as amended, stand part of the Bill was thereafter agreed to.

Clause 3.

The motion that clause 3 stand part of the Bill was also agreed to.

Clause 4.

Mr. PRESIDENT: Mr. Mesbahuddin will now move his amendment No. 17A.

Mr. LALIT CHANDRA DAS: Sir, before you call upon Mr. Mesbahuddin to move his amendment, you will kindly permit me to move my amendment No. 25? When the original Bill was presented to the House, we were called upon to put in amendments——

Mr. PRESIDENT: You want to do away with the financial limit?

Mr. LALIT CHANDRA DAS: Yes, Sir, and it is very necessary that this amendment should be allowed to be moved in the first place. My amendment is to the main Bill clause; but we could not put in any amendment to the amendment of Mr. Mesbahuddin. It is, therefore, necessary that I should be allowed to move my amendment No. 25 first.

Mr. PRESIDENT: So that if your amendment is accepted, the other amendment may be modified!

Mr. LALIT CHANDRA DAS: Yes, Sir, if my amendment is accepted, the other amendment of Mr. Mesbahudidn will have to be modified.

There is also another amendment standing in the name of Mr. Kamini Kumar Dutta where he has suggested some alteration with regard to the figure of Rs. 250.

Mr. PRESIDENT: I think the most convenient method of dealing with this matter would be to let Mr. Das move his amendment first. If his amendment is accepted, then a consequential amendment will have to be made. If it is not accepted, Mr. Mesbahuddin Ahmed may move his amendment as it is.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Then the other amendments on the same subject will have also to be moved, Sir.

Mr. PRESIDENT: Naturally.

Mr. LALIT CHANDRA DAS: I beg to move that in clause 4 of the Bill, the words "the amount or value of which does not exceed two hundred and fifty rupees" in lines 3 and 4 be deleted.

If these words are deleted, the clause would read thus: "If on or after the 1st January, 1943, and before the 1st January, 1944, a *raiyat* or under-*raiyat* has transferred any holding by sale for any consideration, and if—

(*a*) he applies in the prescribed manner to the Collector * * *"

and then other things will follow.

My grounds are these: the principle of the Bill is to give relief to those who were compelled to sell their property for saving themselves—to keep their body and soul together. But should the relief be limited only to a certain number of people? Will only those people who sold their holdings or part of the holdings or tenure or *nij-jote* at a price of Rs. 250 or less get the relief? That seems to be the standpoint of the Government. It is understood that this standpoint has been arrived at by certain figures

collected. I have had the privilege of the figures being shown to me by the Hon'ble the Revenue Minister in charge of the Bill. It appears from that that so far as the transfer of holdings at a fixed rate is concerned, 46,000 persons out of 60,000 persons will get the relief; that is to say, 14,000 people will not get any relief. That is in respect of sale of holdings at fixed rate. The Bill also refers to *raiyats* and under-*raiyats* and certain figures have also been obtained in respect of transfer of occupancy holdings. It will appear from this category of figures that about 90,000 persons will not get any relief by this Bill. About 5 lakhs of transfers have been made out of which about 4 lakhs are up to the value of Rs. 250 by each deed. Other transfers, about a lakrh, are of the value of over Rs. 250. So, under the Bill as it now stands, those persons will not be given any relief. May I ask why? Why should not they get any relief? Only because of the fact that the value of their property is over Rs. 250 they are going to be deprived of the relief proposed under the Bill as it now stands. I do not understand why Government have chosen the limit of Rs. 250 for giving relief. Why don't you make it 300, 400, or 1,000? If you are prepared to give relief because people were compelled to sell their property due to want, do it under some principle. Why do you deny relief to those who fall under the same category, simply for the reason that they sold it at a higher price than Rs. 250? May I ask what are the grounds for denying the relief to those who sold their property at higher price? It may be said by the Hon'ble Minister in charge of the Bill—we are not prepared to give relief or protection to the zemindars. Sir, I am not asking him to give relief to zemindars or tenure-holders or even to *raiyats* who are to sell their property for reasons other than what is purported in the Bill itself. You purport to give relief to those who actually sold their property for saving themselves from starvation. If you want to do so, do it with a full heart: do it without being niggardly in any way and do away with the limit of Rs. 250.

Sir, it is stated in the Bill that the owner has to satisfy the Collector that he could not have maintained himself or his family except by making such alienation of his holding. If the owner cannot satisfy, he cannot get the relief. If the consideration money is more than Rs. 250, then he will not get anything and why? Why he should not get anything, I ask? He equally had difficulties in maintaining his family. Therefore, I ask if the Government are going to be generous at other people's expense, let them be more generous and not be niggardly by restricting the concession to those cases only where the consideration money for the sale of the holdings does not exceed Rs. 250. Let the principle of the Bill operate equally in respect of all who had to sell their holdings for maintaining themselves and their families.

With these words, I move my amendment and I hope it will be accepted by the House.

Mr. PRESIDENT: The question before the House——

Mr. HUMAYUN KABIR: Sir, you have not yet placed the amendment before the House.

Mr. PRESIDENT: Thank you. Amendment moved: That in clause 4 of the Bill, the words "the amount or value of which does not exceed two hundred and fifty rupees" in lines 3 and 4 be deleted.

Mr. HUMAYUN KABIR: Sir, you will notice that amendments Nos. 25 to 36 deal with the same subject and the only difference between them is about the amount. My honourable friend Mr. Lalit Chandra Das has suggested that there should be no limit whatsoever to the amount when we are thinking of giving relief to persons who were compelled to sell their holdings. In defence of his arguments he referred to one clause of the Bill where it has been explicitly stated that unless the owner satisfies the Collector he cannot get any relief. The owner has to satisfy the Collector that he had to sell his land to maintain himself and his family. If he can satisfy the Collector, there is no point in fixing the limit. He has advanced other arguments also in favour of his amendment. In any case the Government have accepted many of the suggestions of the Opposition, and brought forward new amendments. Thereby they have admitted that there was room for extending the scope of the Bill. My honourable and esteemed friend Khan Bahadur Abdul Momin moved certain amendments. All these have been incorporated in the Government amendments.

Amendments Nos. 25 to 36 of the list have different figures ranging from Rs. 250 to Rs. 1,000; and there are two alternatives open to the Government. They can give relief to all who have been affected during the course of the famine of last year and accept Mr. Lalit Chandra Das's amendment. In that case, there would be no reference to any figure whatsoever. Anybody who was compelled to sell his holding in order to maintain himself and his family would be able to get relief. Or alternatively, a compromise may be made, namely, a figure between Rs. 250 and Rs. 1,000, may be suggested—any figure that may be acceptable to the Government. If, Sir, a figure higher than Rs. 250 is accepted, then that would bring relief to a large number of persons who would otherwise be excluded from the benefit of this Bill.

I would also like the Government to keep in mind one fact in this connection. The figure of Rs. 250 today represents in certain parts of Bengal the price of only about one bigha of land. In East Bengal, the price of one bigha of land is very nearly Rs. 200 even in the rural areas. Therefore, Rs. 250 is only a little more than the price of one bigha of land. I think Government will also admit that persons who do not own at least 5 bighas of land fall definitely among the poorer classes. To-day the price of five bighas of land in many parts of Eastern Bengal will be considerably more than Rs. 500 and in certain cases it may even be more than Rs. 1,000. Therefore, if this figure of Rs. 250 is stuck to by Government, that would exclude a very large number of genuine agriculturists apart from the tenure holders or landlords who, I maintain, will not then come into the picture at all. The amendment which has been moved by Khan Bahadur Momin and for the consideration of which the whole Bill had to be postponed would then be absolutely useless, because the tenure-holders, landlords and others who have been sought to be brought within the purview of the Bill will not come within the figure of Rs. 250. There is another point which should be remembered. I think it will be borne out by my honourable friends who have experience in this matter that when land is transferred, a higher value than the actual price is often put on record in order to prevent any re-transfer. In the past, it has often been the case that when land has been

sold, the actual price has not been stated in the purchase document but a higher price has been put. I have been told by persons that sometimes they put the figure of Rs. 500 even when the actual price is Rs. 250. I am not a lawyer, but I have heard from more persons than one that actually a higher price is put on the document in order to prevent any re-transfer of the land to the agriculturist. Therefore, Sir, the figure of Rs. 250 would represent a very small figure indeed and would altogether keep out of the purview of the Bill the tenureholders or landlords. Secondly, Sir, the actual figure of Rs. 250 will not in all cases mean Rs. 250, but in many cases where the actual transaction has been Rs. 250, the amount entered has been higher. In view of these two considerations, I would ask the Hon'ble Minister to either accept the suggestion of Mr. Lalit Chandra Das or to state on behalf of the Government what sort of figure they think would be suitable for the purpose. If the figure of 1,000 or 500 rupees is agreed to or indeed any other figure that may be convenient, if an agreed figure is accepted by the Hon'ble Minister, I think then we can again arrive at a compromise and the Bill can go through much more quickly.

Mr. PRESIDENT: Before I call upon the Hon'ble Minister to reply to Mr. Lalit Chandra Das's motion No. 25, I would like to know if all or any of the motions from 26 to 36 are going to be moved.

Mr. KAMINI KUMAR DUTTA: I will move my motion, Sir.

Mr. PRESIDENT: Then move your motion so that there may be one discussion.

Mr. KAMINI KUMAR DUTTA: Sir, I beg to move that in clause 4 of the Bill, for the words "two hundred and fifty rupees" in line 4, the words "one thousand rupees" be substituted.

Sir, the object of my amendment is quite apparent, and it is also consistent with the object of the Bill itself. The object of the Bill is to give relief to those persons who in distress had to part with their land to maintain themselves. No doubt, it may be said that the figure also ought to be commensurate with the object of the Bill, and apparently the figure of Rs. 250 was fixed with a view to see that the transfers to be effected should be only by the poorer classes of people. But at the same time, as my honourable friend Mr. Humayun Kabir has already remarked, it is a matter of common experience—and I may state from my personal experience also that the price of the land sold in this time of distress was inflated in the sale deed. The inflated price was mentioned in the sale-deed for various causes. There was the apprehension that if any question of re-conveyance arose, then the re-conveyance would be for a higher amount and at the same time there is a common apprehension in the minds of these purchasers, particularly of the raiyati holdings, that if there were co-sharers they would come forward with applications for pre-emption. It is a common practice, although it is a vicious practice no doubt, to shut the door to the pre-emptor by putting in a fictitious value, so that if the man really purchases the property for Rs. 200 he puts down Rs. 500 so as to drive away the pre-emptor. So, if the object of the Bill is to give relief to those people who had to part

with their land for dire necessity of meeting the requirements of their bare existence, the Bill should be framed in such a manner that it will give real relief—and not relief only on paper. Therefore, if Government want to give effective relief to those people who out of sheer necessity had to part with their land and with the only object of maintaining themselves, then I think Rs. 1,000 would not be a high amount at all, because in many of these transactions where the face value appears to be Rs. 1,000, it would not be really more than Rs. 500. At the same time, there need not be any apprehension of there being an abuse of the rights given by this Bill because the safeguarding clause in the Bill says that the Bill would operate only in respect of those transfers where the Collector would be satisfied that the transfer was really made under circumstances when the transferor could not have maintained himself or his family except by making such alienation of his land. When this safeguard is there, there need be no apprehension of any abuse of the provisions of this Bill by any body. Therefore, I would appeal to the Hon'ble Minister that as it is a Bill to which practically all the parties in the House are lending their support, and as there is perfect unanimity as to the object of the Bill the benefit proposed to be conferred under the Bill should not be confined only to *raiyats* or under-*raiyats* but should be applied to persons holding other kinds of tenancies and properties. I am really glad that Government have seen their way to accept some of our suggestions, and since the object of the Government and of the Opposition in this respect is exactly the same, namely, to give relief to people who had to part with their land, I again appeal to the Hon'ble Minister to see if he could accept this amendment of ours, viz., to enhance the sale-value of the land from Rs. 250 to Rs. 1,000 for the purpose of relief proposed in this Bill. I again state that it is a matter of common experience that in a sale deed the price is put at an inflated amount and so if the value is fixed at Rs. 1,000, the object of the Bill would be really gained and effective relief would be given to people who had to part with their land on account of dire necessity brought about by famine and distress.

Mr. HARIDAS MAZUMDAR: I beg to move that in clause 4 of the Bill, for the words "two hundred and fifty" occurring in line 2, the words "five hundred" be substituted.

Sir, the underlying principle of the Bill is good and worthy of support, but if the limit be not raised then practically the very object of the Bill will be defeated. It will be a sort of camouflaged generosity. So I think if this limit of Rs. 250 is deleted, every one will welcome it. If the limit is raised to 1,000 rupees, I have no objection; but failing that my amendment may be accepted. It is a very modest amendment and I think the poor will be relieved to a greater extent by my amendment.

Mr. PRESIDENT: Amendment moved: (Mr. Kamini Kumar Dutta's amendment) that in clause 4 of the Bill, for the words "two hundred and fifty rupees" in line 4, the words "one thousand" be substituted.

Amendment moved (Mr. Haridas Mazumdar's amendment) that in clause 4 of the Bill for the words "two hundred and fifty" occurring in line 4, the words "five hundred" be substituted.

Khan Bahadur M. A. MOMIN: Sir, I am afraid I will have to oppose all the three amendments moved from the other side. The House may remember

that during the first reading stage, I made it clear that I did not feel any enthusiasm over this Bill, not because the intention of the Hon'ble Minister-in-charge was not good,—there is no doubt that the intention of the Bill is very good,—but because I was afraid that in different ways the whole purpose of the Bill will be defeated by *benami* and other transactions. However, I did not oppose the Bill then. Later, the scope of the Bill has been enlarged in accordance with our suggestions and the suggestions of the Opposition, by including proprietors and tenure-holders within the scope of this Bill. Now, it has been suggested by these amendments—and I will, first of all, refer to Mr. Das's amendment—to remove all limitations as regards the value of the holding or consideration money in giving effect to the provisions of the Bill. This and the other allied amendments, which have been moved do, in my opinion, cut at the very root of the very object underlying the Bill. This Bill was brought in pursuance of the popular demand that many poorer classes of tenants and agriculturists had to part with their land as a last resort because they could not maintain themselves and their families. Now, since then the conditions have improved and it has been possible for some of them to recover the lands which were sold under dire necessities. The mere fact that some men are tenure-holders or proprietors does not mean that they are in a better position, or that thy are more wealthy or substantial people and as such should not be brought within the scope of the present Bill. There are numerous tenure-holders and proprietors, specially in Barisal, who own one or two bighas of land or even half an acre of orchard land round their homestead and that is their sole means of livelihood. During the hard days they had no other means to kep their body and soul together and therefore under dire necessity they had to sell portion of their lands, mostly "*Bramhattar*". They had no other income, and although they are tenure-holders or proprietors by courtesy, they are in fact much poorer than even *raiyats* or under-*raiyats*. There are some tenure-holders and proprietors and talukdars in Mymensingh who though paying revenue direct to Government are even poorer than the under-*raiyats*. The income from their lands is so meagre that in order to maintain themselves and their families they had to sell out their holdings. The present Bill seeks to limit the re-transfer of all the lands already sold and is not intended to make it possible for people who have sold their lands, their zemindaries or portion of their zemindaries worth Rs. 50,000 to get back their land only if they can satisfy the Collector. Sir, the maintenance of a family is a question of degree. I may, for instance, require more money than a cultivator in the village and so it is very difficult to say what view the Collector would take in most cases. We have got experience of the Agricultural Debtors Act. (Mr. Lalit Chandra Das: Here the Collector will decide and not the Union Boards.) Mr. Lalit Chandra Das also knows that many big zemindars applied for getting the benefit of the Bengal Agricultural Debtors Act. The Collector is too busy to take up these cases and so he will have to delegate his powers to some other officers. As I said before, the Collector or his agent will certainly let him try and fight his case. Now, if you accept Mr. Das's amendment, what will happen? All the transactions, sales and transfers, which have taken place between 1st January, 1943, and 1st January, 1944, will become null and void, and there is every danger of upsetting the whole lot of settled facts. Of course, you may say that this

is a very merciful legislation and that mercy should extend to as large a number of people as possible. But you forget the other side of the picture. You are trying to be merciful to the people who have sold, but you are going to be unmerciful to the people who have purchased.

Then again, other factors should also be considered. The value of land has increased by 100 per cent. You yourselves have said that the lands which the people sold for Rs. 5,000 or Rs. 6,000 will easily fetch Rs. 10,000. Now that the land has gone up in value, the man who sold it will come up and put in a petition to the Collector. Suppose, there is a case where ordinary transactions have been completed and in the ordinary course nobody would have thought of it again; but now that the price has gone up, the man who had purchased will naturally try to keep back the land not so much for keeping it for himself as for selling it to somebody else at a higher value.

There is another point. In villages, as everybody knows, there are always more than one party. If a man has sold a piece of land, somebody must have been able to purchase it. Now, the purchaser will try to keep back the land from the seller by offering him higher price. Because the value has increased, therefore it will be to his interest to fight that case. All these evils will arise. So if you do not put any limit on the sale-price of the land, it will give rise to all these evils. When a man has sold his land, it has been sold with a proper contract and the contract stands. Now Government are doing a merciful act by making it possible, to a certain extent, for the poorer classes who have been hard hit to get back their lands. Of course, these transactions should be properly investigated. I take it for granted that they will be properly investigated, and that only in cases of genuine hardship such relief should be given. But I am definitely opposed to making it the rule and not the exception. This disposes of Mr. Lalit Chandra Das's amendment which seems to have been inspired by unlimited flow of the milk of human kindness.

As regards others, I think it is a question of degree. Government after proper investigation have found that Rs. 250 is the limit for which there is some justification. I quite agree with Government, because for the man who sold his land only to maintain his family the figure of Rs. 250 is quite fair, but for those who sold their lands for purposes of paying off debts, marriage expenses and expenses for *sradh*, etc., the question of granting any such relief does not arise. Therefor, Rs. 250 is a very very reasonable and adequate limit and we should stick to it. I hope honourable members of the Opposition understand this is a thing in which they must take a reasonable and practical view and should not go on theory only I would request them to leave the Bill as it is and not press their amendments.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to speak on the amendments now under discussion in the House, I would like to point out in the first instance that I am not in favour of the amendment of Mr. Das which seeks to delete the limit altogether. But I would like honourable member to consider whether the limit of Rs. 250 which the Government propose should not be exceeded. I was surprised to find my honourable friend Khan Bahadur Momin speaking against all the amendments proposed

from this side of the House. No doubt he gave certain reasons in support of his argument that by extending the scope of the Bill to proprietors and tenure-holders he did not intend that proprietors and tenure-holders who had sold their land for more than Rs. 250 should be given any relief. I should have thought that having enlarged the scope of the Bill by including proprietors and tenure-holders, he would readily accede to some extension of limit proposed by Government. Now, Sir, with reference to this fact I am surprised to find that most of the honourable members have forgotten the acute distress that prevailed in Bengal in the last season and the rate at which foodstuffs were selling at the time and the reason why the people had to sell away their properties for the purpose of maintaining themselves. I think honourable members of this House would remember that in some parts of the province rice was selling at Rs. 80 to Rs. 100 a maund. I think in Chittagong, Dacca and Munshiganj rice was selling in the region of Rs. 80 to Rs. 100 per maund for a considerable period of time. Now, let us take an ordinary family of five persons. If we consider their requirements for three months we will find that they would require at least five maunds of rice for three months and these five maunds of rice could only be purchased at Rs. 400 and if that person had to sell two bighas of land for Rs. 400 would he not be entiled to relief under this Act in accordance with the principle enunciated by Government?

The Hon'ble the Revenue Minister has got before him a statistics of the sales that took place during the period under discussion: I mean from 1st January, 1943, to 1st January, 1944., I do not know whether that statistics includes transfer of the property of the proprietors and tenure-holders. (I hope the Hon'ble Minister will listen to what I am saying now, and not discuss other things with somebody else). The Hon'ble the Revenue Minister has before him a table showing the number of sale transactions that took place last year. He showed me that table according to which he says that about 80 per cent. or a little more of the transactions are with regard to amount up to Rs. 250. I think this statistics is with reference to the Bill which was then under consideration. The scope of the Bill has now been enlarged and sales made by the proprietors and tenure-holders have now been included. So I would like to know whether the Hon'ble Minister has included in his statistics the sales of tenure-holders and proprietors as well. I presume they have not been included. I would, therefore, submit that having regard to the fact that the scope of the Bill has been enlarged so as to include not only *raiyats* and under-*raiyats* but also the proprietors and tenure-holders and having adopted the principle of the Bill that cultivators of ordinary means who had to sell their land for the purpose of maintaining themselves should get relief, I do not understand why a low limit of Rs. 250 has been fixed. If you consider, as I have already said, the price of Rs. 40 for a maund of rice as it was then prevailing for a considerable time, and take the case of a family consisting of 10 members, which is not uncommon in Bengal, you will realise that the family would require Rs. 500 for rice only for the four or five months during which the distress prevailed. As a matter of fact, while I was touring during the distressed period in some of the districts of Bengal, particularly in Bankura, Midnapore, Birbhum and Burdwan, on several occasions I visited the sub-registry offices and I enquired as to why they were selling their properties

—what was the reason of their selling and so forth. I found, Sir, that the people were selling lands including the standing crops for values which may be put at the rate of the price of paddy which was on the lands and the purchasers were getting the lands practically free. I also felt that many of the purchasers anticipated a legislation of this kind and so, as has been pointed out by my friend Mr. Humayun Kabir, in many instances the purchasers took the precaution of putting a higher value in the *kabala* than they had actually paid to the sellers. It is, therefore, clear that a limit of Rs. 250 which means practically the price of 6 maunds of rice at that time when distress was prevailing, is nothing. So I appeal to the Hon'ble Minister—I appeal to the members of Government and I appeal to the members occupying the European benches to consider the matter seriously. If you want to give any relief to the poorer middle class—not the poorest class—but the poorer middle class for whom I am speaking for the last few days, the poorer middle classes who are the backbone of this province—if you want to give some relief to them, raise the limit from Rs. 250 and fix it at any figure which you consider to be reasonable. For this purpose, I suggest that the House may be adjourned for 5 or 10 minutes so that we may come to a settlement as regards the figure. Anyhow, I have spoken enough to show that the figure should not be fixed so low.

With these few words, I support the amendment of Mr. Kamini Kumar Dutta and failing that the amendment of Mr. Haridas Mazumdar.

Alhadj Khan Bahadur SHAIKH MOHAMMAD JAN: Mr. President, Sir, without raising the Hindu-Muslim controversy, I may mention that it is really very surprising that the Muslim representatives of this House should oppose an amendment which seeks to give relief to the agriculturists, majority of whom are Muslims. It is a known fact that the Muslims of Bengal are more affected by last year's famine than the Hindus of this province, because the economic condition of the latter is decidedly better than that of the Muslims.

Khan Bahadur M. A. MOMIN: On a point of order, Sir. Is the honourable member entitled to speak on a subject which is absolutely irrelevant, namely, about the question of Hindus and Muslims?

Mr. PRESIDENT: Perhaps he is developing his arguments.

Alhadj Khan Bahadur SHAIKH MOHAMMAD JAN: Well, Sir, while the representatives of the Hindus who are not so much affected are bringing forward various amendments for raising the limit from Rs. 250 to Rs. 1,000, so that not only the destitute persons but also the middle-class may reclaim their lands which they had sold at this price, Muslim representatives are opposing the amendments in a body. As has been very rightly pointed out by Mr. Humayun Kabir, Rs. 250 is too low a figure and is nearly the price of one *bigha* of land. Then there is another factor. Very often the purchaser asks the seller to put down a higher figure so that in case of the seller's asking the land back after some time, the purchaser may get more than what was actually paid.

Under the circumstances, I hope that my friends on the other side will make some compromise about the figure at which lands purchased should be

returned to the original owners. They should not insist on the amount of Rs. 250 as provided for in the Bill, which is very low and they should ponder over the matter again and see whether Rs. 250 is a right figure.

If the Government really intend to help the middle-class persons who form the backbone of society, they should not insist upon Rs. 250 but raise it at least to Rs. 500, so that the middle-class people who were compelled to dispose of their small holdings under dire necessity may get back their only asset in life.

Sir, I support the amendment.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, as I had already stated in the initial stage, this is a temporary emergency measure meant to give relief to the poor who were mostly hard hit during the distressed months of the famine. Unfortunately, my friends are working under a misapprehension. The very fact that the price of rice and paddy was abnormally high last year never presupposes that the price of land was equally high. In fact, the situation was just the reverse, and from our enquiry and from my own personal knowledge of the actual situation of the rural area, I may tell the House that in most of the cases these lands were sold only at nominal price. As my honourable friends opposite including Mr. Humayun Kabir have said that in the sale deed a higher figure is generally put, it is a significant fact that in 85 per cent. of these transactions the figure was less than Rs. 250, and in spite of the fact that much higher figure is put in the sale deed it is seen that out of total transactions of 5 lakhs and 13 thousand cases in more than 4 lakhs and 50 thousand cases the figure recorded was Rs. 250. Similarly, in the case of tenure-holders, out of total transactions of 60,500 cases, in about 47,000 cases the figure was less than Rs. 250.

Mr. HUMAYUN KABIR: On a point of order, Sir. Will the Hon'ble Minister please tell us what would be the figure if the amount is fixed at Rs. 500 instead of Rs. 250?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is not readily available. But, Sir, taking all these facts into careful and earnest consideration, Government have come to the conclusion that the sum of Rs. 250 will be quite fair and generous for the purpose of this Bill, and I hope that the honourable members will withdraw their amendments and accept the figure of Rs. 250.

Mr. PRESIDENT: Order, order. Three amendments have been moved: one by Mr. Lalit Chandra Das, the other by Mr. Kamini Kumar Dutta and the last by Mr. Haridas Mazumdar. As Mr. Lalit Chandra Das's amendment is the widest, I shall put that to vote first.

The uqestion before the House is: that in clause 4 of the Bill, the words "the amount or value of which does not exceed two hundred and fifty rupees" in lines 3 and 4 be deleted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that in clause 4 of the Bill, for the words "two hundred and fifty rupees" in line 4, the words "one thousand rupees" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that in clause 4 of the Bill for the words "two hundred and fifty" occurring in line 4, the words "five hundred" be substituted.

The question being put, a division was challenged and taken with the following result:

AYES—15.

Rai Bahadur K. C. Banerjee.	Mr. H. D. Majumdar.
Mr. S. C. Chakravorti.	Mr. N. N. Moholanabish.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. B. C. Datta.	Mr. R. Pal Chaudhuri.
Mr. K. K. Datta.	Dr. K. S. Ray.
Alhadj Khan Bahadur Shaikh Mohammad Jan.	Mr. A. D. Roy.
Mr. Humayun Z. A. Kabir.	Khan Sahib Maulvi Wahiduzzaman.
Rai Bahadur B. M. Maitra.	

NOES—26.

Mr. Mesbahuddin Ahmed.	Mr. Latafat Hossain.
Khan Sahib Fariduddin Ahmed.	Mr. W. B. G. Laidlaw.
Mr. Nur Ahmed.	Mr. Abdul Latiff.
Khan Sahib Nurul Amin.	Khan Sahib Subidali Mollah.
Khan Sahib Abdul Aziz.	Khan Bahadur M. A. Momin.
Mr. Kader Baksh.	Mr. T. B. Nimoo.
Mr. Moazzemali Chowdhury.	Khan Bahadur Muklesur Rahman.
Mr. Hamidul Huq Chowdhury.	Mr. Biren Roy.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mrs. K. D'Rozario.	Mr. Yakub H. S. Sattar.
Mrs. Labanyaprobha Dutt.	Mr. J. W. R. Stevens.
Mr. R. W. N. Ferguson.	Khan Bahadur M. Shamsuzzoha.
The Hon'ble Khan Bahadur S. M. Hosain.	Dr. Kasiruddin Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. Ayes—15; Noes—26. The amendment is, therefore, negatived.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the other House is going to meet, at 4 o'clock today. So, may I request you to adjourn the House now. Tomorrow is a Hindu festival and the House may meet day after tomorrow, with your permission, at 1-30 p.m. This has been arranged in consultation with the leaders of the different parties.

Mr. PRESIDENT: As stated by the Leader of the House I consulted the different party leaders and it has been agreed that we should sit at 1-30 p.m. instead of at 1 p.m. from Thursday next. It has been suggested that today we should adjourn the House now as by inadvertence the sitting hour of the other House has been fixed at 4 o'clock today. But in future we shall not be expected to change our time unless we are consulted previously. As regards the holiday, I take it that it is the general desire of the House that we should not meet tomorrow. (VOICES: Yes, Sir.) So the House is adjourned till 1-30 p.m. on Thursday, the 23rd March.

Adjournment.

The Council then adjourned till 1-30 p.m. on Thursday, the 23rd March, 1944.

Members Absent.

The following members were absent from the meeting held on the 21st March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. D. L. Barua.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. Khorshed Alam Chowdhury.
(5) Khan Bahadur Abdul Gofran.
(6) Mr. Mohamed Hossain.
(7) Maulana Mohd. Akram Khan.
(8) Mr. N. N. Mookerji.
(9) Mr. R. S. Purssell.
(10) Khan Bahadur Kazi Abdur Rashid.
(11) Mr. S. N. Sanyal.

BGP-44/5-2305A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 28.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 23rd March, 1944, at 1-30 p.m., being the twenty-eighth day of the First Session of 1944, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTION AND ANSWER

Education for Muslim girls.

98. Mr. HAMIDUL HUQ CHOWDHURY (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if it is a fact that the percentage of Muslim girl students in all stages of education excepting the primary stages is low as compared to that of non-Muslim girl students in Bengal?

(*b*) If so, what special measures have been taken by the Government of Bengal to raise the percentage of Muslim girl students to its maximum? If not, why not?

(*c*) Is the Hon'ble Minister aware that the number of Muslim girl pupils in middle and high English schools, colleges and professional schools and colleges is low as compared to those of other provinces in India?

(*d*) Is it a fact that a resolution to give effect to the recommendation of the Muslim Education Advisory Committee known as Momin Committee, as regards increasing the number of scholarships was moved during the last session of the Bengal Legislative Council to which an amendment was moved to allot rupees two lakhs for scholarships of Muslim girls?

(*e*) Is it a fact that an assurance was given on behalf of the last Ministry that a large sum would be provided in the next budget for providing scholarships to the Muslim girls in Bengal?

(*f*) If so, do the Government propose to give effect to the said assurance to provide large sums for scholarships of Muslim girls? If not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) and (*d*) Yes.

(*b*) In addition to the Provincialisation of the Sakhawat Memorial High School for Muslim Girls, Calcutta, and the establishment of a first grade college meant mainly for Muslim girls, known as the Lady Brabourne College, Calcutta, Government have sanctioned a scheme for additional scholarships and stipends to Muslim girl students. Out of this fund, a sum of Rs.17,376 is now spent annually on additional scholarships of different values to Muslim girls reading in schools and colleges. These scholars enjoy the privilege of free tuition in addition. A further sum of Rs.4,800 is allotted to colleges for stipends to Muslim girls. Certain special stipends

are also distributed by the Director of Public Instruction to Muslim girl students reading in schools and colleges, and a sum of Rs.3,445 was spent last year on this account.

(*c*) The number of Muslim girl pupils in secondary schools and colleges is somewhat low in comparison with some other major Provinces in India.

(*e*) Yes, though not in the next budget.

(*f*) Government realise the importance of encouraging the spread of education amongst Muslim girls and will make proposals for increasing present privileges as the growth of the demand justifies it.

Adjournment motion.

Mr. HARIDAS MAZUMDAR: Sir, I have got an adjournment motion which runs thus——

Mr. PRESIDENT: Mr. Mazumdar, you should allow me to say that questions are over.

Mr. HARIDAS MAZUMDAR: All right, Sir.

Mr. PRESIDENT: Questions over.

Mr. HARIDAS MAZUMDAR: Sir, I have an adjournment motion standing in my name which runs thus:—

That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the serious situation that has arisen on account of the failure of the Government of Bengal to supply soft coke as fuel to the householders of Calcutta and its suburbs to meet their daily requirements.

Mr. PRESIDENT: What are your grounds?

Mr. HARIDAS MAZUMDAR: This is an urgent matter of public importance and it requires no explanation, because there is acute shortage of soft coke in Calcutta. I have got personal experience in this matter, and this matter has also been ventilated in yesterday's newspapers. I can show from the papers also that there is acute shortage of soft coke. Therefore, Sir, this is a definite matter of public importance, because unless the food is cooked, nobody can take it. People are not getting coal from anywhere except from the black market where exorbitant prices are charged. Under these circumstances, this matter should be discussed. It is not a censure motion at all. I want only to draw the attention of the Hon'ble Minister in charge of the Civil Supplies to this important grievance so that ways and means may be found to get over this difficulty.

Mr. PRESIDENT: If you do not want to censure Government, then what is the object of your bringing in an adjournment motion?

Mr. HARIDAS MAZUMDAR: Sir, on the 7th February, I sent a short-notice question but on the 23rd Government said that they did not give their consent to it. This is generally the fate of short-notice questions. I have brought this adjournment motion, because this is a matter which cannot be delayed. That is the reason and that being the only alternative left to us to ventilate our grievances and those of the public in this House, notice of this adjournment motion has been given.

Mr. PRESIDENT: That will do. May I hear the Government's point of view in this matter?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the Hon'ble the Supplies Minister is not present here just now, and I do not think he has got any notice of this adjournment motion. As a matter of fact, I got it only just now.

Mr. PRESIDENT: The point now is: whether I should admit the motion or not. After I decide to admit it, I shall find out from the House whether the honourable member has the leave of the House or not. I understand that the Civil Supplies Department was informed that this adjournment motion was coming up before the House.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In any case, Sir, Government have been doing everything possible to ease the situation. Government are aware that there has been a shortage of coal but that is due largely to transport difficulty, as has been explained previously many times in this House by my colleague, the Hon'ble Minister for Civil Supplies.

Mr. SHRISH CHANDRA CHAKRAVERTI: Then what is the use of a Government at all if they cannot do anything?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But the honourable member knows very well that transport is a matter in which this Government has no hand.

Mr. HARIDAS MAZUMDAR: If, however, the Government give the House an undertaking that——

Mr. PRESIDENT: Let us hear the Hon'ble the Leader of the House.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As I have said, Sir, Government has been doing all that is possible but lack of transport facilities over which this Government has no hand and for which this Government is entirely dependent upon the Government of India is causing all this difficulty.

Mr. PRESIDENT: Are Government prepared to make a fuller statement before the House?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, Sir.

Mf. PRESIDENT: When?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Tomorrow.

Mr. HARIDAS MAZUMDAR: I hope, Sir, that till then the question of urgency will be waived by you.

Mr. PRESIDENT: Let Government supply the information tomorrow, as promised. If you are not satisfied with the statement, then you may mention about your adjournment motion and then I shall decide whether I can admit it under the rules or not.

Mr. BIREN ROY: Sir, there is also not enough number of members present today to grant the leave of the House so far as this motion is concerned.

Mr. PRESIDENT: I may tell Mr. Roy that the question of getting the leave of the House does not arise at this stage. I shall have to admit it first and if it is objected to, then the mover will have to obtain the leave of the House.

Mr. LALIT CHANDRA DAS: Sir, may I mention that there is another adjournment motion standing in my name?

Mr. PRESIDENT: Yes, I have seen that. But how can you prove that it is a definite matter of urgent public importance?

Mr. LALIT CHANDRA DAS: May I move it in that case?

Mr. PRESIDENT: Don't move it but state your grounds first.

Mr. LALIT CHANDRA DAS: In stating my grounds, I would require to read out the nature of my motion.

Mr. PRESIDENT: Yes, you may read it but you cannot move it at this stage.

Mr. LALIT CHANDRA DAS: All right, Sir. My motion is as follows: That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government so far to secure and maintain supply of sufficient number of cattle by importation of the same, control of their prices as well as by prevention of the fifty per cent. increase in the slaughter of cattle including milch cows, dearth of which is causing thousands of acres of cultivable lands to lie fallow although the cultivation season is nearing its end thus menacing the whole province with shortage of food including milk which has become scarce and whose price has gone skyhigh endangering the health of the people in general and of the children in particular.

The above is my motion, Sir. The cultivation season is about to end and our information is that thousands of acres of cultivable lands are lying fallow for want of cattle and that as yet the attempts of Government to import cattle from Bihar as well as from the Central Provinces have miserably failed. Not only that; the Government of Bengal have also taken statistics in Calcutta and also in other big municipalities from which it will appear that the slaughter of cattle has risen by 50 per cent. This is a very important matter because it menaces the whole province with shortage of food, and so far as milch cows are concerned, there is shortage in the matter of milk. The scarcity of milk will endanger the health of the children and of the public in general.

Sir, it is a continuing menace. This matter has been prominently brought to my notice by an article which I read today in the *Patrika*. There it has been clearly stated that Government made an attempt but failed to secure supply of cattle. Importation of cattle from other places is absolutely necessary to meet the situation which has arisen in this province. Several thousands of acres of land are lying fallow although the cultivation season is nearing its end. I have come to learn today also that according to the statistics taken by the Government slaughter of the cattle is increasing by leaps and bounds every day and that it has already increased by 50 per cent. in Calcutta and in some of the big municipalities of Bengal. So, Sir, this is an urgent matter of public importance and I hope I shall have your

consent to move this adjournment motion. Do Government like to make a statement whether they have made any such attempt to import cattle? Several thousands of acres of cultivable land is lying fallow for want of cattle and will Government say whether the slaughter of the cattle has been as much as 50 per cent. above the normal figure?

Mr. PRESIDENT: That will do.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I am prepared to make a statement in connection with this matter.

Government are fully conscious of the seriousness of the menace to the cattle population. On account of the shortage of cattle the cultivation of land is likely to be affected. But Government have been doing all that is possible under the circumstances. They are trying to import animals from Bihar and the Central Provinces; and even before the present serious situation had arisen, they attempted to arrange with the dealers of cattle to import cattle from Bihar. But that Government had put an embargo on the importation of cattle. Government are now negotiating for a permit for bringing 30,000 cattle from Bihar. They have also sanctioned Rs. 50 lakhs to be distributed as loans to agriculturists of badly affected areas for purchase of plough cattle. They are still carrying on correspondence with the Bihar and the Central Provinces Governments in order to arrange for the importation of cattle from those provinces. They have practically decided to fix two days in the week as meatless days in all the municipalities of the province and in the city of Calcutta. They are also considering the question of conserving the cattle population in Bengal by other means. So it will be seen that nothing has been left undone and all that is possible is being done. Government will always do its very best to see that agriculture does not suffer.

Mr. PRESIDENT: Mr. Das, I am afraid I cannot agree with your contention. It is an urgent matter and it is an important matter, but it is not a matter of recent occurrence. This question should have been the subject-matter of a resolution or could have been brought up before the House during the general discussion of the budget. So in view of that I do not think it is a matter for which adjournment of the ordinary business of the House can be permitted. If the ordinary business of the House has to be adjourned for a matter like this, I am afraid, we shall never be able to make any progress with the ordinary business. You have listened to the Hon'ble Minister. I do not want to make any observation on his statement. It is, however, not a matter for which the business of the House should be adjourned, and I refuse consent to the motion being moved.

Mr. LALIT CHANDRA DAS: Sir, a resolution was brought by Mr. Hamidul Huq Chowdhury but that did not come up. So, I have brought in this adjournment motion.

Mr. PRESIDENT: There is a resolution on the subject.

Committee of Privileges.

Mr. PRESIDENT: Under rule 123 of the Bengal Legislative Council Procedure Rules, I hereby nominate Khan Bahadur M. A. Momin in the

casual vacancy in the Privileges Committee caused by the lamentable death of Khan Sahib Abul Quasem.

The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

Mr. PRESIDENT: The House will now take up the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944.

Mr. MESBAHUDDIN AHMED: Sir, I beg to move: that for clause 4 of the Bill, the following clause be substituted, namely:—

"4. *Procedure for effecting restoration of lands alienated by proprietors, tenure-holders, raiyats or under-raiyats in 1943.*—(*1*) If on or after the 1st January, 1943, and before the 1st January, 1944, a proprietor, tenure-holder, *raiyat* or under-*raiyat* has transferred any agricultural land by sale for any consideration the amount or value of which does not exceed two hundred and fifty rupees, and if,—

(*a*) he applies in the prescribed manner to the Collector at any time before the 25th day of December, 1945, for the restoration of such land to him; and

(*b*) he satisfies the Collector that he could not have maintained himself or his family except by making such alienation of such land,

the Collector shall, after giving the transferee and if such land is in the possession of any person other than the transferee, such other person also an opportunity of being heard, make an order in writing restoring such land to such proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, and directing such proprietor, tenure-holder, *raiyat* or under-*raiyat* in the manner provided in sub-section (*2*) to pay in ten annual instalments by such dates as may be specified in the order the amount of such consideration or its value together with interest on such amount at the rate of three and one-eigth *per centum per annum* from the date of his receipt of such consideration and the amount of any compensation for improvements effected to such land, allowed by the Collector and determined by him in the manner prescribed, less the amount determined in the manner prescribed of the net income from such land of the person in possession of such land as a result of such alienation:

Provided that the first of such instalments shall be payable on a date not later than the 1st day of Baisakh next following the date of the order.

(*2*) When the Collector makes an order for payment by instalments under sub-section (*1*), he shall direct such instalments to be paid—

(*a*) in the case where the agricultural land in respect of which such order is made has been alienated by the transferee before the date of such order by means of a *bona fide* transfer for valuable consideration, or a *bona fide* gift by a registered instrument or *heba*, to the person in possession of such land as a result of such alienation;

(*b*) in the case where such land has been alienated by the transferee before such date by means of a *bona fide* lease for valuable consideration or a usufructuary mortgage, to the transferee and the

person in possession of such land as a result of such alienation in such proportion and in such manner as may be determined by the Collector and specified in the order; and

(*c*) in other cases, to the transferee.

Provided that if such land is subject to a *bona fide* mortgage other than a usufructuary mortgage and such mortgage was executed after the transfer of such land referred to in sub-section (*1*), the Collector shall direct that such instalments shall first be paid to the mortgagee until the amount due under the mortgage as determined by the Collector is paid off and that thereafter any such instalments or part thereof still remaining due shall be paid in the manner provided in clause (*a*), clause (*b*) or clause (*c*) of this sub-section, as the case may be.

(*3*) Where an application made under sub-section (*1*) is accompanied by a statement verified in the manner prescribed that the proprietor, tenure-holder, *raiyat* or under-*raiyat* who made the transfer of the agricultural land by sale referred to in that sub-section could not have maintained himself or his family except by making such alienation of such land, the Collector shall for the purpose of clause (*b*) of that sub-section presume such statement to be correct until the contrary is proved.

(*4*) The amount ordered to be paid by instalments by a proprietor, tenure-holder, *raiyat* or under-*raiyat* under sub-section (*1*) shall be charged on the agricultural land in respect of which an order under that sub-section is made.

(*5*) Where any agricultural land in respect of which an order under sub-section (*1*) is made is, after the date on which such order takes effect under sub-section (*1*) of section 5, sold in execution of a decree or of a certificate signed under the Bengal Public Demands Recovery Act, 1913, other than a certificate for the recovery of any amount payable under such order, the whole of the amount payable under the said order then remaining due shall notwithstanding anything contained in such order at once become due and payable."

Sir, this is an amendment in which the Collector directs that the amount of such consideration or its value should be paid in 10 annual instalments. Unless this is done, the whole object of the Bill is frustrated. It cannot be expected that a tenant who is compelled to sell all his holdings in maintaining himself during the period of acute shortage and unprecedent rise in the price of foodgrains will be able to repay the whole amount in one instalment——

Mr. PRESIDENT: Mr. Mesbahuddin, I think the amendment is self-explanatory, and you need not take the trouble of making a speech to support it.

Mr. MESBAHUDDIN AHMED: All right, Sir. I need not say anything more.

Mr. PRESIDENT: Order, order. Amendment moved: that for clause 4 of the Bill, the following clause be substituted, namely:—

"4. *Procedure for affecting restoration of lands alienated by proprietors, tenure-holders, raiyats or under-raiyats in 1943.*—(*1*) If on or after the 1st

January, 1943, and before the 1st January, 1944, a proprietor, tenure-holder, *raiyat* or under-*raiyat* has transferred any agricultural land by sale for any consideration the amount or value of which does not exceed two hundred and fifty rupees, and if,—

(*a*) he applies in the prescribed manner to the Collector at any time before the 25th day of December, 1945, for the restoration of such land to him; and

(*b*) he satisfies the Collector that he could not have maintained himself or his family except by making such alienation of such land,

the Collector shall, after giving the transferee and if such land is in the possession of any person other than the transferee, such other person also an opportunity of being heard, make an order in writing restoring such land to such proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, and directing such proprietor, tenure-holder, *raiyat* or under-*raiyat* in the manner provided in sub-section (*2*) to pay in ten annual instalments by such dates as may be specified in the order the amount of such consideration or its value together with interest on such amount at the rate of three and one-eighth *per centum per annum* from the date of his receipt of such consideration and the amount of any compensation for improvements affected to such land, allowed by the Collector and determined by him in the manner prescribed, less the amount determined in the manner prescribed of the net income from such land of the person in possession of such land as a result of such alienation:

Provided that the first of such instalments shall be payable on a date not later than the 1st day of *Baisakh* next following the date of the order.

(*2*) When the Collector makes an order for payment by instalments under sub-section (*1*), he shall direct such instalments to be paid—

(*a*) in the case where the agricultural land in respect of which such order is made has been alienated by the transferee before the date of such order by means of a *bona fide* transfer for valuable consideration, or a *bona fide* gift by a registered instrument or *heba*, to the person in possession of such land as a result of such alienation;

(*b*) in the case where such land has been alienated by the transferee before such date by means of a *bona fide* lease for valuable consideration or a usufructuary mortgage, to the transferee and the person in possession of such land as a result of such alienation in such proportion and in such manner as may be determined by the Collector and specified in the order; and

(*c*) in other cases, to the transferee:

Provided that if such land is subject to a *bona fide* mortgage other than a usufructuary mortgage and such mortgage was executed after the transfer of such land referred to in sub-section (*1*), the Collector shall direct that such instalments shall first be paid to the mortgagee until the amount due under the mortgage as determined by the Collector is paid off and that thereafter any such instalments or part thereof still remaining due shall be paid in the manner provided in clause (*a*), clause (*b*) or clause (*c*) of this sub-section, as the case may be.

(*3*) Where an application made under sub-section (*1*) is accompanied by a statement verified in the manner prescribed that the proprietor, tenure-holder, *raiyat* or under-*raiyat* who made the transfer of the agricultural land by sale referred to in that sub-section could not have maintained himself or his family except by making such alienation of such land, the Collector shall for the purpose of clause (*b*) of that sub-section presume such statement to be correct until the contrary is proved.

(*4*) The amount ordered to be paid by instalments by a proprietor, tenure-holder, *raiyat* or under-*raiyat* under sub-section (*1*) shall be a charge on the agricultural land in respect of which an order under that sub-section is made.

(*5*) Where any agricultural land in respect of which an order under sub-section (*1*) is made is, after the date on which such order takes effect under sub-section (*1*) of section 5, sold in execution of a decree or of a certificate signed under the Bengal Public Demands Recovery Act, 1913, other than a certificate for the recovery of any amount payable under such order, the whole of the amount payable under the said order then remaining due shall notwithstanding anything contained in such order at once become due and payable."

Mr. LALIT CHANDRA DAS: Sir, may I make a submission?

Mr. PRESIDENT: Yes; what is your point?

Mr. LALIT CHANDRA DAS: I think you are going to put the amendment, clause by clause, just like 4(*1*), 4(*2*), 4(*3*).

Mr. PRESIDENT: No, no. This is one amendment and you cannot divide it.

Mr. LALIT CHANDRA DAS: Sir, the difficulty is this——

Mr. PRESIDENT: If your suggestion is accepted, Mr. Das, I do not know what its effect will be on the other clauses. This is one comprehensive amendment which Government have introduced. Now, if we decide to divide it here and put it as different clauses and take the vote of the House on different clauses, then it may have its repercussion on the subsequent clauses of the Bill, and that will create serious difficulties.

Mr. LALIT CHANDRA DAS: May I point out, Sir, that Government introduced the amendments and in doing so they took time and accepted most of our amendments and framed new amendments on the basis of our amendments and these new amendments have been placed before the House through their Whip. The result of all this has been that certain clauses have been put in, which were not to be found in the original Bill. Now, Sir, with regard to this amendment of clause 4, I say, that it is a new amendment and we cannot put in any amendment to this amendment; but we could do so if it were embodied in the draft Bill. If the clause is not put separately in parts, how are we to oppose a particular sub-clause of the main amendment? So far as new clause 4 is concerned, we agree to almost all the portions of it, from sub-clauses (*1*) to (*4*), excepting sub-clause (*3*). But with regard to certain other sub-clauses, I do not agree and I would like to point out where I do not agree. Can we oppose a portion of this clause unless you put the sub-sections of the clause separately? That is my difficulty. For example, I may say that I shall

have to oppose sub-clause (*3*) of clause 4. It never found a place in the original Bill and I consider it to be contradictory and also illegal. And I would like to point out why it is contradictory and also why it should not be there. I hope, therefore, that you will kindly permit me to oppose sub-clause (*3*) and also agree to put it separately. I agree with the other parts of the clause. In what way can you put sub-clause (*3*) before the House unless you put it separately, Sir?

Mr. PRESIDENT: Let me have your concrete suggestion, Mr. Das. Which sub-clause you want to be put separately?

Mr. LALIT CHANDRA DAS: Sub-clause (*3*) of clause 4, in respect of which I would like to put in my views and oppose the sub-clause.

Mr. PRESIDENT: Your objection is confined to sub-clause (*3*) only? And your suggestion is that sub-clause (*3*) should be put separately?

Mr. LALIT CHANDRA DAS: Yes, Sir.

Mr. PRESIDENT: Will that meet all your difficulty?

Mr. LALIT CHANDRA DAS: Yes, Sir.

Mr. PRESIDENT: May I hear the Government's view on this point?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, the whole amendment relates to one clause. I, therefore, very much doubt if it can be taken in parts.

Mr. PRESIDENT: I realise after hearing Mr. Das that sub-clause (*3*) is a new sub-clause, for in that sub-clause the burden of proof has been shifted from the vendor to the vendee. So, what is the objection to the sub-clause being put to vote separately?

Mr. HAMIDUL HUQ CHOWDHURY: I do not think there may be any objection. For convenience of decision, the amendment can be broken into parts.

Mr. PRESIDENT: Very well. Mr. Das, will you speak now?

Mr. LALIT CHANDRA DAS: No, Sir, not now. When sub-clause (*3*) of clause 4 will be under discussion.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I want to speak on the amendment.

Mr. PRESIDENT: Yes, you may speak on the entire amendment though I shall put sub-clause (*3*) separately.

Mr. BANKIM CHANDRA MUKHERJEE: All right, Sir. In rising to speak on the amendment I would like to point out one or two inconsistencies which I think should be mentioned for the consideration of members of the House. Take, for instance, the proviso to sub-clause (*2*) which runs thus:—

"Provided that if such land is subject to a *bona fide* mortgage other than a usufructuary mortgage and such mortgage was executed after the transfer of such land referred to in sub-section (*1*)—the transfer referred to in sub-section (*1*) is between a proprietor, tenure-holder, *raiyat* and under-*raiyat* and so forth,—the Collector shall direct that such instalments shall first be paid to the mortgagee until the amount due under the mortgage as

determined by the Collector is paid off and that thereafter any such instalments or part thereof still remaining due shall be paid in the manner provided in clause (*a*), clause (*b*) or clause (*c*) as the case may be."

Sir, what is the meaning here which the mover intends to imply by saying that if such land is subject to *bona fide* mortgage other than a usufructuary mortgage and such mortgage was executed after the transfer of such land referred to in sub-section (*1*)? The transfer may be by the transferee or transferor. It must be made clear in the draft. (Mr. PRESIDENT: Evidently, it is by the transferee.) That point, Sir, should be made clear.

Then again, why should the usufructuary mortgagee be left out, as he would be deprived of possession? That point has not been made clear in the amendment. I may also point out some other drafting difficulty which may hereafter arise if the clause is passed as it is. There is another clause —take for instance, clause 4(*1*) which says ".....if such land is in the possession of any person other than the transferee, such other person should have an opportunity of being heard, before an order in writing restoring such land to such proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, etc." Here again there is some loophole and it has not been made clear how it should go out of the possession of the person other than the transferee. How it is to be given to a person other than the transferee —what sort of protection is to be given here? That loophole is kept here and the clause has been made complicated by the addition of various hypothetical cases which may or may not arise. The original section of the Bill has been changed lock, stock and barrel and a new section, a very cumbrous one, has been sought to be introduced which makes the provisions rather hard for application so far as the real tenant is concerned.

With regard to sub-clause (*3*) which is being objected to by Mr. Lalit Chandra Das, my observations would be that the provision that the onus is discharged by a verification of the transferor simplifies his task. Because, after all, we want to give relief. The presumption ought to be made in favour of the vendor that he was unable to maintain himself and his family without the transfer.

So, practically there would be no objection if the drafting is improved.

Mr. PRESIDENT: The question before the House——

Mr. LALIT CHANDRA DAS: Sir, I want to speak on this amendment.

Mr. PRESIDENT: But you should have spoken earlier. The whole amendment was before the House. However, you may speak now.

Mr. LALIT CHANDRA DAS: Sir, I desire to draw the attention of the House, through you, to clause 4(*1*)(*b*). In that clause, it is clearly stated that "he satisfies the Collector that he could not have maintained himself or his family except by making such alienation of such land, the Collector shall, after giving the transferee and if such land is in the possession of any person other than the transferee, such other person also an opportunity of being heard, make an order in writing". The petitioner will have to satisfy the Collector and the Collector shall give a hearing to the transferee or such other person who is in possession of the land. Sir, the mover of this amendment has taken it almost bodily from the Bill itself as originally presented. In the Bill you will find in 4(*b*) "he satisfies the Collector that

he could not have maintained himself or his family except by making such alienation of his holding....." and then in the proviso ".....if the holding is in possession of a person other than the transferee, to such person also." Here the mover has taken it from the Bill itself that the transferor will have to satisfy the Collector that he could not maintain himself except by the alienation of his holding and the Collector is to give a hearing to the transferee and if the holding is in possession of a person other than the transferee, to such person also. So, the mover wants that this should be a portion of the law itself.

Sub-clause (*3*) takes away the whole thing which was sought to be given in 4(*b*), for he no longer needs to satisfy the Collector. Because, the Collector, as soon as he puts his signature on the verification in the application, will presume such statement to be correct until the contrary is proved. Sir, sub-clause (*3*) runs as follows:—

"Where an application made under sub-section (*1*) is accompanied by a statement verified in the manner prescribed that the proprietor, tenure-holder, *raiyat* or under-*raiyat* who made the transfer of the agricultural land by sale referred to in that sub-section could not have maintained himself or his family except by making such alienation of such land, the Collector shall for the purpose of clause (*b*) of that sub-section presume such statement to be correct until the contrary is proved." Here, Sir, according to clause 4(*b*), the onus is upon the transferor himself, namely, "he satisfies the Collector that he could not have maintained himself or his family except by making such alienation of such land", and then, Sir, the Collector is also to make enquiry by taking such evidence from the transferor as he thinks necessary. The clause 4(*b*) puts the onus upon the transferor but sub-clause (*3*) of clause 4 takes away that onus and says "the Collector shall for the purpose of clause (*b*) of that sub-section presume such statement to be correct until the contrary is proved." This is self-contradictory. Therefore, Sir, if clause 4(*b*) stands, clause 4(*3*) should not stand. Clause 4(*3*) is self-contradictory and illegal.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, my honourable friend has said that it is contradictory, but I say that it is certainly not contradictory, and the onus is not entirely shifted. The onus is discharged as soon as the transferor puts in a verified statement. Then the onus shifts to some other person to prove that the verified statement is incorrect. So there is no contradiction at all. This provision has been made only to help the poor tenants for whom we are going to legislate, because if these poor people are to come with witnesses in every case to prove that they had sold their lands for the purpose of maintaining their families—and as we know the caprices of our officers, poor people will be done for and it will be almost impossible for them to prove to the satisfaction of various temperaments even by attending with witnesses from day to day. Therefore, it has been provided that when a transferor puts in a verified statement to the effect that he sold his land for the purpose of maintenance of his family, his onus will be considered to be discharged and if the purchaser contends that that verified statement is not correct, then it will be his onus to prove that it is incorrect. I think such an objection should not have come from a man like Mr. Das who is supposed to be the champion of the masses and the agriculturists.

Mr. PRESIDENT: Order, order. Before I put the question to vote, I will break it up into three parts. I will first put 4(*1*) and (*2*) and then 4(*3*) alone and finally 4(*4*) and (*5*) together.

Sub-clauses (*1*) and (*2*) of clause 4 were put and agreed to.

Sub-clause (*3*) of clause 4 was put and agreed to.

Sub-clauses (*4*) and (*5*) of clause 4 were put and agreed to.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, may I point out that there are a few printing mistakes in sub-clause (*4*) of clause 4 in the last line and in the penultimate line? They have, however, been corrected.

Mr. PRESIDENT: Then it is all right. But office can correct them, if they are mere printing mistakes.

I will now put clause 4 to vote.

The question that clause 4, as amended, stand part of the Bill was put and agreed to.

Clause 5.

Mr. MESBAHUDDIN AHMED: I beg to move that for clause 5 of the Bill, the following clause be substituted, namely:—

"5. *Effect of order for restoration of lands.*—(*1*) When the Collector makes an order under sub-section (*1*) of section 4 restoring any agricultural land to a proprietor, tenure-holder, *raiyat* or under-*raiyat*, such order shall have effect on the 1st day of Baisakh next following the date of the order.

(*2*) From the date on which an order under sub-section (*1*) of section 4 takes effect under sub-section (*1*) of this section, the right, title and interest in the agricultural land accruing to the transferee as a result of the transfer referred to in sub-section (*1*) of section 4 shall, subject to the provisions of sub-section (*4*) of that section, be deemed to have vested in the proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, free from all encumbrances, if any, which have been created after the date of such transfer.

(*3*) If on or before the date on which an order under sub-section (*1*) of section 4 takes effect under sub-section (*1*) of this section, the person in possession of the agricultural land as a result of the transfer referred to in sub-section (*1*) of section 4 has not yielded possession of such land to the proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, the Collector may of his own motion, and shall on the application of such proprietor, tenure-holder, *raiyat* or under-*raiyat*, eject such person and place such proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, in possession of such land".

It is a consequential amendment, Sir, and so no comment is necessary.

Mr. PRESIDENT: Amendment moved: that for clause 5 of the Bill, the following clause be substituted, namely:—

"5. *Effect of order for restoration of lands.*—(*1*) When the Collector makes an order under sub-section (*1*) of section 4 restoring any agricultural land to a proprietor, tenure-holder, *raiyat* or under-*raiyat*, such order shall have effect on the 1st day of Baisakh next following the date of the order.

(*2*) From the date on which an order under sub-section (*1*) of section 4 takes effect under sub-section (*1*) of this section, the right, title and interest in the agricultural land accruing to the transferee as a result of the

transfer referred to in sub-section (*1*) of section 4 shall, subject to the provisions of sub-section (*4*) of that section, be deemed to have vested in the proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, free from all encumbrances, if any, which have been created after the date of such transfer.

(*3*) If on or before the date on which an order under sub-section (*1*) of section 4 takes effect under sub-section (*1*) of this section, the person in possession of the agricultural land as a result of the transfer referred to in sub-section (*1*) of section 4 has not yielded possession of such land to the proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, the Collector may of his own motion, and shall on the application of such proprietor, tenure-holder, *raiyat*, or under-*raiyat*, eject such person and place such proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, in possession of such land".

Mr. T. B. NIMMO: Sir, there is just one point in this clause to which I would like to call the attention of Government and ask for clarification and that is in respect of clause 5(*2*). I would like to get the meaning of the words "free from all encumbrances, if any, which have been created after the date of such transfer". The point is that rent is a first charge on the holding and might, therefore, be regarded as an encumbrance. At the date of restoration, there may be arrears of rent outstanding for the period it was in the possession of the transferee and this might conceivably be regarded as an encumbrance created after the transfer. I would like to ask the Hon'ble Minister through you, Sir, if he can state categorically that the words "free from all encumbrances" do not include liability for arrears of rent.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Rent is certainly not an encumbrance. It is a liability but not an encumbrance. Rent will be payable by the person interested and it is the first charge.

Mr. PRESIDENT: If amendment No. 68B is carried, then amendments from 65 to 84 will not arise.

Mr. BANKIM CHANDRA MUKHERJEE: What about amendments 37 to 68?

Mr. PRESIDENT: They do not arise. Order, order.

The question before the House is: that for clause 5 of the Bill, the following clause be substituted, namely:—

"5. *Effect of order for restoration of lands.*—(*1*) When the Collector makes an order under sub-section (*1*) of section 4 restoring any agricultural land to a proprietor, tenure-holder, *raiyat* or under-*raiyat*, such order shall have effect on the 1st day of Baisakh next following the date of the order.

(*2*) From the date on which an order under sub-section (*1*) of section 4 takes effect under sub-section (*1*) of this section, the right, title and interest in the agricultural land accruing to the transferee as a result of the transfer referred to in sub-section (*1*) of section 4 shall, subject to the provisions of sub-section (*4*) of that section, be deemed to have vested in the proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, free from all encumbrances, if any, which have been created after the date of such transfer.

(*3*) If on or before the date on which an order under sub-section (*1*) of section 4 takes effect under sub-section (*1*) of this section, the person in possession of the agricultural land as a result of the transfer referred to in sub-section (*1*) of section 4 has not yielded possession of such land to the proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, the Collector may of his own motion, and shall on the application of such proprietor, tenure-holder, *raiyat*, or under-*raiyat*, eject such persons and place such proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, in possession of such land".

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 5, as amended, stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Mr. PRESIDENT: Clause 6 stand part of the Bill.

Mr. MESBAHUDDIN AHMED: I beg to move: that for clause 6 of the Bill, the following clause be substituted, namely:—

"6. *Recovery of sums due under an order under section 4 as a public demand.*—Any sum payable under an order under section 4 shall be recoverable as a public demand:

Provided that the Certificate Officer shall not order the execution of a certificate signed under the Bengal Public Demands Recovery Act, 1913, for the recovery of any amount due under an order made under sub-section (*1*) of section 4 by the sale of the agricultural land in respect of which the order under that sub-section has been made unless he is satisfied that all the instalments payable under the said order have already become due".

Mr. PRESIDENT: Amendment moved: that for clause 6 of the Bill, the following clause be substituted, namely:—

"6. *Recovery of sums due under an order under section 4 as a public demand.*—Any sum payable under an order made under section 4 shall be recoverable as a public demand:

Provided that the Certificate Officer shall not order the execution of a certificate signed under the Bengal Public Demands Recovery Act, 1913, for the recovery of any amount due under an order made under sub-section (*1*) of section 4 by the sale of the agricultural land in respect of which the order under that sub-section has been made unless he is satisfied that all the instalments payable under the said order have already become due".

[The above amendment of Mr. Mesbahuddin Ahmed (No. 84A) was agreed to by the House.]

Clause 6A.

Mr. MESBAHUDDIN AHMED: Sir, I beg to move: that after clause 6 of the Bill, the following new clause be inserted, namely:—

"6A. *Prohibition of alienation until sums due under an order under section 4 are paid.*—A proprietor, tenure-holder, *raiyat* or under-*raiyat* to whom any agricultural land has been restored by an order under sub-section (*1*) of section 4 shall not as long as there remains unpaid any sum payable by such proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may

be, under the order made under that sub-section, alienate by sale, lease, gift or other form of transfer or create any charge upon such land or any portion thereof and, notwithstanding anything contained in any other law for the time being in force, any alienation or charge so made shall be void and of no effect."

Mr. PRESIDENT: Amendment moved: that after clause 6 of the Bill, the following new clause be inserted, namely:—

"6A. *Prohibition of alienation until sums due under an order under section 4 are paid.*—A proprietor, tenure-holder, *raiyat* or under-*raiyat* to whom any agricultural land has been restored by an order under sub-section (*1*) of section 4 shall not as long as there remains unpaid any sum payable by such proprietor, tenure-holder, *raiyat* or under-raiyat, as the case may be, under the order made under that sub-section, alienate by sale, lease, gift or other form of transfer or create any charge upon such land or any portion thereof and, notwithstanding anything contained in any other law for the time being in force, any alienation or charge so made shall be void and of no effect.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that clause 6A stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Mr. PRESIDENT: Clause 7 stand part of the Bill.

Mr. MESBAHUDDIN AHMED: Sir, I beg to move: that for clause 7 of the Bill, the following clause be substituted, namely:—

"7. *Optional conversion of transfer by sale of land into complete usufructuary mortgage.*—(*1*) A proprietor, tenure-holder, *raiyat* or under-*raiyat* who is entitled to apply for the restoration of any agricultural land under sub-section (*1*) of section 4 may, instead of applying for such restoration under that sub-section apply at his option for the conversion of the transfer by sale of such land into a complete usufructuary mortgage and in such case if the proprietor, tenure-holder, *raiyat* or under-*raiyat* otherwise complies with the provisions of clauses (*a*) and (*b*) of the said sub-section, the Collector shall first determine the amount which would have been payable by such proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, under the said sub-section if an order under that sub-section for the restoration of such land had been made and, then make an order in writing converting the said transfer by sale into a complete usufructuary mortgage with—

(*a*) in the case of alienation by any of the means referred to in clause (*a*) of sub-section (*2*) of section 4, the person in possession of such land as a result of such alienation as the mortgagee, and

(*b*) in all other cases, the transferee as the mortgagee,

for a period of ten years or such shorter period as in the circumstances of the particular case is in the opinion of the Collector justified, and the amount so determined by the Collector shall be deemed to be the mortgage debt for the payment of which such mortgage is created.

(*2*) When the Collector makes an order under sub-section (*1*) converting a transfer by sale into a complete usufructuary mortgage for a period specified by him, the right, title and interest in the agricultural land accruing to the transferee as a result of the transfer shall, with effect from the date of such order, be deemed to have vested in such proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, subject to such complete usufructuary mortgage and free from all other encumbrances, if any, created after the date of the transfer and the liability for the payment of any amount referred to in sub-section (*1*) shall be deemed to be extinguished on the expiry of the said period.

(*3*) When the Collector makes an order under sub-section (*1*) converting a transfer by sale into a complete usufructuary mortgage for a period specified by him, such complete usufructuary mortgage may notwithstanding anything contained in sub-section (*2*) be redeemed at any time before the expiry of such period.

(*4*) On the expiry of the period of the mortgage or on the redemption of the mortgage before the expiry of such period under sub-section (*3*), if the mortgagee does not yield possession of the mortgaged land to the proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, the Collector may of his own motion, and shall on the application of such proprietor, tenure-holder, *raiyat* or under-*raiyat*, eject the mortgagee and place, such proprietor, tenure-holder, *raiyat* or under-*raiyat*, as the case may be, in possession of such land."

Mr. PRESIDENT: Order, order. The amendment moved by Mr. Mesbahuddin Ahmed is now under discussion.

I shall put clause 6 to vote first and then clause 7.

The question before the House is: that clause 6, as amended, stand part of the Bill.

(The motion was agreed to.)

The amendment of Mr. Mesbahuddin Ahmed to clause 7 was put and agreed to.

The question that clause 7, as amended, stand part of the Bill was then put and agreed to.

New clause 7A.

Mr. MESBAHUDDIN: Sir, I beg to move: that after clause 7 of the Bill, the following new clause be inserted, namely:—

"7A. *Notice of restoration of land or of the conversion of the transfer by sale of land into a complete usufructuary mortgage on the landlord.*— Before making an order under sub-section (*1*) of section 4 restoring any agricultural land to a tenure-holder, *raiyat* or under-*raiyat* or an order under sub-section (*1*) of section 7 converting a transfer by sale of any agricultural land of a tenure-holder, *raiyat* or under-*raiyat* into a complete usufructuary mortgage the Collector shall require such tenure-holder, *raiyat* or under-*raiyat* to deposit such fee as may be prescribed for the service of a notice of such order in the prescribed form in the case, where such order relates to any agricultural land of a tenure-holder on the landlord of the tenure in which such land is comprised and, in the case where such order relates to any agricultural land of a *raiyat* or under-*raiyat*, on the landlord

under whom such land is held, and the Collector shall as soon as may be after such order is made cause such notice to be served on such landlord in the prescribed manner, and on receipt of such notice the landlord shall cause his rent-roll to be corrected accordingly".

Mr. PRESIDENT: Amendment moved: that after clause 7 of the Bill, the following new clause be inserted, namely:—

"7A. *Notice of restoration of land or of the conversion of the transfer by sale of land into a complete usufructuary mortgage on the landlord.*— Before making an order under sub-section (*1*) of section 4 restoring any agricultural land to a tenure-holder, *raiyat* or under-*raiyat* or an order under sub-section (*1*) of section 7 converting a transfer by sale of any agricultural land of a tenure-holder, *raiyat* or under-*raiyat* into a complete usufructuary mortgage the Collector shall require such tenure-holder, *raiyat* or under-*raiyat* to deposit such fee as may be prescribed for the service of notice of such order in the prescribed form in the case, where such order relates to any agricultural land of a tenure-holder on the landlord of the tenure in which such land is comprised and, in the case where such order relates to any agricultural land of a *raiyat* or under-*raiyat*, on the landlord under whom such land is held, and the Collector shall as soon as may be after such order is made cause such notice to be served on such landlord in the prescribed manner, and on receipt of such notice the landlord shall cause his rent-roll to be corrected accordingly".

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House: is that clause 7A stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. MESBAHUDDIN AHMAD: I beg to move: that for clause 8 of the Bill, the following clause be substituted, namely:—

"8. *Bar of jurisdiction of High Court and Civil Courts.*—Neither the High Court nor any Civil Court shall have jurisdiction in any matter which the Collector is empowered to dispose of under this Act:

Provided that any person who is dissatisfied with any order of the Collector made under section 4 or sub-section (*1*) of section 7 may within thirty days from the date of such order apply in the prescribed manner to the District Judge for the revision of such order and the decision of the District Judge thereon shall be final".

Mr. PRESIDENT: Amendment moved: that for clause 8 of the Bill, the following clause be substituted, namely:—

"8. *Bar of jurisdiction of High Court and Civil Courts.*—Neither the High Court nor any Civil Court shall have jurisdiction in any matter which the Collector is empowered to dispose of under this Act:

Provided that any person who is dissatisfied with any order of the Collector made under section 4 or sub-section (*1*) of section 7 may within thirty days from the date of such order apply in the prescribed manner to the District Judge for the revision of such order and the decision of the District Judge shall be final".

(The amendment was agreed to.)

The question that clause 8, as amended, stand part of the Bill was then put and agreed to.

Clause 9.

Mr. MESBAHUDDIN AHMED: I beg to move: that for clause 9 of the Bill, the following clause be substituted, namely:—

"9. *Power to make rules.*—(*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner in which a proprietor, tenure-holder, *raiyat* or under-*raiyat* is to apply to the Collector under clause (*a*) of sub-section (*1*) of section 4;

(*b*) the manner in which the Collector is to determine the amount of any compensation allowed under sub-section (*1*) of section 4;

(*c*) the manner in which the net income referred to in sub-section (*1*) of section 4 is to be determined;

(*d*) the manner in which the verification of the statement referred to in sub-section (*3*) of section 4 is to be made;

(*e*) the fee to be deposited for the service of the notice referred to in section 7A and the form and the manner of service of such notice; and

(*f*) the manner of application for revision under the proviso to section 8."

Mr. PRESIDENT: Amendment moved: that for clause 9 of the Bill, the following clause be substituted, namely:—

"9. *Power to make rules.*—(*1*) The Provincial Government may make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner in which a proprietor, tenure-holder, *raiyat* or under-*raiyat* is to apply to the Collector under clause (*a*) of sub-section (*1*) of section 4;

(*b*) the manner in which the Collector is to determine the amount of any compensation allowed under sub-section (*1*) of section 4;

(*c*) the manner in which the net income referred to in sub-section (*1*) of section 4 is to be determined;

(*d*) the manner in which the verification of the statement referred to in sub-section (*3*) of section 4 is to be made;

(*e*) the fee to be deposited for the service of the notice referred to in section 7A and the form and the manner of service of such notice; and

(*f*) the manner of application for revision under the proviso to section 8."

(The amendment was agreed to.)

The question that clause 9, as amended, stand part of the Bill was then put and agreed to.

Clause 10.

Mr. PRESIDENT: Clause 10 stand part of the Bill.

Mr. MESBAHUDDIN AHMED: I beg to move: that clause 10 of the Bill be omitted.

Mr. PRESIDENT: Amendment moved: that clause 10 be omitted.

The question before the House is: that cluase 10 of the Bill be omitted.

(The motion was agreed to.)

Preamble and Long Title.

Mr. PRESIDENT: Preamble and long title be added to the Bill.

Mr. MESBAHUDDIN AHMED: I beg to move: that in the long title of and the preamble to the Bill, for the words "*raiyats* and under-*raiyats* of agricultural land", the words "proprietors, tenure-holders, *raiyats* and under-*raiyats* of certain agricultural lands" be substituted.

Mr. PRESIDENT: Amendment moved: that in the long title of and the preamble to the Bill, for the words "*raiyats* and under-*raiyats* of agricultural land", the words "proprietors, tenure-holders, *raiyats* and under-*raiyats* of certain agricultural lands" be substituted.

The question before the House is: that in the long title of and the preamble to the Bill, for the words "*raiyats* and under-*raiyats* of agricultural land", the words "proprietors, tenure-holders, *raiyats* and under-*raiyats* of certain agricultural lands" be substituted.

(The amendment was agreed to.)

Mr. PRESIDENT: The question before the House is: that the preamble and the long title, as amended, stand part of the Bill.

(The motion was agreed to.)

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, since it is a non-controversial Bill, and since its clauses have been unanimously accepted by the House, may I have your permission to move that the Bill, as settled in the Council, be passed.

Mr. PRESIDENT: The question before the House is: that the Bill, as settled in the Council, be passed.

(The motion was agreed to.)

Mr. PRESIDENT: Now we shall pass on to the next item of the business, namely, the Bengal Diseases of Animals Bill, 1944.

The Bengal Diseases of Animals Bill, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that the Bengal Diseases of Animals Bill, 1944, be taken into consideration.

Sir, this is a non-controversial Bill. It is meant to guard against epidemic diseases of the cattle and other animals. So I think there will be no controversy over its provisions. But there may be suggestions for providing changes here and there which we might consider if the Bill is sent to a Select Committee. I am prepared to accept the amendment of Mr. Nur Ahmed to send the Bill to a Select Committee for a month.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I gave notice of an amendment for the circulation of the Bill and my second amendment was to refer the Bill to a Select Committee. The Hon'ble Minister——

Mr. PRESIDENT: Rai Bahadur, you should speak from your own seat. Otherwise, I cannot hear you.

Rai Bahadur KESHAB CHANDRA BANERJEE: But, Sir, this is a self-allotted seat.

Sir, what I was going to say is this. My first amendment is for circulation of the Bill for eliciting public opinion thereon and my second one is for reference of the Bill to a Select Committee I now find that the Hon'ble Minister has taken up the other amendment of Mr. Nur Ahmed ignoring my first and second amendments. So I want to know from the Hon'ble Minister what objection can there be to my moving the motion for reference of the Bill to the Select Committee. I do not move my first amendment.

Mr. PRESIDENT: The question before the House is: that the Bengal Diseases of Animals Bill, 1944, be taken into consideration.

(The motion was agreed to.)

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I beg to move that——

Mr. NUR AHMED: On a point of order, Sir. I submit that this motion is not in order. The full quota of members from the Coalition Party has not been represented on the Select Committee. It should be at least 6 but he has included only 4.

Mr. PRESIDENT: I understand according to the quota to which the Coalition Party is entitled, excluding the Hon'ble Minister in charge of the Bill if he is a member of this House, is 5 whereas the number of members proposed to be put on the Select Committee from the party is only 3. Therefore, the amendment of Rai Bahadur Keshab Chandra Banerjee is not in order.

Mr. NUR AHMED: Sir, I beg to move——

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of order, Sir. I think there is not the requisite number of members form different parties on the Select Committee proposed by Mr. Nur Ahmed.

Mr. PRESIDENT: I think, it is quite in order.

Mr. NUR AHMED: Sir, I beg to move: that the Bengal Diseases of Animals Bill, 1944, be referred to a Select Committee consisting of—

(1) the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain, Minister in charge of the Agriculture Department,
(2) Mr. W. B. G. Laidlaw,
(3) Mr. Shrish Chandra Chakraverti,
(4) Mr. Lalit Chandra Das,
(5) Mr. Haridas Mazumdar,
(6) Mr. Khorshed Alam Chowdhury,
(7) Mr. Sultanuddin Ahmed,
(8) Mr. Moazzemali Chowdhury,

(9) Khan Bahadur Abdul Momin,
(10) Mr. Biren Roy, and
(11) the mover,

with instructions to submit their report within a month from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, as regards the principle of the Bill, there is no difference of opinion. Only I find there is some drafting mistake and that some addition should be made in the Bill. So I move this motion for reference of the Bill to a Select Committee so that the honourable members may get an opportunity of looking into the provisions of this Bill and also to make some additions if they think necessary.

Mr. PRESIDENT: Amendment moved: that the Bill be referred to a Select Committee consisting of—

(1) the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain, Minister in charge of the Agriculture Department,
(2) Mr. W. B. G. Laidlaw,
(3) Mr. Shrish Chandra Chakraverti,
(4) Mr. Lalit Chandra Das,
(5) Mr. Haridas Mazumdar,
(6) Mr. Khorshed Alam Chowdhury,
(7) Mr. Sultanuddin Ahmed,
(8) Mr. Moazzemali Chowdhury,
(9) Khan Bahadur Abdul Momin,
(10) Mr. Biren Roy, and
(11) the mover,

with instructions to submit their report within a month from the date of reference and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I rise to support the amendment moved by Mr. Nur Ahmed. I have gone very carefully through the provisions of the Bill, and have noticed certain glaring omissions. I think there is much scope for improvement of the Bill. Some of the powers sought to be given to the Veterinary Assistants will, I am afraid, operate harshly against the poor. If the Veterinary Assistants is an overzealous or dishonest officer, he can abuse his powers and harass the public. So far as I can see, the Bill drafted by the Hon'ble Minister is defective in some respects; there are also drafting mistakes. Therefore, necessary improvements could be made if the Bill were referred to a Select Committee. Certain powers which should not be exercised by the Veterinary Assistants have been vested in them, whereas these powers should legitimately be exercised by the Subdivisional Officers or other higher officers of the Veterinary Department of the Government.

With these words, Sir, I support the motion.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, on behalf of Government I may say that the Government have no objection to the Bill being referred to a Select Committee.

(The motion for referring the Bill to a Select Committee was agreed to.)

Mr. PRESIDENT: The next item of business is the Bengal Embankment (Amendment) Bill, 1944. But as we have not yet received previous sanction of the Governor, it cannot be taken up.

The House stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 24th March, 1944.

Members absent.

The following members were absent from the meeting held on the 23rd March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.

(2) Mr. Humayun Reza Chowdhury.

(3) Mr. N. C. Datta.

(4) Khan Bahadur Abdul Gofran.

(5) Maulana Muhammad Akram Khan.

(6) Mr. R. S. Purssell.

(7) Khan Bahadur Kazi Abdur Rashid.

(8) Mr. S. N. Sanyal.

BGP-44/5-2325A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 29.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 24th March, 1944, at 2-15 p.m., being the twenty-ninth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.), was in the Chair.

Long adjournment of the House.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, before you take up the business of the House for the day, may I submit that the business of the House will be at an end today because we have no further business at present and that the House may on that account be adjourned till the 17th of April?

Mr. PRESIDENT: I understand after we have finished today's business there will be no business for this House till the 17th of April. Of course, this will be announced in due course by the Chair at the end of today's sitting.

There are no questions today.

Mr. LALIT CHANDRA DAS: On a matter of information, Sir. May I refer to the statement circulated among the members regarding the number of outstanding questions, I mean questions which still remain unanswered by Government and the total number of which comes to 142? They are lying unanswered since the year 1941. For the year 1941 there is one question; for 1942 two questions; for 1943 75 and for the year 1944 sixty-four questions up to now, which total together 142. As many as 142 questions are, therefore, lying unanswered. And on the top of all this it appears that we have for today no questions to be replied to by Government.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, in accordance with the assurance I gave the Chair a few days ago, I have communicated to my honourable colleagues the fact that the House wants that answers to these long outstanding questions should be expedited.

Mr. PRESIDENT: It is highly desirable that you should realise, Khan Bahadur Sahib, that answers to these questions should be expedited as much as possible.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I quite realise that, Sir, and I have no doubt that my colleagues concerned will expedite the answers.

Mr. PRESIDENT: There is going to be a recess of three weeks and I hope that in the meantime all the answers will be made ready.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I will convey your observation to my colleagues, Sir.

Resignation from Select Committee.

Mr. W. B. C. LAIDLAW: I am sorry to put you to this trouble, Sir, but I would like to resign from the Select Committee on the Diseases of Animals Bill and if I may humbly suggest Mr. T. B. Nimmo's name in my place, I would like to do so.

Mr. PRESIDENT: I think that it is the practice in the House of Commons that any member may be allowed by the Standing Committee to resign from a Select Committee which has not yet started its work. So, there is no objection to your resigning from the Select Committee and under rule 123 of the Procedure Rules of this House I appoint Mr. Nimmo in your place on that Select Committee.

The Bengal Embankment (Amendment) Bill, 1944.

The Hon'ble Mr. BARADA PRASANNA PAIN: Sir, I beg leave to introduce the Bengal Embankment (Amendment) Bill, 1944. It is very short Bill.

Mr. PRESIDENT: The question before the House is: that the Hon'ble Mr. B. P. Pain be given leave to introduce—but has not the Bill been already published in the official gazette?

The Hon'ble Mr. BARADA PRASANNA PAIN: Yes, Sir, that is so.

Mr. PRESIDENT: Then no leave is necessary. You simply introduce the Bill.

The Hon'ble Mr. BARADA PRASANNA PAIN: That is what I am doing, Sir.

Mr. PRESIDENT: The Bill is introduced.

Amendment to rule 9 of the Bengal Legislative Council Procedure Rules.

Mr. HARIDAS MAZUMDAR: I beg to move that the following draft amendment to rule 9 of the Bengal Legislative Council Procedure Rules, be referred to a Committee under rule 110(*3*) of these rules, viz., "that if any member is unacquainted or not sufficiently acquainted with the English language he may speak in any other language."

Mr. PRESIDENT: Motion moved: that the following draft amendment to rule 9 of the Bengal Legislative Council Procedure Rules, be referred to a Committee under rule 110(*3*) of those rules, viz., "that if any member is unacquainted or not sufficiently acquainted with the English language he may speak in any other language."

Mr. W. B. C. LAIDLAW: Mr. President, Sir, I rise to oppose the motion for amendment of rule 9 of the Legislative Council Procedure Rules. I would point out that rule 9 in its present form has worked satisfactorily for a period of seven years. It was made by and with the approval of the members of this House. I would suggest that those rules of conduct, which by usage have proved to be satisfactory, are the most valuable and that changes should not be made without very careful consideration.

The requirement of section 85 of the Government of India Act, 1935, is that there shall be provision to enable persons not sufficiently acquainted with the English language to use another language and this House in

adopting rule 9 decided that the requirement of the Government of India Act in this matter could be carried out with the greatest degree of satisfaction to all of the members by giving the Chair discretion to allow a member to speak in a language other than the official language. The proposal now before us is to deprive the Chair of that discretion thus leaving it in the hands of a member to speak in any language he chooses. It would be open to a member to say that on a particular question he is not sufficiently acquainted with the English language to express himself on that question in the official language.

I want to emphasise the importance of maintaining an official language in speech and writing. Specially in India, any relaxation or abuse of the idea of an official language will tend to lead to the kind of conditions which supervened at the construction of the Tower of Babel. In other countries the importance of the language question is such that it finds its place in the Constitution and there are places such as Canada where there are more than one official languages. In Canada there are two—English and French, and all speeches and records are maintained in both languages. In South Africa English and Dutch are the official languages but in South-West Africa there is or was special provision for the use of German. In New Zealand where the official language is English, the Maori members of the Legislature are allowed to speak in Maori. In all these cases the official language is clearly defined and any departure therefrom is only conceded under strictly controllable rules.

It may seem a simple matter to the mover to relax the rule in the case of this House where members are likely to resort to one of, say, three languages; but I suggest to you that in this matter we must not be merely parochial. We have got to consider what would happen if all of the Provincial Legislatures adopted the course envisaged. In course of time the official language would fall into disuse and gradually the language commonest in each province would become the language of the Legislature. What happens in the Legislature and in the courts inevitably has its repercussions outside and if the different provinces started to use different languages in their official affairs it would be a bad day for those who are striving towards the unification of all-India or at any rate a great part of India under a Federal Government or Governments. With diversification of language would come disruption. At the Centre it would be quite impossible to recognise more than one official language and I suggest that our future representatives in the Federal Legislature should now begin by disciplining themselves to the idea of a *Lingua Franca* for all-India, perhaps one day for all countries in the world. I believe that to relax that discipline now in the manner proposed would be a retrograde step.

One further point the House must bear in mind: all that I have said has equal application: no matter what language might ultimately be chosen for all-India. I am not speaking on this subject merely because English happens to be my own language. The House has to decide that whatever be the all-India official language, members of all the Legislatures should be encouraged to try to use that language and only as a matter of courtesy should a departure therefrom be consented to by the Chair.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, I would like to support the motion of Mr. Haridas Mazumdar. He wants to refer this matter to a Select Committee to consider whether rule 9 of the Bengal Legislative Council Procedure Rules should be amended or not. Under rule 9 the discretionary power rests with the Hon'ble the President. The President will have to decide whether a member is sufficiently acquainted with the English language to carry on the debate in this House. Now, Sir, that rule has been sought to be modified in order that the members may choose their own language to deliver speeches in this House. This is, after all, a Provincial Legislature where the members are predominantly Bengalees. The President may think that certain members are sufficiently acquainted with the English language but it is for the members themselves to consider whether they would be able to express themselves fully and would feel more at home with the English language or with any other language. Some members might feel more at home to speak in their own mother tongue. It is something unnatural that in our own Legislature where we sit we would be debarred by the operation of a certain rule or section of the Government of India Act to speak in our own tongue. In fact, this rule is being relaxed in the other House, so much so that the members themselves choose their own line of action, whether they would speak in their own mother tongue or in English. Here I think the fear of the Tower of Babel will not arise; it would only mean that our English friends will feel some difficulty in understanding some of the speeches. Similarly, it may be said that when our English friends start speaking in this House, a large number of members find difficulty in following them. Sir, taking the situation as it is, namely, that it is a Provincial Legislature where members are predominantly Bengalees, it will be only fair and legitimate that they should have this liberty of speaking in their own mother tongue without any fetter being put upon their choice by the President.

Under these circumstances, it is a very reasonable proposition that this matter should be considered by a Select Committee of this House and when their report will be presented, it will be for this House to decide whether this rule would require modification or not.

With these few words, I support the motion of Mr. Haridas Mazumdar.

Mr. KAMINI KUMAR DUTTA: Sir, I rise to support the motion of my friend, Mr. Mazumdar. I think that the amendment proposed is more in consonance with the Statute than the existing rule. The amendment rather cures a defect in the rule as it exists. Section 85 of the Government of India Act, 1935, provides, first of all, that all proceedings in the Legislature of a province shall be conducted in the English language. Then, there is a proviso attached to it which says that the rules of procedure of the Chamber or Chambers and the rules, if any, with respect to a joint sitting, shall provide for enabling persons unacquainted or not sufficiently acquainted with the English language to use another language. So, the object of the Statute was to give the right to the member to speak in a language with which he is acquainted. But rule 9 of the Bengal Legislative Council Procedure Rules makes the exercise of this right of a member subject to the discretion of the Chair by adding that the President may permit him to speak in any other language. Of course, as a matter of

practice and convention in this House the President has always permitted members not sufficiently acquainted with the English language to speak in Bengali and in Hindi also. But in case the President refuses permission, which, of course, we do not apprehend, a difficulty may arise. Therefore, we should make the rule consistent with the provisions of section 85 of the Government of India Act, 1935, by making the right to speak in a language which is known to the member, when he is unacquainted with the English language or not sufficiently acquainted with the English language, an untrammelled one. The Government of India Act, 1935, clearly indicates that the rules must provide for such a facility to the members. This amendment would remove the lacuna and it would make the rule absolutely consistent with the provisions of section 85. It has been said by Mr. Das that in Bengal we have the right to speak in our mother tongue. In Bengal Hindi is also used by some sections of the public; so some members may speak in Hindi also. Generally speaking, the proceedings in a House of the representatives of the people ought to be in the language of the province so that the people at large of the province concerned may follow the proceedings. It is desirable that all proceedings in the Legislature of a province should be conducted not in the English language but in the language of the province; but we need not go so far. Let us be contented with the provision as it exists now in the Government of India Act that the proceedings shall be conducted in the English language, but at the same time when that section provides that right should be given to a member to use any other language, we should make that right an untrammelled one, without any restriction being placed in the exercise of that right. Therefore, I fully support the amendment proposed by Mr. Mazumdar.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would like to say a few words in support of the motion that has been moved by my friend Mr. Haridas Mazumdar. In doing so, I would begin by making a reference to section 85 of the Government of India Act, 1935, which has been already referred to by my friend Mr. Kamini Kumar Dutta. If we refer to the rules themselves it will be found that this rule is made by the Legislative Council under sub-section (*1*) of section 84 of the Government of India Act. If we look to sub-section (*1*) of section 84 which gives authority to frame the rules, we will find a further provision—I am reading the sub-section, which is as follows:—A Chamber of a Provincial Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business. It means, Sir, that whatever rule we may make, the rules must be subject to the provisions of the Act, and therefore *ex-hypothesi* the rules should be consistent with the other provisions of the Act itself. If we now look to section 85, we will find that section 85 is in these words: "All proceedings in the Legislature of a province shall be conducted in the English language, provided that the rules of procedure of the Chamber or Chambers, and the rules, if any, with regard to joint sittings shall provide—and this is mandatory—for enabling persons unacquainted or not sufficiently acquainted with English to use another language". Therefore, section 85 contemplates that it should not be left to the option of anybody and if any member is not

sufficiently acquainted with English, he is entitled, he has the right to use another language. The rules that are made by the Chamber should be consistent with the provisions of section 85 of the Government of India Act and that is made clear by section 84(*1*) of the Act which gives authority to enact these rules to a Provincial Legislature. I, therefore, submit for the consideration of the House that the motion brought by Mr. Haridas Mazumdar is not only necessary but it removes a defect in the rules which is there and which should be remedied by the Chamber.

Coming to the speech of my friend Mr. Laidlaw, I do not understand what objection he could have to the rule being altered in the way in which it is proposed. The only condition may be not to do away with the English language altogether but to give liberty to any member of this House to speak in any language he likes, if he thinks that he will not be able to express himself in the House in the English language. I do not know, therefore, why the honourable member of the European Group wants to raise on this question such an issue as the Federation for the whole of India, thereby mixing up the small issue which we are now discussing. As a matter of fact, I am of opinion that British people when they come to India and adopt a particular province as their own place of residence where they want to carry on their business should learn the language of the province in order to understand the people and carry on their business.

As a matter of fact, I know many Europeans speaking fluent Bengali. I hope Europeans coming to India should be sufficiently conversant with the Bengali language. So far as Hindi is concerned, there is no difficulty in understanding Hindi, because the Europeans always keep upcountry servants who are Hindusthanis: so they make themselves acquainted with Hindi. Then, Sir, the I.C.S. officers, before they take up the service, have to pass in the language of the province where they are posted. So the rule ought to be amended.

Mr. HAMIDUL HUQ CHOWDHURY: I think, Sir, that the amendment is misconceived and the arguments have not been properly appreciated. I will not talk of the sentiments and wishes of the members. But looking at the language of the section it is clear that there is a condition attached to section 85 of the Government of India Act for a person being permitted to speak in any language. That condition has to be fulfilled. Therefore, any rule which has the effect of making this condition absolutely null and void cannot fulfil the requirement of the section. My friend's amendment amounts to this—a person who is not sufficiently acquainted with the English language according to himself, can speak in any language he likes. In other words, there is no check on the person if he wants to assert that he is not sufficiently acquainted with English language in spite of the fact that he knows that language very well, and he shall be the judge of his own ability and nobody will be able to question him and even put him this question—are you not sufficiently acquainted with English—because there is no judge. Who will judge that? I think there must be somebody who will judge whether he knows the English language or not. What is the rule? Much has been made of the word "may". In interpreting, "may" is often interpreted as "shall". I think, Sir, that so far as this

rule is concerned, it should be read along with section 85 of the Government of India Act. That rule gives power of decision to the President. When a person is really unable to speak English he may speak in other language. But to decide whether that person really does not know the language, a tribunal is contemplated under the rule and the rule provides the President as that body. As soon as the President is satisfied under rule 85, he shall permit him to speak in other language. Therefore, the word "may" means "shall". It cannot go against the provision of section 85. With regard the word "may" in the expression "if the President is satisfied that he is unable to speak in English he may speak in any other language", the word "may" means "shall".

As soon as you accept the amendment of Mr. Haridas Mazumdar, section 85 would be nullified. It will be contrary to section 85. For instance, Sir, who will judge whether a member is sufficiently acquainted with the English language or not? He is his best judge. Only a tribunal can judge that and no other person can challenge him on that point. Therefore, the rule as it stands is perfectly in consonance with the provision of section 85.

Khan Bahadur M. A. MOMIN: Sir, may I speak a few words in this connection?

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. This amendment if it is allowed would be *ultra vires* of the Act. This matter should not be left to debating or voting. It is purely a matter for a ruling from the Chair. Mr. Hamidul Huq Chowdhury has already explained the implication of this amendment. So, it is a question of a ruling from the Chair.

Mr. PRESIDENT: If you want my ruling, then I shall have to consider this question fully. So, let the matter be postponed, so that I may go through it more carefully in the light of Mr. Hamidul Huq Chowdhury's observations and then give my ruling.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, do you propose to give your ruling without hearing us any more?

Mr. PRESIDENT: Let the matter be postponed now. We do not meet before the 17th April and when we meet we shall fix a date for the consideration of this matter.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I request you not to qualify your observations——

Mr. PRESIDENT: Before the Chair gives the ruling it is always the practice, if it is a complicated question, to hear what the honourable members of the House have got to say in the matter.

Mr. SHRISH CHANDRA CHAKRAVERTI: Yes, Sir, but not hearing only one or two members.

Mr. PRESIDENT: The matter is postponed.

The Hon'ble Minister for Civil Supplies will now make a statement regarding the shortage of coal as promised by the Hon'ble the Leader of the House on the adjournment motion of Mr. Haridas Majumdar.

Statement by the Hon'ble Minister for Civil Supplies on coal shortage.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, before I make the statement, may I tell the House without meaning any offence to the honourable members and particularly to Mr. Haridas Majumdar, that he need not exercise his ingenuity in discovering objects for adjournment motions when there is no reason for it. I realise that this House has not many opportunities for discussion of Government policy or for informing itself of how things are shaping. Therefore, I shall be most happy to accept short-notice questions and try to answer them to the best of my ability. I do hope, Sir, that honourable members will take this course in trying to elicit information from the Government rather than come before the House with adjournment motions for which there is no justification and which simply waste the time of the House.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I take strong exception to the remark made by the Hon'ble Minister. He means to say that the Opposition moves an adjournment motion only to waste the time of the House.

Mr. PRESIDENT: Mr. Chakraverti, you should not disturb or interrupt the Hon'ble Minister.

Mr. SHRISH CHANDRA CHAKRAVERTI: But can he go on expressing such remarks unrestrained?

Mr. PRESIDENT: He is quite justified in expressing his views; but so long as he does not use unparliamentary expression or makes any observation casting reflection on the members of the Opposition generally, I cannot stop him.

The Hon'ble Mr. H. S. SUHRAWARDY: I am thankful to Mr. Haridas Majumdar for he has given me an opportunity of placing before this House and before the public certain factors relating to the coal situation in Bengal. Now, Sir, the responsibility of this Government only arises after the coal is delivered, and therefore for distribution only. We make arrangements for distribution on certain lines depending upon the receipt of certain quantities of coal; and if those quantities are not delivered to us, it is clear that the distribution must go awry. For distribution the following factors have to be considered with which this Government have no concern at all. They are: adequate raising of coal in the coal fields after which wagons have to be made available in the coal fields for loading; then those wagons have to be loaded and thereafter the railways have to move the wagons, and thereafter only it comes to us. How much will come to us will depend again on the allotment of the provincial quota of wagons by the Coal Controller, and also on the actual allotment of wagons to the parties that may be recommended by the Provincial Governments. Now, Sir, this is a matter which rests entirely with the Coal Controller who is an officer of the Government of India and not of the Government of Bengal. The arrivals have been extremely inadequate and irregular, and, Sir, more than that the quota allotted to the province has been most inadequate in spite of the protests that we have made. In 1943, the quota allotted to Bengal was 3,600 wagons. In November, 1943, the quota was reduced to 2,000 wagons; and when we protested vigorously the Coal

Controller was kind enough to increase the quota by just 100 wagons. Now, Sir, in March, 1944, the quota has been reduced to 1,942 wagons of which we understand that 900 wagons are for Calcutta. This I understood up to this morning. Looking in today's newspaper, I found that the Coal Controller has stated that he is going to send 25 wagons a day to Calcutta which means 750 wagons per month which is a discrepancy I have not yet been able to reconcile. Now, Sir, even on the basis of 900 wagons we have got in January only 611 wagons, in February, 528 wagons, and in March, up till the 23rd, 479 wagons only. Therefore, Sir, there is bound to be shortage of coal in Calcutta, and there is bound to be difficulties in distribution, and the distribution arrangements that we have made cannot possibly stand up to this shortage. We have recently made certain arrangements to expedite arrivals. On occasions there has been congestion in the railway yards at Chitpur, and the Coal Controller has made this a ground for moving coal from the collieries to the various sidings. In order to prevent this we have made arrangements with him that when there is congestion in the Chitpur yards, he will move coal to Howrah, but he should not hold up wagons on any account. Further, to obviate delays that occur when only one wagon has to be moved, we have arranged with him that, instead of moving individual wagons, he will move half-rakes to us. This scheme has borne fruit, as I can show from the figures. On the 17th March we had 15 wagons, on the 18th 10 wagons, on the 19th 13 wagons, on the 20th 6 wagons, on the 21st 1 wagon only, on the 22nd 15 wagons, and on the 23rd, the day since which this scheme has come into operation, we got 79 wagons. In order to relieve fuel shortage, I am also making arrangements to import wood fuel at cheap rates from Jhargram and other places in the Midnapore district. (Mr. HUMAYUN KABIR: How have you solved the transport difficulty in this case ?) I think that the wood fuel and coal have obtained such a priority that the railways have promised to give us the wagons.

Mr. SHRISH CHANDRA CHAKRAVERTI: May I ask the Hon'ble Minister through you, Sir, if he thinks that this supply of wagons will be sufficient for Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: I have reiterated several times that the supply is most inadequate for Calcutta and certainly inadequate for Bengal. There is a severe coal shortage in the province; but it is not for me to say whether the view-point of the other side is answerable or unanswerable. The view-point of the other side is that the supply of coal and wagons must be conditioned by ability to move and the general restrictions and disabilities arising out of the war situation.

Mr. HARIDAS MAZUMDAR: Sir, in view of the statement just made by the Hon'ble Minister, I shall have to put some questions to him to satisfy the House with regard to the attempts made by the Government of Bengal to relieve the distress, I mean, the coal famine in Calcutta, particularly as regards soft coke. I, therefore, think that a day should be allotted for the discussion of this very important subject when I shall formally press my adjournment motion to be moved in due course. Besides, the Hon'ble Minister has admitted his failure to supply coal.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, after the very long statement that I have made and after I have taken the House so fully into confidence as regards the coal position, I do not know how the question of an adjournment motion really arises. What, Sir, is the use of a prolonged discussion again on the matter and what does the honourable member mean by saying that he would like to know what attempts are made or have been made to procure wagons etc., and whether the promise of the Coal Controller can be relied upon. Sir, if the Government of Bengal had not made any attempts, how could they at all have got any wagon? Sir, we watch the situation closely and resist any attempts on the other side to cut down our quota of wagons, sometimes successfully and sometimes the reverse. Honourable members will surely remember the attempts which I made—it was, I claim, an ingenious plan—to secure more coal when the whole coal position had collapsed sometime ago. I personally put myself in touch with all relevant officers, the Coal Controller, representatives of the East Indian and Bengal and Assam Railways, transport authorities, and river carrying companies, in order to carry coal *via* Azimganj from one side of the river to the other and from one railway system to another. I managed to get a good deal of coal and the situation was relieved at once. But as soon as this method of coal supply was found to be successful, super-priorities stepped in, took advantage of the system and deprived us of our coal. I claim, Sir, that the Government of Bengal is fully alive to the situation.

(At this stage the Hon'ble President vacated the Chair.)

Mr. HAMIDUL HUQ CHOWDHURY: May I suggest to my friends opposite that we on this side of the House also feel the acute situation that has arisen, because every one is suffering and suffering very acutely. After hearing the Hon'ble Minister in charge of the Supply Department it is clear that the supply of coal is still becoming worse and he has explained that the primary difficulty is created by authorities other than the Government of Bengal and that the Government of Bengal has been doing everything possible and will continue to do its best. In that view of the matter, the adjournment motion may be withdrawn, after a record being made that the House strongly feels the acuteness of the situation created by the coal shortage in the province without reference as to who is responsible for this.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: I would like to have some information regarding local irregular distribution. I speak more from personal experience——

Mr. DEPUTY PRESIDENT: Order, order. You ought to have raised that question immediately after the statement of the Hon'ble Minister-in-charge of Civil Supplies.

Mr. HARIDAS MAZUMDAR: In view of my friend Mr. Hamidul Huq Chowdhury's suggestion that the House keenly feels, the acute shortage of coal supply and that Government are practically not at all satisfied with the state of affairs, I beg to withdraw my adjournment motion.

Mr. DEPUTY PRESIDENT: Order, order. The House will now take up discussion of Non-official Resolutions.

NON-OFFICIAL RESOLUTIONS.

Enquiry in Campbell Medical School strike.

Mr. KESHAB CHANDRA BANERJEE: I beg to move that this Council is of opinion that a Committee consisting of officials and non-officials be appointed to enquire into the causes of the recent strike by the students of the Compbell Medical School, Calcutta, and to make recommendations with a view to the prevention of its recurrence in future.

Sir, it may be argued by the Hon'ble Minister in charge of the department or by some one of his colleagues that the subject-matter of the resolution has become stale and is no longer of any public interest in view of the settlement of the strike and the reopening of the school on the 27th January last after a period of five weeks during which it remained closed under the orders of the Government. In fact, I gave notice of the resolution before the matter had been settled, when the piquant situation that arose in consequence of the strike was still continuing. The resumption of the normal activities of the school is no proof of the fact that the causes which led to the strike had been removed and that it would not take place again in future.

Sir, if we look into the aetiology of this tumult, we find that it arose out of certain essential things not being provided for in which the students and their guardians are vitally interested. The most important of these are the inadequacy of teaching arrangements, the unsatisfactory boarding and lodging arrangements and thirdly, the absence of proper facilities and adequate protective measures for the A. R. P. personnel.

Sir, I wish to make it clear at the outset that I am not a supporter of acts of indiscipline or insubordination on the part of our boys or, for the matter of that, of anybody. I am no believer in the cult of strike as a weapon to wrest from the authorities undue privileges and concessions; but there are strikes and strikes. Some of these may be based on imaginary grievances or misunderstanding of the intention of the authorities and some on real disabilities suffered by those who failing to get redress resort to this method of protest. It is to find out the causes of the recent strike of the students of the Campbell Medical School and to devise means for its prevention in future that I urge the appointment of an impartial committee of enquiry. I learn from a reliable source that the strike resulted from the real grievances of the students. A member of the teaching staff of the Jagannath Intermediate College, Dacca, was for a long time an indoor patient of the hospital. Both he and some of his fellow-patients, the reliability of whose evidence cannot be questioned, and who can bear testimony to all that had happened, were undergoing treatment in the hospital at that time. Not only the students of the school were dissatisfied with the behaviour of the Superintendent and the Deputy Superintendent, but the public had also complaints to make against the manner in which the patients were being looked after.

Now, Sir, so far as the students were concerned, they failed to get any remedy at the hands of the Superintendent and of the authorities in charge of the Medical Department of Government. So, as the last resort they decided to go on strike. They approached the Superintendent in the first instance, then the Surgeon-General and finally the Hon'ble Minister in

charge of the Local Self-Government and Public Health Department. The Surgeon-General was, of course, pleased to grant an interview to two representatives of the students, but it is understood that no assurance was given that their complaints would be looked into. Then, the students approached the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad, the Minister in charge of the department concerned who, instead of giving them a sympathetic hearing, accorded them a cold reception and is reported to have gone even to the length of reproaching them. This precipitated the crisis culminating in the strike in the third week of November. Sir, the situation was not properly dealt with. For, if it had been handled tactfully, the crisis might have been averted and the patients of the hospital would have been spared the sufferings and hardships which they had to undergo in consequence of the strike.

Sir, I am not here to defend the strikers if they were in the wrong. I am anxious to see justice being meted out to those who were responsible for wilful neglect of duty, indifference and malpractices within the precincts of the hospital and outside. Sir, of the three points to which I referred at the outset, the most important is the inadequacy of arrangements for teaching. Some of the members of the staff were useless as teachers. They had no capacity to make their lectures really interesting to the students. It was due to defective method of teaching that the students lost confidence in themselves—students who might otherwise have done well in their examinations. I do not mean to say that all the members of the teaching staff must be efficient teachers. At any rate, a fair proportion of them should be able to teach well, otherwise the result of the school is bound to be unsatisfactory. Then again, the popular complaint is that the right type of candidates are not selected for admission into the school. There is no doubt a Selection Committee appointed by Government every year, but political considerations weigh more with the Ministry than anything else in the matter of the constitution of these committees. This is also partially responsible for the bad results. To my mind, a panel of successful teachers should be prepared by the Medical Department of the Government from which a suitable number of teachers should be deputed to every medical school in Bengal. Besides ensuring uniformity, it will raise the standard of teaching and create interest and confidence in the minds of the students.

The next question I would like to mention is the unsatisfactory character of their lodging arrangements. No separate boarding house exists for the students of the Campbell Medical School like the students of other institutions in the city and in the district of towns of Bengal. They have, therefore, to live in private hostels and messes with officers, businessmen and students of other educational institutions. Sir, during the last food crisis the students had to suffer untold inconvenience. As is well known, the medical students have to attend to their duties in the hospital at odd hours, and sometimes they have to join their duties without taking their meals; and when they come back from the hospital, they find to their utter chagrin that no proper arrangements were made for their meals. If they had separate boarding houses for themselves, they would be able to adjust their routine according to their convenience. Then, Sir, the A. R. P. arrangements to which I have already referred are inadequate. There is no

proper shelter or refuge room. The slit trenches which exist are unsatisfactory for being used as shelters on the sounding of the siren. Sometimes, frogs are seen leaping about and the trenches are sometimes used by the menial staff for purposes other than those for which they are intended. These were the main grievances of the students not to speak of the public complaints to which I shall presently refer.

Sir, the strike was in the beginning confined only to the students of this school, both male and female, but as it was allowed to continue, it ultimately affected other institutions as well, and the students of the mufassil schools and colleges also joined in the strike out of sympathy for the students of the Campbell Medical School. Now, Sir, the serious charges against the Superintendent and the authorities in September last, through certain members of the Legislative Assembly, who were also holding responsible positions in the Government—charges of corruption and maladministration in the school—went practically unheeded. No notice was taken of the complaints. The inactivity of the Surgeon-General's office and the way in which the department proceeded in the matter had the inevitable effect of encouraging rather than discouraging dishonesty. Sir, facts were suppressed and the whole thing was hushed up. Government thus stand discredited for the conduct of some of their dishonest officials. It is unfortunate that the administrative heads have the peculiar tendency of shielding their subordinates and of acting on their advice without proper enquiry, even when the persons complained against are suspected to be guilty.

I will now mention *seriatim* the charges that have been levelled against the administration of the school. The first charge is the curtailment by the Superintendent of the diet of certain patients admitted to the hospital through a member of the staff with whom he (the Superintendent) had personal differences. A Chinese patient admitted in October, 1943, was given the usual diet worth three to four rupees per diem, whereas the other cabin patients who obtained admission with the help of the doctor with whom the then Superintendent was not on good terms were made to suffer in the way indicated. Then, again, the little diet that was supplied to the patients was of a very inferior quality and unfit for consumption. The second charge is the surreptitious removal of food articles such as rice, *dal*, onion, potato, salt, etc., stocked by Government for the use of the menials in an emergency, namely, during air-raids. The menials would have borne testimony to this if an enquiry had been made at the proper time. The authorities were informed that if the stock was examined without giving previous notice, the real position could be ascertained, but unfortunately nothing was done. The stock of food articles was kept in the compound of the nurses' quarters for daily sale to the menials. Several bags of rice out of this stock, it was alleged, had been secretly removed by the Deputy Superintendent at different times covering a long period. He was reported to have been caught red-handed by the menials on one occasion in the presence of some doctors and students: this could be easily verified if a prompt enquiry had been held. Another serious charge brought against the Deputy Superintendent was that he was in the habit of removing daily from the hospital foodstuffs for his own household consumption. The third charge is that the Deputy Superintendent was running a sweetmeat shop

in Premchand Boral Street in *benami*. He had a medicine shop in Khengrapatti by the name and style of "P. M. Brothers" or something like that from which medicines used to be supplied to the Campbell Medical School Hospital. Medicines were also reported to have been taken from the hospital stock for sale to the public through this pharmacy. The quality of food supplied by contractors was had and the quantity less than what was sanctioned. It is further reported that the Deputy Superintendent used to share profits with them——

Khan Bahadur M. A. MOMIN: How do you know it?

Rai Bahadur KESHAB CHANDRA BANERJEE: That is the report and hence the necessity for an enquiry. There are other allegations against his conduct and relations with the nurses and students which might be revealed on enquiry. Sir, the seriousness of the allegations can be easily realised. The Superintendent is said to be well aware of these facts; but he used to shield the Deputy Superintendent, his protegy.

Sir, on the 21st March in reply to supplementary questions asked at another place, a certain Parliamentary Secretary gave evasive replies. It was quite apparent from the supplementary questions put to him that the Government were trying to avoid the real issue. What we want is to put a stop to such unsatisfactory state of things. It is not my intention to cast any unmerited aspersions against anybody. I, therefore, urge most strongly the appointment of an impartial committee which alone would be able to find out the truth or otherwise of the allegations levelled against the administration. I cannot understand why the Surgeon-General's office or for the matter of that the Government ignored the allegations without proper enquiry. It was not before a couple of months had elapsed that the Government was roused from their slumber. What enquiry, if at all, Government made departmentally, we do not know. But that enquiry had the effect of stiffening the attitude of the head of the institution with the result I have already indicated. Both the Government and the students being involved in the matter, an impartial enquiry has become necessary.

With these words, I commend my resolution to the acceptance of the House.

Mr. DEPUTY PSESIDENT: Motion moved: that this Council is of opinion that a Committee consisting of officials and non-officials be appointed to enquire into the causes of the recent strike by the students of the Campbell Medical School, Calcutta, and to make recommendations with a view to the prevention of its recurrence in future.

Mr. BANKIM CHANDRA MUKHERJEE: Mr. President, Sir I would like to support the resolution that has been moved by Rai Keshab Chandra Banerjee Bahadur with regard to the incident that happened in the Campbell Hospital. To support his resolution he has cited many facts and figures which, if true, indicate a disgraceful state and it is, therefore, necessary that in order to get at the circumstances which really led to the events, an enquiry should be started so that the matter may not be repeated again in the future. It is necessary not only for the purpose of the proper administration of the school itself but also to ensure harmony between the students and the school authorities, so that work may go on smoothly and there may not be any complaint of the nature which led to the strike.

With these few words, I support the resolution.

Mr. AMULYADHONE ROY: Mr. President, Sir, I have heard with attention the speech delivered by Rai Keshab Chandra Banerjee Bahadur. My friend Mr. Bankim Chandra Mukherjee has stated that the Rai Bahadur has given facts and figures which cannot be challenged. But, Sir, I am unable to say whether those facts and figures can be challenged or not. However, I am definite that the allegations are such that a committee of enquiry should be appointed by the Government. Recently, Sir, corruption has crept into the administration from top to bottom and the Government of their own motion has started enquiry into many cases and reports have already been submitted by their officers recommending many cases of suspension and commissions. But, Sir, unfortunately, the Government is sitting tight over the matter. There are cases where gazetted officers have been found guilty of corruption. Inspectors belonging to the Criminal Investigation Department have made thorough enquiries and they have already submitted reports for suspension of these officers, but up till now we do not know whether any commission has been appointed and whether these officers who have been found guilty by the departmental authorities have been brought before the commission. Allegations made by the Rai Bahadur are so serious that no civilised Government should shrink from making an enquiry and I hope, Sir, the Government will not oppose the resolution, but accept it without any rider. With these words, I support the resolution.

Mr. KAMINI KUMAR DUTTA: Sir, before I had listened to the statement made by Rai Keshab Chandra Banerjee Bahadur, I did not think the resolution to be of a very serious nature at all. But after listening to the various instances of corruption and delinquency so definitely and specifically stated, it seems that the matter is a very serious one and it will be the duty of the Government to fully enquire into the truth or otherwise of the allegations. The allegations made are not of a general character but they are of a definite and specific character,—definite as to the facts and definite as to the persons against whom accusations have been made. Of course, persons against whom allegations have been made have one extenuating fact. They may say: well, we are not the only persons guilty of corruption or guilty of indiscipline. A wave of jobbery and corruption is sweeping over the country and we ought to be included in the list of those who have been connived at.

Apart from this, there seems to be no other extenuating fact. Now, this resolution relates to the hospital and the management of the hospital. Even in this time of cruel war, prisoners of war are also treated well by their enemies; but here in the civil hospitals it is very strange that such things can happen. The allegations made are not only of great indiscipline but of moral turpitude also. So I do not think this resolution does require further speech from me to commend it to the acceptance of the House. It simply asks for the appointment of a Committee to enquire into the accusations against the officer who holds a responsible position; and considering the position of the man against whom the allegation is made, the nature of the accusation and the incident regarding which this accusation has been made, I think the House would agree to the appointment of a Committee to enquire fully into the whole matter.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, it is my misfortune that I have to give reply to the resolution in the absence of the Minister in charge of the Department.

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of order, Sir. It is desirable that the Hon'ble Minister in charge of the department concerned should be present here to reply to the various points raised in connection with this resolution. The Hon'ble Leader of the House not being acquainted with the facts will not, I am afraid, be in a position to furnish correct information in regard to the points to which reference has been made. There is a definite allegation against the Hon'ble Minister in charge of the Public Health Department that when the students approached him he treated them coldly and even scolded them. These are the charges which the Hon'ble Minister alone is competent to answer.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I can reply in general terms to the various allegations that have been made, but I cannot reply to the details. So it is for you to consider whether it should be postponed or not.

Mr. AMULYADHONE ROY: Are you going to support the resolution?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, I have been instructed to oppose the resolution.

Mr. MESBAHUDDIN AHMED: Sir, when the Hon'ble Minister concerned is absent, let it stand over.

Mr. LALIT CHANDRA DAS: Sir, will you permit the Hon'ble Leader of the House to reply to the resolution while the Minister in charge is absent? A suggestion has been made by the Chief Whip of the Government that it should be held over.

Mr. DEPUTY PRESIDENT: A very pertinent question has arisen. It is really unfortunate that when the House sits for transaction of business the Hon'ble Ministers remain absent. Now, there are certain practical difficulties for which the discussion of this resolution cannot stand over. As a result of ballot it has been the first subject to be discussed. Now, if we adjourn the discussion of this resolution, either I shall have to adjourn the House immediately.....

Mr. HAMIDUL HUQ CHOWDHURY: May I submit, Sir, that this House certainly has got the inherent power to decide whether it shall take the subject today or shall pass on to the next subject?

Mr. DEPUTY PRESIDENT: Order, order. I am afraid I have not been clearly understood. Mr. Mesbahuddin Ahmed stood up and said that the resolution should stand over but the difficulty is that on the next non-official day this resolution may not be the first subject to be discussed.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Since the resolution has been part-heard, what is the objection to take the matter up as the first thing on the next non-official day?

Mr. HAMIDUL HUQ CHOWDHURY: I think the rules will not stand in the way. Under the rules, a number of members can always secure

priority for a particular motion and have it taken up the first thing on the next non-official day.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If the House unanimously agrees to this course, then certainly that can be done.

Mr. SHRISH CHANDRA CHAKRAVERTI: Are you prepared to move a resolution to this effect?

Mr. BANKIM CHANDRA MUKHERJEE: Rule 94 may be applied in this case.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I am surprised at the attitude taken up by Mr. Hamidul Huq Chowdhury, who wants to postpone consideration of this resolution and pass on to the next item.

Mr. LALIT CHANDRA DAS: No reason has been assigned as to why this resolution should be postponed. Only Mr. Hamidul Huq Chowdhury from the Government Party stood up and said "let this resolution be postponed" and attempts are accordingly being made to postpone it. We have read in Shakespare's Julius Caesar, Sir, that Julius Caesar's appearance in the Senate was going to be postponed till "Caesar's wife shall meet with better dreams". So, here, also are you going to wait till the Hon'ble Public Health Minister has better dreams and chooses to make his appearance in this House and give a reply?

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I definitely suggested that this resolution which has been part-discussed be adjourned till the next non-official day and that it should be taken up as the first item on that day.

Rai Bahadur KESHAB CHANDRA BANERJEE: Thank you, I am very sorry I misunderstood you.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, is it permissible under the rules to set this item down to be taken as the first business on the next resolution day?

Mr. BANKIM CHANDRA MUKHERJEE: As I have said, rule 94 applies in this case. This rule requires the consent of 23 members to take a matter out of turn. I think 23 members will be forthcoming to do so, and we may agree that this resolution be postponed till the next resolution day.

Mr. DEPUTY PRESIDENT: Mr. Mukherjee, are you in favour of adjournment?

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir.

Mr. DEPUTY PRESIDENT: May I take it that it is the unanimous desire of the House that consideration of this resolution should stand over till the next non-official day?

Mr. SHRISH CHANDRA CHAKRAVERTI: Yes, Sir, provided it be taken up as the first item on that day.

Mr. DEPUTY PRESIDENT: Yes, certainly, that was the suggestion made by Mr. Hamidul Huq Chowdhury.

Encouragement of sugar industry.

Mr. NUR AHMED: I beg to move that this Council is of opinion that the Government of Bengal be urged upon to adopt all feasible measures

to encourage and help the sugar industry, both in cottages and in small factories, in Bengal.

Sir, I have come before this House with a resolution the subject-matter of which has become very important. This resolution deals with a very simple matter, namely, sugar industry. As regards sugar industry, Bengal was once famous for sugar and sugarcane. From the early history of this industry, it appears that Bengal was once famous for this industry. From reports of the foreign travellers we find that in Bengal the sugar industry was widely developed and Bengal used to export sugar to Iran, Iraq, Arabia and many other countries of the world. Mr. C. W. E. Cotton in his Hand-book of Commercial Information says that India was the original home of sugar. Sir John Colebrooks in his treatise "Husbandry of Bengal" says—sugarcane grew profusely in Bengal and from India it was introduced into Arabia and from Arabia to Europe and Africa. The districts of Midnapore, Birbhum and Rangpur were specially famous for sugarcane. Bengal's sugar trade was very flourishing during the time of the East India Company between 1674 and 1680, when white sugar was purchased by the Company from Bengal for being exported to Europe. Before this, the Portuguese used to export sugar to Europe. According to Bernier, sugar industry was well-developed in Bengal; between 1830 and 1832 Bengal's sugarcane and sugar was as good as those of the West Indies. Bengal's sugar trade was restricted by imposition of heavy duty in order to encourage sugar industry in the West Indies. For example, it appears that whereas the duty on imported sugar of West Indies was 15 shillings per ton, in the case of Bengal sugar it was £37-16-3 *ad valorem*. So, it will be seen that Bengal sugar received a set-back. But this restriction was withdrawn in 1837 and as a result Bengal's sugar trade revived. In 1830-31, the quantity of sugar exported to England was 218,915 maunds and to other countries 595,856 maunds of the total value of Rs. 67,18,911. In 1845-46, the export to England again rose to 1,831,263 maunds worth Rs. 179 lakhs. Restrictions were re-imposed in 1846 as a result of which the sugar trade of Bengal was ruined. According to the latest figure, we find that Bengal's estimated quota of production was 55,000 tons and last year Bengal produced only 14,000 tons of sugar. Bengal's total estimated requirement of sugar is 195,000 tons of which Bengal can produce only 12,000 tons and the rest has to be imported from other provinces. Sir, sugar has become a very covetable commodity now-a-days. If we compare the production of other countries, we find India has got the first place but what is the position of Bengal. As regards the figures obtained in 1938-39, India produced about 40 lakhs of tons of sugar, whereas Cuba produced 2,750,000 tons, Russia—2,260,000 tons, Germany—2,097,000 tons, United States of America—974,000 tons, Philipines and Java—1,500,000 tons: so India was first in world production.

Bengal's production as compared with the other provinces is the lowest, though Bengal has got unique advantage in the matter of the production of sugarcane and sugar. Sir, Bengal produces only 3 per cent. of her own requirement whereas her consumption is 13 per cent. of India's production. Sir, the Bengal peasant is very much accustomed to the method of production and also cultivation of sugarcane. The question of sugar industry in Bengal came up for consideration by several committees in the past. In

1920 it was considered by J. Mackenna Committee and also by another committee in 1930 as well as by the Tariff Board in 1931-32; but unfortunately none of these committees went into the question of the cultivation of sugarcane. They held that owing to the cultivation of jute and shrinkage of the acreage of sugarcane, Bengal is not suitable for development of the sugar industry. But we find that from the economic point of view these industries have become very important for Bengal. Of course, the acreage of sugarcane in Bengal has dwindled owing to the cultivation of jute; but the cultivation of jute has been restricted and larger areas have been now released for the cultivation of sugarcane. As compared with the United Provinces, Bengal produced 3,000 lbs. per acre of sugarcane cultivation, whereas the United Provinces produced only 2,000 lbs. per acre.

As regards the cost of *gur*, Bengal's cost has come down to Rs. 2-3 per maund, whereas in the United Provinces it is Rs. 2-14 and in Bihar it is Rs. 2-7. Therefore, Sir, from every point of view Bengal is the most suitable place for the development of this industry.

Then there is another point. This industry can solve the unemployment problem to a great extent, because both in the factory stage and as a cottage industry a huge number of men can be employed. In 1935-36, 8 crores and 33 lakhs of rupees were paid as price of sugarcane to the sugarcane-growers who had to maintain about 22 lakhs and 60 thousands of workers. One crore of rupees was paid to the workers in factories, and 2½ crores of rupees were paid to Government railways, and one crore was paid for the purchase of indigenous products, such as, lime, sulphur, bags, manure, etc. The sugar industry employed 2,000 science graduates, 10,000 educated workers, one lakh skilled labourers while the *gur* industry employed about one crore and 2 lakhs of persons and 50 lakhs in secondary industries: in all, 180 lakhs of persons are employed in this industry in India. Sir, in 1931-32, there were only 32 sugar factories in India, but these increased in the year 1938-39 to 140. In the United Provinces in that year there were 72 factories, in Bihar there were 32 factories whereas in Bengal there were only 10 vacuum factories. Bengal's position is very low in comparison with the other provinces. It is admitted by Government that there are elements in Bengal which are favourable to the growth and development of the sugar industry. The Bengal cultivators are accustomed to growing sugarcane and they are also accustomed to the use of modern implements and modern methods. It appears that in Bengal there are in use about 40,000 Renwick's sugarcane crushing machines and about 30,000 Renwick pans. Bengal's way of crushing sugar into *gur* is very simple. A simple machinery which costs little can be prepared and has been prepared at an economic price. Comparing Bengal's products with those of other countries, it is very necessary that Bengal's workers should be encouraged. This sugar industry may help the growers and cultivators in more than one way. It is said that the cultivation and production of sugar help the cultivation of paddy, by increasing the yield per acre. It will supply fodder for the cattle and will also employ cultivators during the time when he has got no paddy crop or other crops to look to. It will also supply the cultivator with cash money; for with the price that he gets for his sugarcane he can purchase his necessaries of life. This industry will help him in many

other ways. I am fully conscious of the fact that the Government of Bengal has provided about 12 lakhs of rupees by way of subsidy to the sugar industry in Bengal in order that the cultivators may grow more and more sugarcane. As regards that, my submission is that that money should be supplied by the Government of India. Bengal's exchequer should not be depleted by that amount because restriction in price has been fixed by the Government of India. The result of this restriction is that Bengal's sugarcane-grower has been affected and therefore I submit that it is the duty of the Government of India to pay the sum required to encourage and help the sugarcane-growers of Bengal. My resolution is very simple and I have given facts and figures to show that Bengal should now make a serious attempt to develop this industry now that the jute cultivation is being restricted under direction from the Government. With these words, I commend my resolution to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Resolution moved: that this Council is of opinion that the Government of Bengal be urged upon to adopt all feasible measures to encourage and help the sugar industry, both in cottage and in small factories, in Bengal.

Mr. KAMINI KUMAR DUTTA: Sir, I have great pleasure in supporting this resolution which has been moved by my friend Mr. Nur Ahmed. Indeed, his speech on the subject was an illuminating one. It contains useful statistics and the history of the whole trade. I can say that I am personally very much benefited by his speech and I have learned something new from it. What does his speech reveal? It reveals that in the year 1830 Bengal occupied the foremost position so far as the sugar industry is concerned; but now it is the last. So it cannot be said that the province has not the capacity. The country has the capacity but the reason for its decline must be sought elsewhere. Even at the present moment, while in the sister provinces of the United Provinces and Bihar, progress is being made in this industry, Bengal is lagging behind. So far as this industry is concerned, it will not only help the cultivators but it will also be another commercial crop so to speak. I may go further and say that this industry will help the labour and also the educated people in the shape of a demand for technicians. So, I fully support the resolution of my friend Mr. Nur Ahmed.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, I am very glad to welcome this resolution and I am also happy that the honourable mover of this resolution has given many facts in order to emphasise the need and importance of the development of this industry. So far as Government are concerned, I can assure that they are fully conscious of the importance of this industry. Their only difficulty is that when they proceed to assist this industry and take steps to stimulate the industry they are being charged as going to do something for the vested interests. I want to tell you that the Sugar Enquiry Sub-Committee of the Bengal Food Survey Committee was entrusted with the task of making enquiries regarding the position of the sugar industry in all its aspects—a survey of the present condition and future prospects of the industry as well as a comprehensive scheme for its development. Government accepted one of the most important recommendations of the Committee, namely, the setting up of a Provincial Sugar Board and has actually constituted a Board by a resolution,

dated the 17th September, 1943. I should like to read out the functions assigned to this Board, as they would indicate the importance that Government attach to this Advisory Board—

(1) development of sugarcane cultivation in Bengal in the best interests of the growers, the industry of the province including experiments in respect of varieties of cane, manures and methods of cultivation and control, and prevention of pests and diseases;

(2) formulation of scheme for better organisation of cane-growers, co-operative or otherwise, and for irrigation and drainage with a view to fostering the development of cane cultivation;

(3) development and improvement of communications and transport facilities for sugarcane, *gur*, sugar and bye-products of the industry;

(4) sale and purchase of sugarcane including the determination of proper prices of cane to be paid to cultivators from year to year according to the crop condition and the prospects of the sugar industry, organisation and methods and the terms and conditions thereof including the prevailing system of weighment and allowances and maintenance of healthy relations between growers of sugarcane and sugar factories in Bengal in the mutual interest of both growers and manufacturers;

(5) determination of zones, if necessary, as between diffeffrent factories and as between mill agents and co-operative unions;

(6) development of the sugar manufacturing industry on sound lines in all its aspects, including the best utilisation of bye-products of the industry;

(7) development of *gur* manufacturing industry specially in areas where there are no sugar factories;

(8) marketing of the products and bye-products of cane, sugar and *gur* and safeguarding the interests of these industries in Bengal against competitions both internal and external prejudical to their development;

(9) Dealing with such other matters as may be conducive to the development of sugar and *gur* industries on proper lines.

Sir, I have read out the terms of reference of this Board just to emphasise the fact that Government expect the Board to advise the Government in taking all steps necessary for the development of this industry. With the setting up of this Board, one very important question arose, namely, the very low price of sugarcane that was paid last year. The House knows very well that the price of sugar is fixed by the Controller of Sugar and naturally the prices of the raw materials have got to be adjusted according to the fixed price of the finished good, namely, sugar. Mills in Bengal, as soon as we came into office, approached us and said that on the basis of the price fixed last year they could hardly manage to pay more than 10 annas per maund of sugarcane and although there was an expectation that the Controller was going to raise the price, the mills thought that the price will not be raised sufficiently and so it would not be possible for them to pay more than 12 annas for the sugarcane. They also said that on the basis of 12 annas they were certain that there would be no sufficient supply of sugarcane to the mills and

because they cannot pay more than 12 annas the only means open to them was to close down all the mills and stop manufacturing sugar.

That was the problem which the Government had to solve. We went into the matter thoroughly and we were convinced; but I may tell you that this Government at that stage had no means to ascertain whether this claim of the sugar-mills, namely, that they could not pay more than 12 annas was correct or not, and the time at our disposal was not sufficient to go into the claims of each mill and find out whether they were justified or not. We were confronted with the situation that if no other means was devised to pay a little more to the sugarcane-growers, the mills on the one hand were not prepared to work, and on the other hand the cultivation of the sugarcane for the next year would be adversely affected. In view of this situation, the Government accepted the contention of the mills for the time being that they were unable to pay more than 12 annas. As, however, we felt that even this 12 annas would be a very low price for the cultivator, it was decided that we must do something to maintain this industry as well as pay sufficiently reasonable price to the cane-growers. Accordingly, after going into the matter, the Government decided that at least the price of one rupee at the reception centre and one rupee at the mill-gate should be the minimum. And since the mills could not pay more than 12 annas, the Government decided that this difference between 12 annas and one rupee would be paid out of the provincial revenues. Our calculation of the production cost was Rs. 20,000 which we considered to be the maximum that we could budget for this year, and we could not do more than that. The total subsidy that the Government will have to pay will be in the neighbourhood of 16 lakhs of rupees. This amount of 16 lakhs of rupees had been paid to safeguard the interest of the cultivators and to maintain the industry as a going concern. Although I am very happy to find that there is so much support in favour of this resolution of my honourable friend Mr. Nur Ahmed, yet on previous occasions both in this House and in the other place Government have been bitterly criticized for giving 16 lakhs of rupees as subsidy for the sake of maintaining the industry. As far as the Advisory Board is concerned, they have set up two special committees—one to go into the agricultural side of this problem and the other to go into the industrial side of the problem. The Committee has not started its work yet. As a matter of fact, the names of the members of the Board have not yet been finally settled. I hope there will be a meeting of the Advisory Board by the end of this month and this Committee will finally set up. The third point I would like to mention is that I do not subscribe to the views of my honourable friend Mr. Nur Ahmed when he said that the manufacture of sugar in Bengal is more economical and less expensive than elsewhere. I beg to differ from him on this point. Unfortunately, up to now, the *sucros* contents of Bengal sugarcane are far less than they are in the sugarcane of other places. Here it is a little over 8 per cent. whereas in the provinces of the United Provinces and Bihar it is in the neighbourhood of over 10 per cent. We have been suffering on account of this low *sucros* contents of Bengal sugarcane. My honourable friend, the Minister for Agriculture, should improve the quality of the sugarcane—as it comes within his sphere of activity—and I can assure you that he is fully alive to the necessity of improving the quality of the sugarcane grown in Bengal. It is needless for me to mention in this

connection that every possible assistance from Government will be given in that respect also. With these words, I am very happy to accept the resolution moved by my friend Mr. Nur Ahmed.

Khan Bahadur M. A. MOMIN: I want to speak, Sir.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, is it worthwhile speaking now when only two minutes are left?

Mr. DEPUTY PRESIDENT: Do you want to speak on this subject?

Khan Bahadur M. A. MOMIN: Yes, Sir. I will just begin and then I will have a right to speak on the next day.

Mr. DEPUTY PRESIDENT: How long will you take to finish your speech?

Khan Bahadur M. A. MOMIN: I never speak longer than what is absolutely necessary.

Mr. DEPUTY PRESIDENT: The difficulty is that we have already reached our time-limit.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, let it be carried over.

Mr. DEPUTY PRESIDENT: If that be the desire of the House——

Khan Bahadur M. A. MOMIN: Sir, we have just heard the Hon'ble Minister for Commerce and Industries. Ordinarily, one would be satisfied to hear that Government is trying to do everything to improve the manufacture of the sugar industry and the cultivation of sugarcane in Bengal. But if we could feel ourselves absolutely assured by that statement that everything is being actually done, then of course there would have been no necessity for me to speak at all on this matter. But the only reason why I wish to speak is that although we emphasise that not only do we entirely agree with the resolution but our agreement is unanimous, yet I would go further and ask the Government to tell us definitely on what lines they are going to help and encourage this industry. There is no necessity of repeating the various resolutions which have been passed on this matter.

The Hon'ble Mr. Khwaja SHAHABUDDIN: On a point of information, Sir. Are we discussing this matter again after I have replied? Sir, I have not only quoted from resolutions but I have indicated the practical steps that have been taken by Government to encourage the sugar industry.

Khan Bahadur M. A. MOMIN: The Hon'ble Minister has quoted many resolutions but he has not read that portion of the minutes where it was resolved that no action need be taken on the resolution at present.

The Hon'ble Mr. Khwaja SHAHABUDDIN: It is rather just the other way about, Sir. I have indicated what we have already done in the matter. I have said that we have given a subsidy of 16 lakhs of rupees to the cane-growers. Can there be a better practical proof of our active interest in this matter?

Khan Bahadur M. A. MOMIN: If I am allowed to speak on the next day, then I will be able to show that whatever has been done in this regard has not been effective at all. The result has been that we find nowadays that *gur* is selling here at fourteen annas a seer, whereas in the United Provinces *gur* is selling at four annas a seer.

The Hon'ble Mr. Khwaja SHAHABUDDIN: I am prepared to listen to the Khan Bahadur Sahib and I am quite sure that I shall be able to meet his arguments very satisfactorily.

Mr. KAMINI KUMAR DUTTA: Sir, before you adjourn the House, may I mention a matter regarding the resolution relating to the Campbell

Medical School enquiry? This resolution moved by Rai Bahadur Keshab Chandra Banerjee had to be adjourned after being partly discussed on account of the absence of the Hon'ble Minister in charge of Public Health and Local Self-Government. I mention this matter again and request on behalf of the mover and ourselves that it may be put on the record that the resolution had to be postponed because of the absence of the Hon'ble Minister concerned, and that it would be taken up as the first item on the next day for resolutions.

The Hon'ble Mr. Khwaja SHAHABUDDIN: I think that it would create a bad precedent if the consideration of any subject is postponed because a particular Minister was not present in the House. The House knows very well, Sir, that not only is the Hon'ble the Leader of the House present here but that he has been fully authorised and is able to reply to the resolution.,

Mr. KAMINI KUMAR DUTTA: So far as I remember, Sir, the House unanimously agreed to the postponement of the resolution because the Hon'ble Minister concerned was not present in the House.

Mr. DEPUTY PRESIDENT: So far as this question is concerned, I may remind the Hon'ble Khwaja Shahabuddin that the Hon'ble the Leader of the House gave us to understand that he would be able to give only a general reply and not a detailed reply to all the points raised by the mover of the resolution. It was then at the instance of Mr. Hamidul Huq Chowdhury who proposed that this resolution might be postponed so that a reply might be given by the Hon'ble Minister concerned, that it was so postponed.

The Hon'ble Mr. Khwaja SHAHABUDDIN: I am sorry, Sir, it is so different from what is claimed by the other side.

Mr. HAMIDUL HUQ CHOWDHURY: I do not think we can take up any other aspect of the matter, Sir, at this stage.

Mr. KAMINI KUMAR DUTTA: I am not placing any new question before the House. I simply want to say that the record should contain what actually happened in the House with regard to this resolution.

Mr. DEPUTY PRESIDENT: Order, order. The House now stands adjourned till 1-30 p.m. on Monday, the 17th April, 1944.

Adournment.

The Council then adjourned till 1-30 p.m. on Monday, the 17th April, 1944.

Members Absent.

The following members were absent from the meeting held on the 24th March, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. N. C. Dutta.
(4) Khan Bahadur Abdul Gofran.
(5) Alhadj Khan Bahadur Shaikh Mohammad Jan.
(6) Maulana Muhammad Akram Khan.
(7) Mr. N. N. Mookherji.
(8) Mr. T. B. Nimmo.
(9) Mr. R. S. Purssell.
(10) Khan Bahadur Kazi Abdur Rashid.
(11) Dr. K. S. Ray.

BGP-44/5-2360A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session of 1944—No. 30.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 17th April, 1944, at 1-30 p.m., being the thirtieth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Allowances to political prisoners.

99. Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that in spite of the declaration of the Government of Bengal, the allowances to political prisoners have not yet been increased? If so, when will the same be increased and actually paid to them in view of abnormal rise in prices?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): No. It is not a fact.

Mr. LALIT CHANDRA DAS: When was this question put?

Mr. BIREN ROY: Perhaps six months ago.

Rai Bahadur KESHAB CHANDRA BANERJEE: Since when have the allowances been increased?

Mr. BIREN ROY: Since the date of the declaration by Government in the Press.

Mr. HARIDAS MAZUMDAR: What is the date of the declaration?

Mr. BIREN ROY: August, 1943.

Deaths due to malaria.

100. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the number of deaths due to malaria and cholera in the Province, district by district, during 1942 and up to June in 1943;

(*b*) the quantity of quinine distributed in each district during that period;

(*c*) the sums of money actually spent in each district for the supply of drinking water during that period; and

(*d*) what urgent steps the Government propose to take to meet this extraordinary and abnormal situation?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Minister in charge of the Public Health and Local Self-Government Department): (*a*) to (*c*) A statement is laid in the Library.

(*d*) The following steps have been taken by Government to deal with the situation:—

(1) More than 2,000 beds were provided in 11 hospitals in and around Calcutta for medical treatment of sick destitutes.

(2) Emergency Relief hospitals have been opened in 26 districts.

(3) Special arrangements have been made to facilitate speedy supply of drugs to these hospitals.

(4) By arrangement with the Government of India several Burma Medical Officers and Sanitary Inspectors have been employed on medical relief work in the Province; 200 sweepers have also been brought from the United Provinces for work in emergency hospitals.

(5) Fifty-six Military Medical Officers have been lent by Government of India to work as Subdivisional Health Officers. Government of Bengal pay their travelling allowances and other incidental expenses.

(6) Sanction has been accorded to the opening of out-patient treatment centres working from 1,400 dispensaries for free distribution of quinine and other medicines.

(7) One thousand special Sanitary Assistants are employed on anti-epidemic inoculation and vaccination in the districts.

(8) Anti-cholera vaccine and smallpox lymph, drugs and disinfectants have also been provided by Government.

(9) Government has also sanctioned a sum of Rs.17 lakhs for repair and re-sinking of derelict tube-wells.

Mr. HARIDAS MAZUMDAR: In view of the gavity of the situation, do the Government consider that the arrangements and provisions made are quite sufficient for the purpose?

Mr. BIREN ROY: For the present, yes.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state, with reference to answer (6), when was sanction accorded and whether the work has been completed according to the Government scheme?

Mr. BIREN ROY: For the date, I want notice. But the work has already been started and distribution of quinine has already begun.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Government aware that in spite of the steps taken by Government to deal with malaria, quinine is not available in some of the districts?

Mr. BIREN ROY: It is not a fact that in some districts quinine is not available, but it may be possible that in some places it may not be available for a time.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Hon'ble Minister aware that in spite of the repeated reminder given by the Health Officer of the Dacca Municipality, quinine was not sent there in good time?

Mr. BIREN ROY: It may be that it could not be sent in good time on account of heavy rush of demand; but it was supplied since.

Fire in Tollygunge Bustee Area.

101. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that at Tollygunge at noon on the 8th March, 1944, an aeroplane catching fire fell in a *bustee* area resulting in a terrible accident and explosion?

(*b*) Is it a fact that there the huts caught fire as a result of the falling of the burning plane and several huts were burnt down?

(*c*) Is it a fact that in the crash of the falling aeroplane, several people were killed and several injured? How many were killed and how many were injured and of them how many were seriously injured? Of the killed and injured how many were women and how many children? How many of the injured died subsequently?

(*d*) Will Government compensate the injured and the relatives of the killed? If not, why not?

(*e*) Is it a fact that the Government Rescue Parties arrived very late to render timely aid to the dying and the wounded and is it a fact that they failed to make a correct estimate of the dead, dying and the wounded who would total not less than a hundred?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Minister in charge of the Home Department): (*a*) and (*b*) Yes.

(*c*) Yes. 37 killed, including 3 missing, believed killed and 3 died in hospital; 7 injured, including 1 seriously. (10 men, 22 women, 12 children.)

(*d*) Compensation will be paid as soon as particulars are complete.

(*e*) All services were prompt in rendering help to the injured and in Salvage and Rescue Work. A.R.P. First Aid Parties were prompt in rendering first aid to and removing the injured to hospital and all the injured were admitted by 1 p.m. It is not a fact that casualties were greatly underestimated.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if he is aware that this question was a short-notice question?

Mr. BIREN ROY: Yes, it was a short-notice question. But it has been exhaustively replied to.

Mr. LALIT CHANDRA DAS: Sir, since it was a short-notice question, may I ask why it was not replied earlier?

Mr. PRESIDENT: Was it a short-notice question?

Mr. BIREN ROY: It was not exactly a short-notice question——

Mr. LALIT CHANDRA DAS: Sir, it was a short-notice question——

Mr. BIREN ROY: Sir, it was a question which was replied——

Mr. PRESIDENT: Was it admitted as a short-notice question?

Mr. LALIT CHANDRA DAS: Sir, in the Assembly a short-notice question exactly on the same line was admitted but——

Mr. PRESIDENT: Mr. Das, let me find out what is the position. In the meantime, let us proceed with the other question. I shall find out whether it was admitted as a short-notice question or not.

Mr. SHRISH CHANDRA CHAKRAVERTI: Arising out of (*a*) of the answer where it is stated "37 killed, including 3 missing, believed killed * * *", has the Government been able to find out yet whether these people were really killed or missing?

Mr. BIREN ROY: The position is that there was a heavy fire and many persons were burnt beyond recognition; therefore, it was not possible to find out whether they were killed or missing. Records made in the locality about the number of persons missing is 3. It was not reported in the hospital or in the cremation ground. So it is believed that these people were killed.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it a fact that earlier reports published in the newspapers put down the total number of casualties at 100?

Mr. BIREN ROY: No.

Fire in a South Calcutta Bustee Area.

102. Mr. HARIDAS MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that a South Calcutta *bustee* has been practically swept away by a disastrous fire caused by the crash of a training aircraft?

(*b*) If so, will he please state the number of deaths and injured involved in this accident?

(*c*) Is it a fact that no fire lanes were provided in this *bustee*? If so, why?

(*d*) Is he aware that Mr. Haridas Majumdar, M.L.C., previously put down a question indicating the desirability of opening fire lanes in the Calcutta *bustee*?

(*e*) Is it a fact that no compensation, even of a casual nature, has been awarded to the living relatives of the victims? If so, why?

(*f*) Do the Government propose to consider the desirability of holding a non-official enquiry into the matter? If so, what steps have been taken by them in this connection?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) Dead 34, injured 7, missing 3.

(*c*) Yes. Fire lanes have been provided in the larger *bustees* for the purpose of (1) preventing spread of fire, (2) allowing access to Fire Brigade. Fire lanes are not practicable in small *bustees*.

(*d*) Yes.

(*e*) All possible help was rendered to the distressed people. The homeless were taken to a Relief Centre where they were fed and clothed. Monetary compensation will be paid as soon as particulars are complete.

(*f*) No. The Government are satisfied that this was an accident and that loss of life and fire were unavoidable.

Mr. LALIT CHANDRA DAS: Sir, may I know how the Government reconcile the two answers, I mean answer to the present question and to my question No. 101? In answer to my question the number of persons killed has been given as 37 killed and 3 died in hospital and 7 injured;

but in the present question No. 102, the number of dead has been put at 34, injured 7 and missing 3. How do the Government explain the position?

Mr. BIREN ROY: It must be a printing mistake.

Mr. LALIT CHANDRA DAS: Then which answer is correct, the previous one or this one?

Mr. BIREN ROY: Three persons died in hospital subsequently.

Mr. LALIT CHANDRA DAS: Still there is a difference of 3.

Mr. BIREN ROY: In answer to question No. 101, it has been stated: 37 killed, including 3 missing whom the Government thought to have been killed. So, it should be 34 *plus* 3 died in hospital.

Mr. PRESIDENT: I think 37 includes the 3 persons who subsequently died in hospital.

Mr. LALIT CHANDRA DAS: It should be 40. Thirty-seven killed *plus* 3 died in hospital.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If there was a comma after "killed", it would have been 40; but there is no comma after the words "believed killed". So the number should be 37 in all.

Mr. PRESIDENT: Yes, I think it is quite clear, Mr. Das.

As regards the short-notice question of Mr. Lalit Chandra Das, I find that the question was admitted by me as a short-notice question but Government refused to answer that short-notice question.

Mr. LALIT CHANDRA DAS: But, Sir, the Hon'ble Minister has actually admitted this question and replied this question in the Assembly; so how can he refuse to answer that short-notice question here?

Mr. PRESIDENT: There should be no reference to the other place. You should stand on your own rights.

Mr. LALIT CHANDRA DAS: I stand on my own rights. But he should be reasonable and should not be partial to one House and unjust to the other. That is my protest.

Mr. BIREN ROY: Sir, it is very difficult to reply to this statement.

Mr. PRESIDENT: Why?

Mr. BIREN ROY: Because in the Assembly the question was asked at a later date when we had better information; but here the short-notice question was tabled just after the occurrence when much information was not in our possession.

Mr. PRESIDENT: Questions Nos. 103 and 104 will be answered tomorrow, as the Hon'ble Mr. Suhrawardy is absent today.

Roads on the Hastings Bridge.

105. Mr. NARESH NATH MOOKERJEE: Will the Hon ble Minister in charge of the Communications and Works Department be pleased to state who is responsible for reconditioning the road surface on the Hastings Bridge which is in a most deplorable condition?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Barada Prasanna Pain): The Department of Communications and Works.

Yield of paddy in Bengal.

106. Mr. NAGENDRA NATH MAHALANOBIS: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state if the Government are aware that production of paddy per acre in Bengal is the lowest in the world and that every other paddy-producing country grows on an average at least double the quantity per acre?

(*b*) If so, do the Government propose to institute an enquiry into the causes thereof and take immediate and effective steps to increase the production of paddy in Bengal?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) On the information available the yield of paddy in Bengal seems very low as compared with other paddy-producing countries, but it cannot be said definitely that it is the lowest or that it is only half of the yield in other countries.

(*b*) The Paddy and Rice Enquiry Committee appointed in 1938 inquired into the matter and recommended the use of improved seeds and cheap but efficient manures and also provision for irrigation facilities. The Agriculture and Irrigation Departments are taking action on these lines.

Cattle-breeding.

107. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state if it is a fact that the consumption of milk per head in Bengal has been reduced during the last ten years?

(*b*) If so, what measures have been taken by the Government of Bengal to improve cattle-breeding and also to increase the quantity of milk and milk products in Bengal?

(*c*) Is it a fact that a larger mortality among cattle has taken place during the last ten years in Bengal on account of various animal diseases prevalent in the Province?

(*d*) If so, what measures have been adopted by the Government to check rinderpest and other animal diseases in Bengal?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) The total supply of milk has not materially decreased during the last ten years. The population of the Province having however increased by about 20 per cent. during this period and the number of milch cows having remained more or less stationary, the average supply of milk *per capita* has decreased.

(*b*) A Cattle Improvement Scheme is in operation in 23 districts of the Province. Under this scheme the breeding operations of some 2,000 improved Government bulls are supervised, the scrub *deshi* bulls castrated, the improved progeny of Government bulls registered, the growing and conservation of fodder crops encouraged and propaganda carried out to improve the feeding of cattle.

(*c*) No, except that during last one year or so cattle mortality increased to a considerable extent as a result of disease and starvation. It is true that during the last ten years a large number of outbreaks of epidemics were recorded but this was due to improvements effected in the reporting organisation. The position regarding epidemics of cattle diseases before the period in question was certainly not better: only many outbreaks were not reported and hence not recorded.

(*d*) To ensure effective control of cattle disease Government have taken over the entire itinerant veterinary staff under their control thus enabling themselves to move the staff freely to places where it is most needed. A large number of vaccine production centres have also been established. A scheme for preventive inoculation on a large scale as well as the introduction of a Cattle Diseases Act for more effective control of cattle epidemics are now under the consideration of Government.

Dr. KUMUD SANKAR RAY: What was the *per capita* supply of milk previously and what it is at the present moment?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I want notice.

Mr. HAMIDUL HUQ CHOWDHURY: Upon what data has the Hon'ble Minister said that the number of cows has remained more or less stationary?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Upon the data supplied by the Live-stock Officer.

Mr. HAMIDUL HUQ CHOWDHURY: What is the total cattle population in Bengal?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The cattle population of Bengal is 25 millions.

Mr. HAMIDUL HUQ CHOWDHURY: What is the machinery for calculating this?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is the Union Boards who collect these statistics.

Mr. HAMIDUL HUQ CHOWDHURY: Is it not a fact that there is a general report from the Union Board?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, there is the printed report of the Union Board.

Mr. HAMIDUL HUQ CHOWDHURY: Is not the Hon'ble Minister aware that this report is wholly unsatisfactory, because there is absolutely no chance of getting a correct statement of the position from the chowkidar of a Union Board?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But that is the best under the circumstances. We are, however, trying to collect more reliable statistics in future.

Dr. KUMUD SANKAR RAY: What is the total supply of milk?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is not possible to give any figure; I believe what has been given here in the answer has been given by guess work.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister please state whether the staff available is sufficient to cope with the work?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Not at all.

Rai Bahadur KESHAB CHANDRA BANERJEE: Then what do the Government propose to do in this connection?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government are just considering the question of entirely reorganising the department and that is why they have imported an expert officer from the Punjab to develop agriculture in Bengal on the lines of the Punjab, if not on a better basis.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Hon'ble Minister not aware that the Punjab officer is an agricultural expert only and has no knowledge of veterinary matters?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Well, this officer was the Principal of an Agricultural College in the Punjab and also dealt with veterinary matters.

Rai Bahadur KESHAB CHANDRA BANERJEE: Does this officer hold any diploma in veterinary subjects?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is not necessary; agriculture includes veterinary.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please state when their scheme of preventive inoculation is going to come into operation?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The scheme has only been drawn up and has not yet been sanctioned by the Cabinet.

Mr. PRESIDENT: You must resume your seat, Mr. Mazumdar, after you have put your question, and not remain standing.

Mr. HARIDAS MAZUMDAR: All right, Sir. I am sorry.

Dr. KUMUD SANKAR RAY: Does the scheme contemplate free inoculation?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, absolutely free inoculation; but as an experimental measure it will be started only in certain districts.

"Grow More Food" campaign.

108. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state what steps the Government propose to take to push effectively the "Grow More Food" campaign among the agriculturists, besides circulating posters, bulletins, leaflets., etc., among the agriculturist masses?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The policy of Government in connection with the "Grow More Food" campaign is not merely to make propaganda with a view to induce cultivators to cultivate more land and grow more food but also to arrange to supply

to them an adequate quantity of improved seeds and cheap but efficient manures and to provide irrigation facilities so that a better yield may be secured and additional crops may be raised. It is also the policy of Government to reclaim waste land as far as possible for the cultivation of food and fodder crops.

Schemes for supply of seeds during 1944-45 including those of *aman*, *aus*, *rabi* and fodder crops at a cost of more than Rs.51 lakhs have been sanctioned and other schemes are being considered.

Some minor irrigation schemes have been executed and several other schemes—both major and minor—are now under consideration. A scheme for the use of Persian Wheels has been sanctioned and demonstration regarding it has been undertaken.

Vegetable seeds have been distributed on a fairly large scale and Government are considering how best their production can be increased.

To replenish the stock of cattle Government are exploring the possibilities of importing cattle from other provinces and in the meantime loans have been sanctioned on a generous scale to enable the poorer cultivators who sold their cattle for maintenance to purchase cattle.

At the instance of this Government, the Central Government have amended the Defence of India Rules, and a Waste Land Cultivation Order is being prepared for taking power to compel owners and occupiers of waste land to cultivate it for growing food and fodder crops and, if they default, to settle such land with others for the purpose. The Railway Administrations have agreed to their surplus lands being settled with cultivators for growing food and fodder crops and enquiries are now in progress to locate such lands fit for cultivation for the purpose.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state whether any cattle has been actually imported from outside into this province? If so, how many?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No cattle has been yet imported by Government but negotiations are going on with the Central Provinces and the Bihar Governments.

Mr. LALIT CHANDRA DAS: Since when?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: For nearly a month. Formerly the Bihar animals used to come through northern Bengal, but this year we learn that only 25 per cent. of the usual number came this year. We, accordingly, started negotiations with the Bihar Government and we found that an embargo was placed by that Government on the export of cattle from Bihar. We asked for a permit to import 50,000 cattle from Bihar.

Mr. LALIT CHANDRA DAS: As a result of continued negotiation, is there any hope that the embargo will be removed?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We hope so. We sent letters to the Bihar Government and then sent a telegram and not getting any reply we made a trunk call on the 'phone. We have now been informed that the matter is now in the hands of the Governor. In view of their difficulties they are thinking whether they can render any help to us or not.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how much money has been placed in the hands of poorer cultivators for the purchase of cattle?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: How can I say that at this stage? It is being paid now.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether any waste land has been reclaimed so far? If so, how much?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No campaign has yet been started for reclamation under the Waste Land Cultivation Order. But some waste land has been reclaimed. The Waste Land Cultivation Order is going to be published soon.

Mr. LALIT CHANDRA DAS: It has been stated in the answer that it is also the policy of Government to reclaim waste land as far as possible for the cultivation of food and fodder crops: has that policy been implemented?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That has not been started yet. It is now a voluntary process and people are now being induced to grow more food crops. But now we are going to make it compulsory by enforcing the Waste Land Cultivation Order.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how much waste land has been so far reclaimed?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I cannot give you the exact area. But the information of the Agriculture Department is that about 8 lakhs acres of land have been reclaimed so far.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state through what agency the seeds are being distributed?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Through the demonstrators of the Agriculture Department.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it a fact that seeds are being distributed through the steamer companies?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, I am not aware of it.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state whether he is fully satisfied with the result of distribution of seeds through demonstrators and whether they are of a satisfactory nature?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am not, because the number of staff is very short. We are thinking of distributing seeds through development officers and jute regulation staff. A Seed Committee is now sitting for considering all these questions and we have asked for their advice.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state whether he is aware that demonstrators are alleged to have sold seeds in the market at prices higher than the controlled price and pocketed the balance?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am not aware that it is the general case; but there have been abuses and prosecutions; one man, as a matter of fact, has been convicted and sent to jail.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state whether he is considering the desirability of re-examining the question of distribution of seeds through a more suitable agency?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, we are considering the point.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Government be pleased to state if they are considering the desirability of distributing seeds through the landlords?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government are too willing to have the co-operation of the landlords, if they come forward to help the Government.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Hon'ble Minister aware that in several areas the distribution is not at all satisfactory?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes. But I am not quite sure that it is as bad as the honourable member says.

Rai Bahadur KESHAB CHANDRA BANERJEE: What steps are being taken to have a fair and equitable distribution?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The question is being examined.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it under the contemplation of Government to distribute seeds through the Presidents of Union Boards and other public associations and also through landlords?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We cannot entrust the whole work to the landlords, because we know that only a few landlords may be willing to do this work but not all.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether Government is marking the time now when the time for actual sowing is fast passing, and waiting for the report of the Seed Committee?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: This committee is to consider about the distribution of seeds for the future, about the policy to be adopted for the future distribution of seeds and not regarding the steps to be taken for the distribution of seeds this year.

Mr. LALIT CHANDRA DAS: With reference to the minor irrigation schemes, will the Hon'ble Minister be pleased to state how many minor irrigation schemes have been executed this year?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: This year very few have been executed; but recently Rs. 1 lakh of rupees have been placed under the control of the District Magistrate of each district for getting through minor schemes as quickly as possible.

Mr. LALIT CHANDRA DAS: Then Government is not sure whether any scheme has actually been taken in hand or will be executed soon?

Mr. PRESIDENT: Mr. Das, put your question in a question form. Do not enter into arguments.

Mr. LALIT CHANDRA DAS: Sir, the Hon'ble Minister has stated in the reply that "some minor irrigation schemes have been executed and several other schemes—both major and minor—are now under consideration". So I want to know from him, through you, Sir, how many minor schemes have been executed and at what cost?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I cannot say that now but last year Rs. 10,000 was sanctioned for these schemes and this sum was placed at the disposal of the District Magistrates. Some District Magistrates have spent the sum, others have not.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Hon'ble Minister aware that the steps already taken by Government for carrying on propaganda regarding the "Grow More Food" campaign are not at all satisfactory and adequate?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not think that the propaganda is not satisfactory. There is a lot of paper propaganda but I want more work and propaganda.

"Grow More Food" campaign.

109. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) whether the Government of Bengal contemplate to substitute a section of the production of jute by the production of foodgrains, mainly rice, in view of the acute shortage of foodstuffs noticed during the last year and in pursuance of "Grow More Food" campaign; and

(*b*) what steps have been taken by the Government to exploit the possibility of extensive production of wheat in the Province to make her less dependent on other provinces for wheat?

The Hon'ble Khan Bahadur Saiyed MUAZZAMUDDIN HOSAIN: (*a*) The maximum area for cultivation of jute in 1944 has been fixed at the same as in 1943, *i.e.*, at half of the acreage registered in 1940. From the experience of last year it may be safely inferred that this will not interfere with the "Grow More Food" campaign. In 1943, the cultivators planted only 79 per cent. of the maximum acreage permitted while there was a large increase in the acreage under *aus* and *aman* paddy. In view of the high prices of food crops and the fact that seeds of improved varieties will be distributed according to the subsidy system it is likely that cultivators will take more to food crops as in 1943.

(*b*) Wheat seeds were distributed in the last season at half price to bring new lands under wheat. For increasing the outturn of wheat crop, a scheme for irrigation by means of Persian Wheels has also been sanctioned. It is proposed to distribute 40,000 maunds of wheat seeds during 1944-45.

Failure of crop in Contai.

110. Mr. BANKIM CHANDRA MUKHERJEE: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if his attention has been drawn to the fact that in the Contai subdivision of the Midnapore district, the people are in distressed condition in the coastal belt area due to failure of crop?

(*b*) If so, does he propose to start test relief works and continue relief operations?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) Yes.

(*b*) After the cyclone of 1942 test relief works were taken up on a large scale in the coastal belt area and were continued up to the last rains when they had to be curtailed in order that labourers might be available for cultivation work. The question of re-starting test relief works in the area is now under consideration. There has been no stoppage of other relief operations.

Khan Bahadur M. A. MOMIN: Is it a fact that payments for test works which were executed last year have not yet been made?

The Hon'ble Mr. TARAK NATH MUKERJEA: The question is too general. Does the honourable member want to know the position of Contai or of other places?

Khan Bahadur M. A. MOMIN: I intentionally made it general, as I did not want to embarrass the Government by putting it specifically.

Mr. PRESIDENT: If it is general, you cannot put the question.

Khan Bahadur M. A. MOMIN: Is it a fact that unless fresh test works are undertaken soon, test works done last year will all be spoilt? For instance, with regard to the test works in Burdwan, if fresh test works are not undertaken, there they will all be spoilt.

Mr. PRESIDENT: Does that question arise?

Khan Bahadur M. A. MOMIN: Because the Government has not yet decided whether the test works would be taken up soon.

Mr. HARIDAS MAZUMDAR: With reference to the question of re-starting test relief works, will the Hon'ble Minister be pleased to state when the consideration or the conception stage will be passed?

The Hon'ble Mr. TARAK NATH MUKERJEA: As soon as they are fully considered.

Grievances of Hat Owners' Association.

111. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if he is aware of the fact that the *Hat* Owners' Association, Calcutta, waited on a deputation on the then Revenue Minister on the 20th November, 1942, for redress of their grievances?

(*b*) Is he aware that among other demands they pressed specially for (*i*) suspension of all ejectment suits instituted since the beginning of the war during its pendency by executive action or a special ordinance; and (*ii*) postponement till the end of the war of all decrees for arrears of rent and provision for repayment of outstandings by 36 instalments thereafter?

(*c*) Is he aware that further representations to the same effect were submitted to His Excellency the Governor of Bengal on the 5th April, 1943?

(*d*) Is he also aware that a further representation was made to the Governor on the 14th September, 1943?

(*e*) Is he aware that on the 17th September, 1943, the Assistant Secretary to the Governor intimated that the said memorial had been forwarded to the Revenue Department for necessary action?

(*f*) Will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) to (*e*) Yes.

(*f*) In view of the fact that the demand for houses in Calcutta even in the *bustee* areas has tremendously increased, the *Hat* Owners are not expected to experience any difficulties in realising rents from their *Thika Projas* and in paying their own rents to their landlords. No action is, therefore, called for at present.

Suspension or remission of rents in Contai.

112. Mr. BANKIM CHANDRA MUKHERJEE: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if his attention has been drawn to the fact that the condition of the peasantry of the Contai subdivision has seriously affected their paying capacity due to failure of crops in various parts of the subdivision caused by Kalighai and Subarnarekha floods in August, 1943, in succession to the cyclone devastation of the previous year?

(*b*) If so, does he propose to consider the desirability of (*i*) exempting from payment of rent and taxes for the 1349 and 1350 B.S., and (*ii*) postponing realisation of loan money till the crop of 1351 B.S. is harvested?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) Yes. The paying capacity of the cultivators in some areas of the subdivision has been affected by the failure of crops.

(*b*) (*i*) Suspension or remission of rents is governed by the provisions of Chapter XIV of the Tauzi Manual. Realisation of rents due from tenants in estates directly managed by Government were suspended for 1349 B.S. But no general suspension is considered necessary for 1350 B.S.

(*ii*) Only one quarter of the loans advanced after the cyclone of 1942 is recoverable this year and it is considered that the bigger cultivators should be able to repay this without much inconvenience?

Staff in the Calcutta Quinine Sale Department.

113. Khan Sahib ABDUL AZIZ: (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state the total number of clerks, Sale Managers and other staff in the Calcutta Quinine Sale Department at Calcutta? Of them how many are Muslims, how many are Scheduled Castes and how many are non-Muslims?

(*b*) What are the qualifications, salary, pay and other emoluments, and the date of appointment of each of these staff?

(*c*) Was any advertisement published for filling up the posts in this Department in 1942, 1943 and 1944? If not, why not?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prem Hari Barma): (*a*) and (*b*) A statement is laid on the Table.

(*c*) Most of the staff were drafted on to the Quinine Sale Depot from the Presidency Jail where the distribution of quinine used to be carried on before the Sale Depot was opened in February, 1942. Since the opening of the depot only two clerical appointments have been made by direct recruitment of two Muslims from outside. These two vacancies were not advertised. Superintendent, Cinchona, has been asked to advertise all future vacancies.

Statement referred to in the reply to clause (a) of question No. 113.

Name of posts.	Total number of posts.	Total number of Muslims.	Total number of non-Muslims.	
			Scheduled Castes.	Others.
1. Sales Manager	1	Nil	Nil	1
2. Clerks	8	4	Nil	4
3. Menials	13	7	1	5

Statement referred to in the reply to clause (b) of question No. 113.

Names of staff.	Qualifications.	Date of first appointment.	Present pay per mensem.	Other emoluments.	Remarks.
			Rs.	Rs.	
(1) Babu Abani Mohan Mukherjee, Sales Manager.	Read up to B.A.	1-12-22	225	Nil	Officiated as temporary Sales Manager from 1st February, 1942, and appointed on probation to the post from 1st August, 1943.
Clerks.					
(2) Babu Rameswar Mukherjee, Head Clerk.	Read up to I.Sc. (Passed Book-keeping).	17-12-23	90	14	Dearness allowance.
(3) Babu Gopendra Krishna Arnab.	Read up to I.A.	1-11-20	75	14 + 12	Dearness allowance. (Special pay for stores.)
(4) Maulvi Ahmed Kabir	Matriculate	20-9-23	75	14	Dearness allowance.
(5) Babu Bishnupada Chakravarty.	Do. ..	15-12-31	55	14	Ditto.
(6) Babu Nityananda Banerjee.	I.Sc. ..	3-1-39	45	14	Ditto.
(7) Maulvi Muzammil Haque.	Read up to B.A.	1-5-41	45	14	Ditto.
(8) Maulvi Rashid Ahmed.	I.A. ..	17-6-42	40	14	Ditto
(9) Maulvi Kazi Abdus Sattar.	Matriculate	3-1-44	40	14	Ditto.

Names of staff.	Qualifications.	Date of first appointment.	Present pay per mensem.	Other emoluments.	Remarks.
			Rs.	Rs.	
Menial Staff.					
(10) Hare Krishna Dhar	Carpenter ..	14-2-42	30	9	Dearness allowance.
(11) Md. Suleman ..	Do. ..	21-12-43	30	9	Ditto.
(12) Jadu Singh ..	Guard ..	3-2-42	13	2	Compensatory allowance.
				+ 9	Dearness allowance.
(13) Mirza Samad ..	Do. ..	22-2-43	13	2	Compensatory allowance.
				+ 9	Dearness allowance.
(14) Sk. Habib ..	Peon ..	1-5-30	15	2	Compensatory allowance.
				+ 9	Dearness allowance.
(15) Deonandan Missir	Do. ..	31-12-42	13	2	Compensatory allowance.
				+ 9	Dearness allowance.
(16) Indu Bhusan Banerjee.	Do. ..	1-1-44	13	2	Compensatory allowance.
				+ 9	Dearness allowance.
(17) Ajaharuddin ..	Do. ..	10-1-44	13	2	Compensatory allowance.
				+ 9	Dearness allowance.
(18) Abdul Rahaman ..	Packer ..	14-2-43	13	2	Compensatory allowance.
				+ 9	Dearness allowance.
(19) Ram Ch. Das ..	Do. ..	1-4-43	13	2	Compensatory allowance.
				+ 9	Dearness allowance.
(20) Syed Hossain ..	Do. ..	1-3-43	13	2	Compensatory allowance.
				+ 9	Dearness allowance.
(21) Chandra Mohan Das.	Do. ..	17-1-44	13	2	Compensatory allowance.
				+ 9	Dearness allowance.
(22) Gholam Hossain ..	Duftry ..	3-2-43	13	2	Compensatory allowance.
				+ 9	Dearness allowance.

College of Pharmacy in Bengal.

114. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) what action has been taken by the Government of Bengal to establish the College of Pharmacy in Bengal for which a donation of Rs.2,00,000 has been offered by Dr. D. E. Anklesaria of Ahmedabad;

(*b*) what steps have been taken to improve the system of training of the Compounders (Pharmacists) on the basis of the proposal formulated by the All-Bengal Compounders' Association (now Bengal Pharmaceutical Association) in the year 1934 and submitted to the Government by the State Medical Faculty of Bengal;

(*c*) what action has been taken by the Government to improve the status, prospects and pay of the Compounders (Pharmacists) after the

raising of the minimum preliminary qualification for training to Matriculation of the University and the extension of the period of training to two years from 1928; and

(*d*) what amount is spent annually for training of the Compounders (Pharmacists)?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) The proposal has been kept in abeyance as being impracticable during the continuance of the war.

(*b*) No action has been taken as the proposal to establish a College of Pharmacy includes this matter also.

(*c*) None, as the tendency after 1930 was a general revision of pays in a downward direction.

(*d*) No separate account is kept: the compounder-students are trained in Government Medical Schools.

Dr. KUMUD SANKAR RAY: What happened to the offer of 2 lakhs of rupees which was made to the Government? Was the money actually paid to the Government?

Mr. BIREN ROY: No; the money was not paid to the Government. But the matter proceeded up to the point of an estimate for the college building and an estimate for the capital and recurring expenditure of running it. But that was in 1941 and then it has been abandoned for the duration of the war.

Rai Bahadur KESHAB CHANDRA BANERJEE: When was the offer made?

Mr. BIREN ROY: In 1939.

Dr. KUMUD SANKAR RAY: Is the offer still open or it is withdrawn?

Mr. BIREN ROY: The offer is still open.

Mr. LALIT CHANDRA DAS: What is the estimated cost for the establishment of such a college?

Mr. BIREN ROY: At first the estimate was Rs. 5 lakhs; but subsequently it has been revised. Now it will be approximately Rs. 7 lakhs.

Mr. LALIT CHANDRA DAS: What is the recurring cost?

Mr. BIREN ROY: Rs. 73,000 per annum.

Rai Bahadur KESHAB CHANDRA BENERJEE: Will the Hon'ble Minister please state whether he proposes to request Dr. Anklesaria to raise the amount of the donation to Rs. 3 lakhs in order that the grant may be within the estimated amount of expenditure?

Mr. BIREN ROY: As Government is not proceeding with the scheme at the present moment, it does not think it advisable to write to the donor requesting him to increase the grant.

Mr. LALIT CHANDRA DAS: How is it that Government think it impracticable during the continuance of the war to establish a College of Pharmacy? Why should it be impossible to build a College of Pharmacy?

Mr. BIREN ROY: Because no brick is available and therefore no building can be erected.

Dr. KUMUD SANKAR RAY: Will the Hon'ble Minister please say how long the donor has agreed to keep the offer open?

Mr. BIREN ROY: That is not known to Government.

Mr. LALIT CHANDRA DAS: Was any attempt made by Government to procure bricks through contractors?

Mr. BIREN ROY: It is against the Control Order.

Mr. LALIT CHANDRA DAS: What does the Hon'ble Minister mean by "Control Order"?

Rai Bahadur KESHAB CHANDRA BANERJEE: In order to obviate the difficulty of procuring bricks, will Government consider the desirability of housing the college in a rented building?

Mr. BIREN ROY: At the present moment that also is not easy, because in Calcutta there is house shortage and such a house will not be easily available.

Mr. LALIT CHANDRA DAS: Cannot such a building be secured in the vicinity of Calcutta?

Mr. BIREN ROY: As Government had already dropped the question before such a question was asked, they are not in a position to consider the matter.

Dr. KUMUD SANKAR RAY: If the proposal has been dropped, then what does the Hon'ble Minister mean by saying that the offer is still open?

Mr. BIREN ROY: As the donor has not yet withdrawn the offer, the offer may be said to be still open.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister please ascertain from Dr. Anklesaria if he is willing to raise his donation to 3 lakhs?

Mr. BIREN ROY: I have already answered that question.

Mr. HARIDAS MAZUMDAR: Will the Government kindly reconsider the matter and start the college in a rented house and try to rent such a house in the vicinity of Calcutta or outside?

Mr. BIREN ROY: The question is not only a question of house, but also of a very big plot of land to be attached to such a house and that is not available at the present moment. Government will take up the matter after the war and establish such a College of Pharmacy then.

Representations of Pharmacists on the Governing Body of the State Medical Faculty of Bengal.

115. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether there was any demand from the Pharmacists (Compounders) to have their two representatives in the Governing Body of the State Medical Faculty of Bengal, which body is the registering and controlling authority of the said profession of Pharmacists or Compounders;

(*b*) if so, what steps have been taken in the matter;

(*c*) whether any action has been taken on the resolution passed by the Bengal Pharmaceutical Association and submitted to the Government to change the present designation "Compounders" to "Pharmacists";

(*d*) what steps have been taken to increase the scale of pay of Compounders; and

(*e*) why the Government have appointed unqualified and untrained compounders as compounders-cum-clerks in the famine hospitals

without availing the services of the qualified and experienced compounders attached to the hospital and dispensaries like that of the medical officers?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes.

(*b*) and (*c*) The proposals are under consideration of Government.

(*d*) The question of increasing the pay of compounders was not considered at the time in view of the general downward revision of pay of all employees under Government.

(*e*) Some unqualified men have been appointed as compounder-cum-clerks in some 20-bed emergency hospitals as qualified compounders were not available in sufficient number. The services of qualified compounders attached to the existing muffasil hospitals and dispensaries will, however, be utilised in the 20-bedded emergency hospitals located therein.

Mr. PRESIDENT: Here is a question on the agenda paper for answer—who is going to answer it on behalf of the Hon'ble Minister in charge? I have no information from the Hon'ble Minister. Either somebody should take responsibility for answering his question or there should be a request to hold back the question. It is not for me to suggest the holding back of the question. This is very unsatisfactory.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am sorry, Sir. This may be taken up tomorrow.

Mr. PRESIDENT: All right.

Adjournment motion.

Mr. PRESIDENT: I have received notice of a motion for adjournment of the House by Mr Lalit Chandra Das which runs as follows:—

"That this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the very serious situation which has arisen out of the communal disturbance which occurred at the *Chaitra Sankranti Mela* on the 13th April last at Ghagar under the police-station of Kotalipara within the district of Faridpur which resulted in some person being killed and eight women missing, the Government having failed not merely in preventing the clash but also in tracing the women and recovering and restoring them as yet to their proper guardians."

Mr. Das, what have you got to say in support of this motion?

Mr. LALIT CHANDRA DAS: Sir, it is a very serious matter. There is no doubt that riots take place in different parts of the country; but the position becomes serious when one community falls upon another, particularly in connection with a religious function. This particular incident took place on the 13th April last on the *Chaitra Sankranti* day when for the observance of some religious function people gathered together at Ghagar within the Kotalipara police-station in the Faridpur district. Members of one community fell upon another with the result that one person was killed, which in itself is very serious,—and over and above this eight women were abducted and they have not been traced and restored to their proper guardians even now. This is very serious in all conscience. The place of occurrence is near the police-station of Kotalipara. So the

police, if they could not prevent the occurrence, could have at least traced these unfortunate women and restored them to their proper guardians. I bring this fact to the notice of the Council. But if Government make a statement in the matter and if it is regarded as satisfactory I shall not move the adjournment motion at all. I want the Government to make a statement as to what steps Government are taking or propose to take in the matter.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Hon'ble Minister in charge of Home Department who is to deal with the matter is not in Calcutta. He is expected to return tomorrow. So, I would request the honourable member to put it off till tomorrow.

Mr. PRESIDENT: Mr. Das has suggested that if Government makes a statement he will not press the motion. In that view of the matter, I am prepared to waive the question of urgency and will allow him to bring it up tomorrow.

Mr. MESBAHUDDIN AHMED: Tomorrow or on the next sitting day.

Mr. PRESIDENT: Are we not going to meet tomorrow?

Mr. MESBAHUDDIN AHMED: May or may not.

Mr. PRESIDENT: Very well, if we do not meet tomorrow, we will take it up on the next meeting day. I hope Government will be ready with a statement. After hearing the statement, I shall decide whether the motion should be admitted or not.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, there is another adjournment motion standing in my name.

Mr. PRESIDENT: I have not seen that yet.

Rai Bahadur KESHAB CHANDRA BANERJEE: But, Sir, it has been distributed to us all.

Mr. PRESIDENT: I understand it had not been received by the office in time, so the adjournment motion cannot be taken up today.

Rai Bahadur KESHAB CHANDRA BANERJEE: But, Sir, it had been received by the office at 10-30 a.m.—that is, three hours before the sitting of the Council.

Mr. PRESIDENT: Do you mind moving your adjournment motion tomorrow?

Rai Bahadur KESHAB CHANDRA BANERJEE: All right, Sir.

Mr. K. C. ROY CHOWDHURY: Sir, I have also sent in a notice for an adjournment motion.

Mr. PRESIDENT: That is not before me. Next item.

Mr. HARIDAS MAZUMDAR: Sir, I have got a short-notice question regarding the *bhog* ration——

Mr. PRESIDENT: Order, order. I have already called the next item.

Governor's assent to Bill.

Mr. PRESIDENT: I have to inform the House that the Bengal Finance (Sales Tax) Amendment Bill, 1944, which was passed by both Chambers of the Bengal Legislature, has been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935.

SECRETARY (Dr. S. K. D. Gupta): Sir, the following communication has been received from the Government intimating the action taken by them on the motion regarding the Trading and Occupation of Land

(Transvaal and Natal) Act, 1943, moved and adopted by the Council on the 16th July, 1943, under rule 112 of the Bengal Legislative Council Procedure Rules:—

"A copy of the address on the subject, together with copies of the debates thereon in the Bengal Legislative Council, has been forwarded to the Government of India for necessary action."

Mr. PRESIDENT: Before we proceed with the next item of business, I may inform the House that 6 nominations have been received for election to the committee for considering the draft amendments to rules 56, 57, 58 of the Bengal Legislative Council Procedure Rules. I appoint, Tuesday, the 25th April, 1944, 10 a.m. to 1 p.m. as the date and time for holding the election to the committee. The election will be held in the ante-chamber of the President on the ground floor of the Legislative Building

Mr. HARIDAS MAZUMDAR: With reference to my adjournment motion regarding *bhog* ration for the Hindu deities, I want an answer to my short-notice question to be given by the Supply Minister.

Mr. PRESIDENT: He is not here. You may mention it tomorrow.

Mr. HARIDAS MAZUMDAR: Sir, I mention this matter today so that the Hon'ble Minister for Civil Supplies, who is so scarce in this House, may come prepared with the statement tomorrow

Mr. PRESIDENT: He will be here tomorrow and you may mention your adjournment motion tomorrow.

Mr. LALIT CHANDRA DAS: Sir, a statement has been circulated to us which shows that the total number of questions still lying unanswered is 145. It appears that several questions are pending from the first session of 1943. There is one question of 1942 on which we do not lay so much stress; but there are some questions pending from the first session of 1943. We want to know what will happen to these questions. Do the Hon'ble Ministers seriously intend to answer these questions? It is a valued right of the members of this House to have replies and answers to their questions and that is why we devote one hour out of our daily sitting for two hours to questions. It seems the Hon'ble Ministers do not care to answer questions.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have drawn the attention of the Hon'ble Ministers concerned to the pending list of questions and requested them to answer the questions as quickly as possible during this session.

Mr. PRESIDENT: Are Government ready with their replies now? There was a recess of over a fortnight, and Government should have prepared their replies during this time?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, most of the answers are included in today's list. Having regard to this, I think many of these questions have been answered since then.

Mr. PRESIDENT: Khan Bahadur Sahib, I understand that these questions are outstanding excluding the questions that have been answered today.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, in the footnote I find only those outstanding questions which became due for answers on or before 2nd April, 1944, have been included.

Mr. PRESIDENT: Yes.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Since then, as far as I remember, in respect of my department there were only 9 questions outstanding, and I answered 4 of them today——

Mr. PRESIDENT: The practice is that only questions which are not answered within 15 days are shown as pending. The questions which were replied to today were not included in the pending list. Now, Khan Bahadur Sahib, what do you propose to do with these questions?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, all that I can do is to tell my colleagues to expedite the answers.

Mr. PRESIDENT: I regret to observe that this is an attitude of non-co-operation on the part of Government with this House. As the custodian of the rights and privileges of this House, I must impress upon Government that this is not the proper way of dealing with the Legislature.

Mr. HARIDAS MAZUMDAR: Sir, the Hon'ble Ministers are being paid by the rate-payers——

Mr. PRESIDENT: Order, order. That point does not arise. I have been very clear that Government should answer the questions when they propose to do so. But whether Government will answer these questions or not is entirely their discretion; but they cannot keep questions pending indefinitely.

Now, what do you propose to do?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I may again tell the Hon'ble Ministers that the Hon'ble President wants that these questions must be answered.

Mr. PRESIDENT: I hope that you will be able to impress upon your colleagues that the House is feeling impatient on account of the delay in answering the questions. It is not fair.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, with reference to your observation I may assure you that Government do not want to disregard this House or unnecessarily delay in answering the questions. I may draw your attention to the fact that there are only two departments which are heavily engaged otherwise. You will find that the largest number of questions that remain unanswered are the questions pertaining to the Civil Supply Department and the Home Department. Other departments are making every effort to answer their respective questions. Over and above that, I can assure you that every effort is being made to answer the questions as quickly as possible. The session is continuing and we expect that it may continue for more days, and to answer these remaining 145 questions, it will not take much time.

Mr. PRESIDENT: You will realise, Mr. Shahabuddin that if the session is continuing, the honourable members' right to put in fresh questions is also continuing, and the number of questions will go on increasing. The Chair fully appreciates the point you are trying to make out that these two departments are the most heavily worked. I understand that in other countries also there are Government departments which are equally heavily worked but still the special responsibility of answering questions devolves upon the Ministers of the Crown. So, your explanation, I am afraid, does not satisfy me, and I am sure, the members of the House, as well. I may assure Mr. Sahabuddin that I do not like to make these observations but it is my duty to draw the attention of Government to these laches.

The Hon'ble Mr. Khwaja SHAHABUDDIN: I am also sorry that these observations should have to be made by the Chair but I can assure you, Sir, that it is only our work in the service of the public that prevents us from answering these questions in time.

Mr. LALIT CHANDRA DAS: But the Hon'ble Mr. Sahabuddin ought to remember that these questions also are asked in the public interest. If you are a public servant that you describe yourself to be, you too should fulfil your duty.

Mr. PRESIDENT: I hope Mr. Shahabuddin has got considerable influence with his Cabinet colleages and he will impress upon them that answers to these questions should be expedited as far as possible.

Dr. KUMUD SANKAR RAY: Sir, if after your request we do not get our questions answered, what is the position that we stand in?

Mr. PRESIDENT: No remedy lies with the Chair.

The Hon'ble Mr. Khwaja SHAHABUDDIN: You can move a motion of adjournment of the House.

Mr. LALIT CHANDRA DAS: That is not the reply which befits a popular Minister. It seems that underneath your "popularity", there is Hitlerism.

The Hon'ble Mr. Khwaja SHAHABUDDIN: It is nothing new, Sir, to have some questions outstanding.

Mr. PRESIDENT: As I take it that Government are going to apply their serious consideration to this matter, we need not further pursue this matter.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, from the way Mr. Sahabuddin is speaking, it appears that he will make no effort whatsoever.

Mr. PRESIDENT: Well, those observations of Mr. Shahabuddin were aside—and not meant for the Chair. (Laughter.)

Report of the Select Committee on the Bengal Diseases of Animals Bill, 1944.

Mr. PRESIDENT: The next item is the presentation of the Report of the Select Committee on the Bengal Diseases of Animals Bill, 1944.

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of privilege, Sir. The Select Committee's Report has been submitted by the Hon'ble Minister but should not time be allowed to give notices of amendments or for motions for circulation?

Mr. PRESIDENT: What I was going to suggest is this: let us take up today the motion that the Bill, as reported by the Select Committee, be taken into consideration. Let us discuss that matter today and then a date may be fixed for putting in amendments on the clauses of the Bill. I fix 11 a.m. on the 20th April as the last date for putting in amendments, so that consideration of the Bill, clause by clause, may be taken up on Tuesday, the 25th.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that the Bengal Diseases of Animals Bill, 1944, as reported by the Select Committee, be taken into consideration.

Mr. PRESIDENT: Motion moved: That the Bengal Diseases of Animals Bill, 1944, as reported by the Select Committee, be taken into consideration.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In this connection, I may state that the Select Committee has not made any very drastic change in the original Bill. Only small changes of a minor nature have been made here and there. So I think that as the Bill is already long before the members of the House, there is no point in putting off the consideration of the Bill to any further date. A date may be fixed for its consideration, clause by clause.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I may point out to the Hon'ble Minister——

Mr. PRESIDENT: Do you propose to speak on the motion?

Rai Bahadur KESHAB CHANDRA BANERJEE: No, Sir, but I may point out that the note of dissent has not been appended to the Select Committee Report.

Mr. SHRISH CHANDRA CHAKRAVERTI: Yes, it has been.

Rai Bahadur KESHAB CHANDRA BANERJEE: Oh, I am sorry.

Mr. PRESIDENT: I take it that no member is willing to speak on the motion before the House. The question before the House is: that the Bengal Diseases of Animals Bill, 1944, as reported by the Select Committee, be taken into consideration.

(The motion was agreed to.)

May I just remind the House that the last date for putting in amendments on the clauses of the Bill is Thursday, the 20th April, 1944, at 11 a.m.?

The House now stands adjourned till 1-30 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1-30 p.m. on Tuesday, the 18th April, 1944.

Members absent.

The following members were absent from the meeting held on the 17th April, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Mr. Kader Baksh.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. K. K. Dutta.
(6) Khan Bahadur Abdul Gofran.
(7) Alhadj Khan Bahadur Shaikh Mohd. Jan.
(8) Mr. Humayun Z. A. Kabir.
(9) Maulana Mohd. Akram Khan.
(10) Mr. N. N. Moholanabish.
(11) Mr. N. N. Mookerjee.
(12) Mr. R. S. Pursell.
(13) Khan Bahadur Mukhlesur Rahman.
(14) Khan Bahadur Kazi Abdur Rashid.
(15) Mr. S. N. Sanyal.
(16) Mr. J. W. R. Steven.
(17) Dr. Kasiruddin Talukdar.
(18) Khan Sahib Maulvi Wahiduzzaman.

BGP-44/5-2370A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 31.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 18th April, 1944, at 1-30 p.m., being the thirty-first day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Shops in Calcutta under Rationing Scheme.

103. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) how many Government shops and how many private shops have so far been opened in Calcutta and its suburbs under the Rationing Scheme;

(*b*) how many Ration Card holders have been allotted to each Government shop and to each private shop;

(*c*) whether the private shops have been selected by the Civil Supplies Department all by themselves;

(*d*) whether the Civil Supplies Department consulted the local Chambers of Commerce, such as the Indian, the Bengal National and the Marwari Chambers of Commerce and the Marwari Association in this matter of selecting private shops; if not, why not?

(*e*) whether the Government are aware that a large body of public is of opinion that the selections by the Civil Supplies Department is likely to be arbitrary and may lead to corruption;

(*f*) how many of these private shops were selected from the existing trade channel; and

(*g*) whether the Government are aware that the public are of opinion that Government's selection of shops to meet the demands of rationing in Calcutta and its suburbs has gone mainly contrary to the Government of India's directive to use the existing trade channels to the maximum possible extent?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*)

Government shops.		Private shops.	
Calcutta ..	440	Calcutta ..	400
Tollygunge and Garden Reach ..	10	Howrah, Bally and Belur ..	249
	450		
Special for small establishments ..	15	Tollygunge, South Suburban and Garden Reach ...	127
	465		776

(*b*) Government shop—3,300.

Private shop—To each private shop 1,500 permanent cards, 200 temporary cards and 200 provisional cards have been allotted. Infant's sugar ration

cards of the families of the above card holders are eligible for registration for sugar ration without restriction of number. Civil ration tickets issued to Military personnel on leave can also be registered without restriction in respect of all rationed commodities.

(*c*) Yes.

(*d*) No. But rice and *atta* shops selected by Marwari Rice Mills Association, Calcutta Rice Mills Association and Calcutta Flour Dealers Association and approved by Civil Supplies Department under retail rice distribution scheme, were taken into consideration. Further reference to local Chambers of Commerce was not necessary.

(*e*) and (*g*) No.

(*f*) All.

Allegations against the Subdivisional Supply Officer of Narail.

104. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether he is aware that the villagers of Chandibarpur union, police-station Narail, district Jessore, sent a memorial to His Excellency the Governor of Bengal through the Subdivisional Officer, Narail, and the District Magistrate, Jessore, on the 12th September, 1943, containing allegations against the Subdivisional Supply Officer of Narail. If so, will the Hon'ble Minister please enlighten the House as to what were the contents of the said memorial?

(*b*) Will the Hon'ble Minister be pleased to state how many such allegations have been received by him against this Subdivisional Supply Officer during the year ending on the 31st December, 1943?

(*c*) If the answer to part (*a*) be in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken or is intended to be taken in the matter? If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

The memorial contained allegations of favouritism in the selection of traders and official indifference to the then prevailing economic distress.

(*b*) No other allegations against the Subdivisional Supply Officer were received.

(*c*) No action was taken or is intended to be taken as the allegations in the memorial were investigated and found to be untrue.

Mr. K. C. ROY CHOWDHURY: Arising out of (*c*), will the Hon'ble Minister be pleased to state who were the officers who investigated into these allegations?

The Hon'ble Mr. H. S. SUHRAWARDY: The District Magistrate of Jessore.

Mr. K. C. ROY CHOWDHURY: Will the Hon'ble Minister kindly state the gist of their report?

The Hon'ble Mr. H. S. SUHRAWARDY: The gist of the report is that the allegations were found to be untrue.

Cases before Debt Settlement Boards.

116. Mr. HARIDAS MAZUMDAR (on behalf of Mr. Nagendra Nath Mahalanobis): Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) what amount of debts has been settled by the Debt Settlement Boards in Bengal up to June, 1943:

(*b*) how many cases have been instituted before them, how many disposed of by them, and how many are still pending before them; and

(*c*) what portions of the debts, settled by the Boards, have been paid by debtors and how many certificate cases have so far been instituted in the different districts for realisation of the debts settled by the Debt Settlement Boards and what is the amount involved in such certificate cases?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Jogendra Nath Mandal): (*a*) Rs. 21,83,02,407.

(*b*) Instituted 3,206,892 cases.

Disposed of 2,519,861* cases.

Pending 687,931 cases.

(*c*) A statement is laid on the Table.

Statement referred to in reply to clause (*c*) *of the question No. 116.*

Serial No.	District.	Portion of debts settled, paid by debtors.	Number of certificate cases instituted.	Amount involved in certificate cases.
1	2	3	4	5
				Rs.
1	Burdwan . ..	Not available†	1,777	1,30,110
2	Birbhum	Ditto .	3,977	98,415
3	Bankura . ..	Ditto .	2,245	1,91,639
4	Midnapore . ..	Ditto ..	9,795	3,81,527
5	Hooghly ..	Ditto .	2,996	78,070
6	Howrah	Ditto ..	1,838	70,736
7	24-Parganas	Ditto ..	5,664	2,15,269
8	Nadia .. .	Ditto .	3,649	72,784
9	Murshidabad ..	Ditto ..	7,260	94,187
10	Jessore	Ditto ..	7,272	1,12,287
11	Khulna	Ditto .	4,306	83,838
12	Dacca	Ditto ..	6,451	1,46,699
13	Mymensingh	Ditto ..	26,459	5,10,680
14	Faridpur	Ditto ..	8,305	44,978
15	Bakarganj	Ditto ..	12,529	3,04,074
16	Chittagong	Ditto ..	8,514	2,55,000
17	Tippera	Ditto ..	7,171	1,33,861
18	Noakhali	Ditto .	5,718	1,22,402
19	Rajshahi	Ditto ..	3,756	36,128
20	Dinajpur .. .	Ditto ..	8,254	1,16,436
21	Jalpaiguri	Ditto ..	1,896	30,132
22	Rangpur	Ditto ..	9,133	87,696
23	Bogra	Ditto ..	11,758	1,96,963
24	Pabna	Ditto .	7,597	1,01,213
25	Malda	Ditto ..	29	59,430
		Total ..	168,349	36,74,572

*(By award, certificate and dismissal.)

†Payment of instalments of Debt Settlement Board awards is a private transaction between the debtors and the creditors and there is no provision in the Act to keep an account for the same.

(After reading answer.)

The Hon'ble Mr. JOGENDRA NATH MANDAL: Sir, before I sit down I give an explanation to the House that no printed copy of the question and answer was received in my office. Therefore, my office could not bring it to my notice and consequently I did not attend the Council yesterday.

Mr. PRESIDENT: But I am informed, Mr. Mandal, by the Secretary that it was sent to your office in time.

The Hon'ble Mr. JOGENDRA NATH MANDAL: Might be, Sir, your office sent it to my office in time, but my office said that they had not received any printed copy of the question and answer, and therefore they could not place it before me.

Study allowance to State Prisoners.

117. Mr. LALIT CHANDRA DAS (on behalf of Mr. Humayun Kabir): (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that in the past State prisoners and detenus have been granted by the Government the facilities in the way of study allowance and examination fees?

(*b*) Is it a fact that such facilities are being at present refused?

(*c*) Does he propose to reconsider this decision and afford these facilities for study and examination allowances to all persons detained without trial?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) The detenus used to get study allowance, including examination fees, but not the State prisoners.

(*b*) Yes.

(*c*) The matter is under the consideration of Government.

Mr. LALIT CHANDRA DAS: Arising out of (*c*), will the Hon'ble Minister kindly say since when the matter is under the consideration of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Since two or three months.

Mr. LALIT CHANDRA DAS: When it is likely to come to an end?

The Hon'ble Khwaja Sir NAZIMUDDIN: I hope it will come to an end within a month.

Rai Bahadur KESHAB CHANDRA BANERJEE: Arising out of (*b*), will the Hon'ble Minister kindly say when the facilities were refused?

The Hon'ble Khwaja Sir NAZIMUDDIN: Since the time when they were detained.

Calcutta Tramways Company.

118. Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state—

(*a*) whether the Calcutta Tramways Company is a declared essential service company;

(*b*) if so, what concessions, on that ground, are granted by the Government to the Company;

(*c*) the shape or manner in which those concessions or subsidy, etc., are given; and

(*d*) the amount that has been expended on that score in 1942-43 on that company?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY, (on behalf of the Hon'ble Mr. Khwaja Shahabuddin): (*a*) Yes, the Essential Services (Maintenance) Ordinance, 1941, has been applied to employment under the company.

(*b*) Government do not grant any concession to employers in such cases.

(*c*) and (*d*) Do not arise.

Statement promised in reply to Council question No. 5 of the 17th September, 1942.

Mr. PRESIDENT: Now, Mr. Pain will read his statement in reply to question No. 5.

The Hon'ble Mr. BARADA PROSANNA PAIN: It is a lengthy statement, Sir, and I hope it may be taken as read.

Mr. SHRISH CHANDRA CHAKRAVERTY: What is the question, Sir? We have not got any copy.

Mr. PRESIDENT: I believe it was circulated yesterday. But, do the honourable members propose to put supplementary questions on it?

Many honourable members: Yes, Sir.

Mr. PRESIDENT: In that case, let it stand over.

Adjournment motions.

Mr. LALIT CHANDRA DAS: May I now move my adjournment motion, so that the Hon'ble the Home Minister who is here now may, if he likes, give us details of the incident? May I tell him through you, Sir,——

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I think the permission of the House must first be obtained before Mr. Das can move his adjournment motion.

Mr. LALIT CHANDRA DAS: Sir, the Home Minister does not seem willing to make a statement on the motion, as we understood yesterday that he would——

Mr. PRESIDENT: Order, order. I would like to hear the Government view on the subject. Sir Nazimuddin.

The Hon'ble Khwaja Sir NAZIMUDDIN: We have no information on the subject, Sir. All I can say, therefore, is that if the honourable member will put down a short-notice question on the subject, I shall be prepared to give a reply.

Mr. LALIT CHANDRA DAS: This is very unfortunate, Sir. We understood yesterday that a statement would be made today; but now that the Hon'ble Home Minister finds us at a disadvantage in view of the presence of smaller number of Opposition members today, he does not propose to make any statement but leaves the matter entirely to the vote of the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that further time of the House should be wasted in this way, Sir.

Mr. PRESIDENT: Mr. Das, you have got to choose between the two courses—either to press your adjournment motion or to put in a short-notice question, as suggested by the Hon'ble Home Minister.

Mr. LALIT CHANDRA DAS: Yesterday, we thought that Government were going to make a statement on the matter but today finding us in a difficult situation the Home Minister asks that the permission of the House should be obtained before I can move my motion.

Mr. PRESIDENT: Take your seat, Mr. Das. You have misunderstood the position. The suggestion came from you yourself that if the Government gave an assurance that they would make a statement on the matter you would not move your motion. That is as far as I remember. The Hon'ble Home Minister was not present in the House yesterday and there was no assurance given on his behalf. So what do you propose to do now?

Mr. LALIT CHANDRA DAS: I would, in the first instance, like to read out my adjournment motion to the House, which is as follows:—

"That this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the very serious situation which has arisen out of the communal disturbance which occurred at the *Chaitra Sankranti Mela* on the 13th April last at Ghagar under the police station of Kotalipara within the district of Faridpur which resulted in some person being killed and eight women missing, the Government having failed not merely in preventing the clash but also in tracing the women and recovering and restoring them as yet to their proper guardians.

Mr. PRESIDENT: I give my consent to the moving of this motion.

Mr. LALIT CHANDRA DAS: I accordingly beg to move——

Mr. PRESIDENT: Before you formally move your motion, I must first ascertain whether you have got the permission of the House to do so——

Mr. LALIT CHANDRA DAS: The message appears——

Mr. PRESIDENT: As I have told you, Mr. Das, the permission of the House must first be obtained: that is to say, it must first of all be found out if you have the support of 13 members in favour of your motion. Therefore, those who are in favour of the motion will stand up.

(Less than 13 members stood up.)

As less than 13 members have stood up, I take it that leave to move the motion is refused.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, the next adjournment motion stands in my name. You ruled yesterday that I might raise this question today and I am doing so.

Mr. PRESIDENT: What have you to say in support of your motion? Why do you place the responsibility on the Government for what has happened in this case?

Rai Bahadur KESHAB CHANDRA BANERJEE: The judgment of the Honourable the Chief Justice has already been published in the newspapers and therein it has been revealed that Government has interfered with the course of justice——

Mr. PRESIDENT: What is the urgency?

Rai Bahadur KESHAB CHANDRA BANERJEE: The urgency lies in this that justice has been interfered with and there is apprehension that in similar cases such interference may take place again. Indeed, we do not know whether such instances are not already taking place; so, in order to prevent the recurrence of such happenings and incidents I want to bring forward this motion for discussion on the floor of the House. There are various other matters also connected with this which require ventilation.

Mr. PRESIDENT: May I hear from Government about this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, Sir, there is no urgency in the matter and it is purely an expression of opinion. If I get a suitable opportunity, I will make a statement. But, Sir, I think there is no urgency in the matter.

Mr. PRESIDENT: But in view of the judgment of the High Court and the observations made by the Hon'ble the Chief Justice, I give my consent to this motion.

Rai Bahadur KESHAB CHANDRA BANERJEE: May I read the motion?

Mr. PRESIDENT: Yes.

Rai Bahadur KESHAB CHANDRA BANERJEE: I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the unwarranted interference by Government with the administration of justice as revealed in the observations contained in a recent judgment delivered by the Hon'ble the Chief Justice sitting with Mr. Justice Lodge in the case in which one Khan Sahib Hatem Ali Jamadar, a member of the Bengal Legislative Assembly, was being tried before a Munsif-Magistrate of Barisal for criminal breach of trust as well as in the case in which certain persons were prosecuted and placed on trial before another Munsif-Magistrate at Burdwan and which the Government by a confidential circular desired to be dropped.

Mr. PRESIDENT: Those who are in support of the motion, will please rise in their seats.

As the number is less than 13, permission for moving the motion is refused.

Mr. K. C. ROY CHOWDHURY: Sir, the next motion is mine.

Mr. PRESIDENT: As regards your motion, I do not think it is a definite matter——

Mr. K. C. ROY CHOWDHURY: It is definite in that the strike was for four days and it is of the utmost public interest and of recent occurrence——

Mr. PRESIDENT: Your motion runs as follows:—"That this Council do adojurn its business to discuss a matter of urgent public importance, namely, the policy of the Government in withholding reasonable facilities * * *." "Reasonable facilities" is a very indefinite term. What facilities have been actually withheld has not been mentioned. So I think it is out of order and I refuse my consent to your moving the motion.

Mr. HARIDAS MAZUMDAR: The next motion is mine. It runs as follows:—"That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen in Bengal particularly in Calcutta on account of the severe scarcity of soft coke for household purposes."

Mr. PRESIDENT: Mr. Mazumdar, you brought an exactly similar motion on the 24th of last month, I believe, which you yourself withdrew.

Mr. HARIDAS MAZUMDAR: Sir, it is a continuing grievance as no soft coal is available now.

Mr. PRESIDENT: You withdrew that motion yourself and no new situation has arisen since then. So, I feel that there is neither any urgency in the matter nor it is very definite and in view of the fact that you yourself withdrew it, I refuse consent.

The Bengal Embankment (Amendment) Bill, 1944.

The Hon'ble Mr. BARADA PROSANNA PAIN: Sir, I give notice that I shall move in this session that the Bengal Embankment (Amendment) Bill, 1944, be considered and passed. I request you, Sir, to fix a date for the purpose.

Mr. PRESIDENT: I fix 11 a.m. on Friday, the 21st April, 1944, for sending in amendments both to the substantive motion that the Bill be taken into consideration as well as for the clauses of the Bill. The Bill will be taken up for consideration on Tuesday, the 25th April, 1944.

The House stands adjourned till 2-15 p.m. on Friday, the 21st April, 1944.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 21st April, 1944.

Members Absent.

The following members were absent from the meeting held on the 18th April, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Mr. Kader Baksh.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. K. K. Dutta.
(6) Khan Bahadur Abdul Gofran.
(7) Mr. Humayun Z. A. Kabir.
(8) Maulana Mohd. Akram Khan.
(9) Mr. W. B. G. Laidlaw.
(10) Mr. N. N. Moholanabish.
(11) Mr. N. N. Mookerji.
(12) Mr. T. B. Nimmo.
(13) Mr. R. S. Purssell.
(14) Khan Bahadur Mukhlesur Rahman.
(15) Khan Bahadur Kazi Abdur Rashid.
(16) Mr. K. C. Roy Chowdhury.
(17) Mr. J. W. R. Steven.
(18) Khan Bahadur M. Shamsuzzoha.

BGP-44/5-2369A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 32.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 21st April, 1944, at 3-30 p.m., being the thirty-second day of the First Session of 1944, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Comment of Mr. Hutchings on food situation in Bengal.

119. Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister in charge of the Home Department be pleased to state whether—

(*a*) he is aware that Mr. R. H. Hutchings, C.I.E., I.C.S., Secretary to the Government of India in the Department of Food, made a statement a few days ago at New Delhi commenting on the present food situation in Bengal after his recent visit to this Province;

(*b*) the statement was to the effect that he deprecated all attempts at "taking Bengal into a second famine" and that conditions this year were very different from those prevalent last year as Bengal had a bumper rice crop sufficient to feed her population;

(*c*) a joint statement issued by Mr. A. K. Fazlul Huq, Leader of the Progressive Coalition Party, Dr. Shyamaprosad Mookerjee, Leader of the Nationalist Party, Mr. Kiron Sankar Roy, Leader of the Official Congress Party, Mr. Santosh Kumar Basu, Deputy Leader of the Bengal Congress Parliamentary Party, Mr. Samsuddin Ahmed, Leader of the Krishak Proja Party, and Mr. Hem Chandra Naskar, Leader of the Independent Scheduled Caste Party, in the Bengal Legislative Assembly in reply to certain remarks made by Mr. Hutchings enquiring of the source of his information was not allowed by this Government to be published in the newspapers; and

(*d*) if the answer to part (*c*) is in the affirmative, whether the Hon'ble Minister will be pleased to lay on the Table copies of both the statements and to state why and under what law the publication of this joint statement was banned?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) Yes.

(*c*) The Provincial Press Adviser advised the press not to publish the statement referred to.

(*d*) Copies are laid on the Table. Publication of the statement was not banned under any law. The Press was advised not to publish the statement in pursuance of the general policy of Government that the publication of any matter which is likely to undermine public confidence and retard the return of normal conditions should be discouraged.

Statement referred to in reply to question No. 119.

FOOD SITUATION IN BENGAL.

NO SECOND FAMINE.

Central Food Department Secretary's Optimism.

New Delhi, February, 22.—Commenting on the present food situation in Bengal, the Secretary of the Central Food Department, who has returned to Delhi after a short visit to Bengal, deprecates all attempts at "taking Bengal into a second famine". Complacency or ill-considered optimism is one thing, but defeatism is another, and his view is that conditions this year are very different from those prevalent last year. This year Bengal has a bumper rice crop sufficient to feed its population. In addition the Central Government have undertaken to supply to the Government of Bengal a quantity of foodgrains estimated as approximately equivalent to the amount required to feed greater Calcutta, on a rationed basis for 13 months, and finally Calcutta is now rationed. The Provincial Government are proceeding cautiously with their purchases in accordance with the pre-arranged plan but their purchases have already been considerable from the *aman* crop and it is reported that they have in addition over 100,000 tons of foodgrains in reserve at Calcutta. The important thing now is to secure movement of stocks to key points in deficit areas, in accordance with the Civil Supplies Department's co-ordinated plan. A visible demonstration of success in this should be sufficient to convince producers that it is neither necessary for them to hoard nor wise to hold on in the hope of another rise of prices.

On the question of Calcutta rationing, the Food Secretary feels that the administrative scheme has been well conceived and a good beginning has been made, though undoubtedly there are some complaints from the public. The main points of criticism are the quality of rice supplied, the size of the ration to heavy workers and the number of retail shops. As regards the first, it is admitted that the quality is uneven and the Provincial Government are endeavouring to secure improvement. In view of Bengal's position, *vis-a-vis* the rest of India, the claim for increase in the basic ration can hardly be sustained: good alternative grains are available to supplement the ration and in addition industrialists are encouraged to open canteens. The number of retail shops is already engaging the close attention of the rationing authorities.—(A.P.).

Submitted for Press Advice.

Local and Bombay,

Calcutta No.....

Calcutta, February, 27.

The following joint statement has been issued by the leaders of various parties in opposition in the Bengal Legislative Assembly in reply to certain

remarks made by the Food Secretary, Government of India, in a recent debate in the Central Assembly relating to the food situation in Bengal:—

"Our attention has been drawn to a statement recently issued by Mr. Hutchings, the India Government Food Secretary, from Delhi, regarding the food situation in Bengal. It appears that Mr. Hutchings was in Bengal a few days ago but we are not aware of any attempt made by him to contact public opinion in the Province. We were not even aware that he was in our midst. It is, therefore, reasonable to presume that he looked into the food problem in Bengal through the eyes of the ministry and the officials, and the over-optimism which he has shown is, therefore, easily explained It is not our intention to raise any scare nor, so far as we are aware, any attempts are being made by the public for "taking Bengal into a second famine", as has been insinuated by the Food Secretary, but we feel that we shall be failing in our duty to the public if we do not point out that the complacency in official circles is fraught with great danger. Mr. Hutchings had deprecated all attempts at "taking Bengal into a second famine". We wonder whether he realises that a similar complacency on the part of the Government last year since the advent of the new ministry was to a great extent responsible for what he evidently calls the "first famine" towards the end of last year. Let not that tragic blunder be repeated in 1944. We are told that there has been a bumper crop in Bengal this year but a mere bumper crop without a sound scheme of procurement and distribution cannot save Bengal from another famine. Already reports of rising prices and scarcity of rice and paddy are daily pouring in from different parts of Bengal, specially from Comilla, Chittagong and Dacca. Whether it is due to Government purchase of *aman* crop, size of which has been admitted to be "considerable" is for the Government to say. Government have also so far done little to make a visible demonstration of success by moving foodgrains to deficit areas Symptoms are, therefore, disquieting. What people suffer from is not "defeatism" but want of confidence in the present ministry's capacity and integrity to tackle the situation in a manner consistent with the welfare of classes of people. Complacency in high quarters and pious wishes would not achieve anything. Nor will confidence be restored by prevention of legitimate criticism of official policy and action relating to food."

The signatories to the statement are: Mr. A. K. Fazlul Huq, Leader of the Progressive Assembly Party and of the Opposition, in the Bengal Legislative Assembly; Dr. Shyamaprosad Mookerjee, Leader of the Hindu Nationalist Party in the Assembly; Mr. Kiron Sankar Roy, Leader of the Official Congress Party; Mr. Santosh Kumar Basu, Leader of the Bose Group of Congressmen in the Assembly; Mr. Samsuddin Ahmed, Leader of the Krishak Proja Party; and Mr. Hem Chandra Naskar, Leader of the Independent Scheduled Caste Party. (A.P.I.)

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Hon'ble Minister aware that the reply given by Mr. Amery to a question put by Mr. Sorensen in the House of Commons a few days ago was to the effect that another famine is not beyond the bounds of possibility?

Mr. PRESIDENT: Does that question arise, Rai Bahadur?

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, it does arise in this way: Mr. Hutchings said that he deprecated all attempts at "taking Bengal into a second famine", but Mr. Amery's reply to the question in the House of Commons conveys the impression that there may be a second famine.

Mr. PRESIDENT: Mr. Amery only stated certain facts. He did not express his own views, so I do not think that the question arises.

Ban on the Bengal Committee of Indian Federation of Labour.

120. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state why ban has been imposed by the Subdivisional Officers of Asansol and Burdwan on the Bengal Committee of the Indian Federation of Labour, which is the only anti-Fascist and pro-war organisation and which constantly supported the war efforts of the country, to hold meetings since June, 1943?

(*b*) Were repeated requests made by the Indian Federation of Labour (Bengal) for the lifting of the ban and, if so, why has not the ban yet been lifted?

(*c*) When is the ban proposed to be removed?

The Hon'ble Khwaja Sir NAZIMUDDIN: There has been no ban in Burdwan subdivision. In Asansol, members of the Federation were not permitted to speak at meetings other than those of the National War Front, as it was feared that industrial unrest might result. The ban has since been withdrawn.

Improvement of Agriculture in Bengal.

121. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state what measures have been taken by the Government of Bengal to attract the educated young men of the Province to the agriculture and agricultural pursuits?

(*b*) How many schools and colleges have been established to impart exclusively agricultural education to the students of Bengal and where have they been opened and what is the annual expenditure for the same?

(*c*) What measures have been taken by the Government of Bengal with a view to agricultural reconstruction in Bengal after the war?

(*d*) Is he aware that the Government of the Punjab have already taken steps to draw up such schemes for the Punjabi soldiers?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) Educated young men are always advised through leaflets, bulletins, lantern lectures and exhibitions to take to agriculture and agricultural pursuits. Demonstration of improved methods of agriculture by use of improved seed, manures and implements is included in the normal programme of activities of this department.

(*b*) One college and two schools have been established by Government for the purpose. The college at Dacca imparts higher agricultural education while at the two schools, one at Dacca and the other at Chinsura, secondary agricultural education is imparted. The total annual expenditure

amounts to Rs.1,50,000. Besides these, the following four institutions impart exclusively agricultural education:—

(*i*) Daulatpur Agricultural Institute at Daulatpur (Khulna).

(*ii*) B. K. Agricultural Institute at Rajshahi.

(*iii*) Jadavpur Agricultural Institute at Jadavpur (24-Parganas).

(*iv*) Barrackpore Agricultural Institute at Barrackpore (24-Parganas).

(*c*) A Committee have been formed to formulate schemes for post-war reconstruction.

(*d*) This Department is not aware of any such scheme.

Mr. NUR AHMED: With reference to (*b*), will the Hon'ble Minister please state if it is sufficient to have only two such schools in Bengal which have an agricultural population of 70 per cent.?

Mr. PRESIDENT: That is asking for an expression of opinion.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state how and where these educated young men of Bengal are being advised in this way? This is with reference to (*a*).

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: They are being advised through posters and publications that are being circulated from time to time by the Agriculture Department.

Rai Bahadur KESHAB CHANDRA BANERJEE: Are separate classes held for this purpose?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, this object is accomplished through the issue of leaflets and posters, etc. No separate classes are held.

Rai Bahadur KESHAB CHANDRA BANERJEE: Have any arrangements been made for instructing school boys in the improved system of agriculture through the medium of leaflets, bulletins, lantern lectures and exhibitions?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In some unions demonstration farms have been started, known as union farms, and they are attached to Middle English Schools generally, and the necessary agricultural education and instruction is given in such schools. But as regards ordinary schools, no such arrangement exists.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister please state what action has been taken for the purpose of checking the quality of seeds that are supplied by Government to the agriculturists for cultivation?

Mr. PRESIDENT: With reference to which portion of the answer?

Mr. BANKIM CHANDRA MUKHERJEE: With reference to (*a*).

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The seeds are supposed to be tested before they are supplied.

Mr. BANKIM CHANDRA MAKHERJEE: Will the Hon'ble Minister please state whether the wheat seeds supplied this year to the cultivators have proved ineffective and did not germinate in most of the areas supplied by the Government?

Mr. PRESIDENT: I do not think that the question arises: from a general question you are going to a particular one.

Mr. BANKIM CHANDRA MUKHERJEE: No, Sir. The Hon'ble Minister says that the seeds are tested before supply. I now want to know whether——

Mr. PRESIDENT: Your question is: whether wheat seeds, that were supplied this year by the Government department, germinated. That is a specific question, a particular question, whereas the answer is in very general terms only.

Mr. BANKIM CHANDRA MUKHERJEE: Unless this is elucidated, possibly——

Mr. PRESIDENT: I do not think your question arises out of an answer of a general nature.

Mr. BANKIM CHANDRA MUKHERJEE: I wanted to know why if they were tested before being supplied, they have not germinated or proved ineffective: However, I bow down to your ruling.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is the Hon'ble Minister aware that the number of demonstrators attached to the Agriculture Department is too inadequate to cope with the work?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, I admit it is inadequate.

Rai Bahadur KESHAB CHANDRA BANERJEE: Arising out of (*c*), will the Hon'ble Minister be pleased to state when the committee appointed to formulate the scheme of post-war reconstruction are likely to complete their labour?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: They have already started their work and I think it will take a year to complete their labour.

Mr. PRESIDENT: Questions over.

Mr. HARIDAS NAZUMDAR: Sir, I have tabled a short-notice question with regard to the *bhog* ration to deities and I trust it has been admitted by you. May I enquire when that question is going to be replied? The Supply Minister is not present today.

The Hon'ble Khawaja Sir NAZIMUDDIN: What short-notice question, Sir?

Mr. PRESIDENT: Short-notice question about *bhog* ration for deities. I believe it has been admitted, so far as I remember.

The Hon'ble Khwaja Sir NAZIMUDDIN: In that case, Sir, it will be replied to on the next sitting day.

Mr. LALIT CHANDRA DAS: Sir, I have also tabled a short-notice question regarding the price of rice in Dacca and I trust you have admitted it.

Mr. PRESIDENT: I think it came to me only yesterday and as far as I remember I admitted it.

NON-OFFICIAL BILLS.

The Bengal Orphanages and Widows' Homes Bill, 1944.

Mr. NUR AHMED: I beg to move: that the Bengal Orphanages and Widows' Homes Bill, 1944, as passed by the Assembly, be taken into consideration.

Sir, I really feel great pleasure in moving this motion. I feel great pride in associating myself with a Bill which has been sponsored in the other House by a lady member—if I remember aright by the first lady member who brought any Bill in the Bengal Legislature. It is desirable that the social life in Bengal should be made better and the purpose of this Bill is to regulate and control the institutions which go in the guise of charitable institutions, some as widow's homes, some as orphanages and such other institutions here and there. I know, Sir, that there are some institutions which are doing very useful service to the cause of humanity; but there are some institutions which are carried on by the organisers with an ulterior purpose—with the purpose of making profit by running these institutions. Many helpless women fall prey to designing persons who, taking advantage of the good name of these institutions, trade in helpless widows and girls and make profit thereby.

Sir, at the present moment a movement is on foot by some designing persons, some evil-doers to take advantage of the present post-famine condition to carry on a very prosperous traffic in women. They may set up —they have already set up such institutions with the evil design of trafficking in women through those institutions. This Bill is very simple. This Bill proposes that no institution of such a nature should exist without a licence and those that are in existence will have to take a licence within a period of 6 months. For new institutions of this nature, licence should first be procured. This Bill contains healthy and wholesome provisions to check this growing evil. It is desirable that such a *home* or a marriage bureau, whatever may be the name of the institution or orphanage, should be managed and conducted in accordance with section 16 of the Society Registration Act. This, I think, is a very necessary condition of licence because the surroundings of the institutions must be healthy. I think no honourable member should object to this Bill.

There is another provision in this Bill regarding the inspection of these institutions. In Calcutta, the Commissioner of Police, and in the mofussil areas the District Magistrate or any Deputy Commissioner of Police or any other officer authorised in writing in this behalf by the Commissioner of Police or any Magistrate authorised in writing in this behalf by the District Magistrate or any person not in the service of the Crown when authorised in writing in this behalf in Calcutta by the Commissioner of Police or elsewhere by the District Magistrate may enter and inspect any orphanage, widows' *home* or marriage bureau at any time by day or night and the society having control of such institution and the persons in charge thereof shall not refuse such entry or inspection. This is the main provision of the Bill. Sir, I think there would be no objection to the acceptance of this Bill by the House. I hope with the passing of this Bill these institutions will be conducted under a healthy

atmosphere. There might be some opposition from persons who are interested in this business. I again congratulate the honourable lady member who originally sponsored this Bill. I think she has done a great service to Bengal by sponsoring this Bill.

With these few words, I move the motion that the Bill be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Orphanages and Widows' Homes Bill, 1944, as passed by the Assembly, be taken into consideration.

(After some pause.)

As there is none to speak on this motion, I put it to vote.

The question before the House is: that the Bengal Orphanages and Widows' Homes Bill, 1944 (as passed by the Assembly), be taken into consideration.

(The motion was agreed to).

Mr. PRESIDENT: The next motion cannot be moved today, because no opportunity has been given to the honorable members to send in their amendments. So, I fix 11 a.m. on Wednesday, the 26th instant as the time for putting in amendments. It will be decided later on when the Bill would be taken up, clause by clause.

Mr. LALIT CHANDRA DAS: Sir, cannot the time be fixed at 1 p.m. on Wednesday?

Mr. PRESIDENT: I have no objection if that suits the convenience of the honourable members.

Mr. LALIT CHANDRA DAS: That will suit us very well, Sir.

Mr. PRESIDENT: All right. Then amendments to the clauses may be sent by 1 p.m. on Wednesday, the 26th instant.

The Bengal Amusement House Smoke Nuisance Prohibition Bill, 1943.

Mr. PRESIDENT: Mr. Haridas Mazumdar.

Mr. HARIDAS MAZUMDAR: Sir, with your permission I beg to substitute Rai Bahadur Radhica Bhusan Roy in the place of Rai Sahib Jogendra Nath Ray and Mr. Biren Roy in the place of Mr. Bankim Chandra Mukherjee. I accordingly move my motion as amended that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Khan Bahadur Jalaluddin Ahmed, Minister in charge of the Public Health and Local Self-Government Department,
(2) Mr. T. B. Nimmo,
(3) Mr. Kamini Kumar Dutta,
(4) Mr. Lalit Chandra Das,
(5) Rai Bahadur Radhica Bhusan Roy,
(6) Mr. Humayun Kabir,
(7) Mr. Mesbahuddin Ahmed,
(8) Mrs. Labanyaprobha Dutt,

(9) Mr. Moazzemali Chowdhury,
(10) Mr. Biren Roy, and
(11) the mover,

with instructions to submit their report by the 30th June, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, I do not like to speak on the Bill just at the present moment, and I hope that the Bill be referred to a Select Committee.

Mr. PRESIDENT: Motion moved: that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Khan Bahadur Jalaluddin Ahmed, Minister in charge of the Public Health and Local Self-Government Department,
(2) Mr. T. B. Nimmo,
(3) Mr. Kamini Kumar Dutta,
(4) Mr. Lalit Chandra Das,
(5) Rai Bahadur Radhica Bhusan Roy,
(6) Mr. Humayun Kabir,
(7) Mr. Mesbahuddin Ahmed,
(8) Mrs. Labanyaprobha Dutt,
(9) Mr. Moazzemali Chowdhury,
(10) Mr. Biren Roy, and
(11) the mover,

with instructions to submit their report by the 30th June, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1944.

Sir, there is a clear provision in the Bill that nobody shall be permitted to smoke in a cinema house or in any place of musical performance. So I think that there will be difference of opinion regarding this provision, and Government ought to know what is the general opinion of the people before this can be allowed to go to a Select Committee. Therefore, I move that the Bill be circulated for the purpose of eliciting public opinion.

Mr. PRESIDENT: Amendment moved: that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1944.

(The amendment was agreed to.)

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, as the other House is likely to sit at 4-15 p.m., I would request you to adjourn the Council at 4 p.m. Government are prepared to allot another day for non-official business.

Mr. PRESIDENT: The suggestion is that the House should adjourn at 4 o'clock today, and Government are prepared to allot another day for non-official business. I hope the honourable members will have no objection to this proposal.

Mr. LALIT CHANDRA DAS: Sir, may we know whether it would be a Bill day?

Mr. PRESIDENT: That depends on the Chair and the Leader of the House. We can arrange it among ourselves. So I take it that there is no objection to the proposal, especially in view of the fact that Government are prepared to give another day for non-official business. This situation has arisen because of some inadvertence on the part of Government. So I adjourn the House till 1-30 p.m. on Tuesday, the 25th.

Adjournment.

The Council then adjourned till 1-30 p.m. on Tuesday, the 25th April, 1944.

Members absent.

The following members were absent from the meeting held on the 21st April, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Mr. Kader Baksh.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. N. C. Dutta.
(6) Mr. K. K. Dutta.
(7) Khan Bahadur Abdul Gofran.
(8) Mr. Mohamed Hossain.
(9) Mr. Humayun Z. A. Kabir.
(10) Maulana Muhammad Akram Khan.
(11) Mr. N. N. Moholanabish.
(12) Mr. N. N. Mookherji.
(13) Mr. T. B. Nimmo.
(14) Mr. R. S. Purssell.
(15) Khan Bahadur Muklesur Rahman.
(16) Khan Bahadur Kazi Abdur Rashid.
(17) Dr. K. S. Ray.
(18) Mr. S. N. Sanyal.
(19) Mr. J. W. R. Stevens.

BGP-44/5-2391A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 33.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 25th April, 1944, at 1-30 p.m., being the thirty-third day of the First Session of 1944, persuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Firing near Puran Thana Mosque.

122. Dr. KASIRUDDIN TALUKDAR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware that the Press Adviser to the Government of Bengal held up all reports about firing near the Puran Thana Mosque, Kishoreganj, for a considerable length of time and did not permit such reports to be published in the papers?

(*b*) Under what authority did the Press Adviser prevent publication of such reports?

(*c*) Under what authority was the Press advised by the said officer not to publish the Chief Minister's statement made on the floor of the Council regarding the Kishoreganj firing incident?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): This refers to a period when I was not in office and regarding which I am unable to give any information. I cannot give reasons why the previous Government acted in a particular manner.

Agricultural Institutions in Bengal.

123. Rai Bahadur BROJENDRA MOHAN MAITRA: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state if the Agricultural Institutions at (*i*) Rajshahi, (*ii*) Daulatpur, (*iii*) Jadavpur and (*iv*) Barrackpore have been designed to impart agricultural education of secondary standard?

(*b*) Have the curricula of these Agricultural Institutes been drawn up in consultation with the Agriculture Department and are these at par with that of the Secondary Agricultural Schools at Dacca and Chinsura under direct control of the Agriculture Department?

(*c*) If the above reply is in the affirmative, will the Hon'ble Minister kindly state the number of successful candidates who have come out of the Agricultural Institutes at Rajshahi, Daulatpur, Jadavpur and Barrackpore, and also the number of passed students who have been employed in the Agricultural and other allied Departments of this Government?

(*d*) Will the Hon'ble Minister please state the total amount of Government and private funds hitherto spent on these Institutes separately?

(*e*) Will the Hon'ble Minister please consider ways and means of absorbing passed students of these four Institutes in suitable employment under the Government?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) Yes, so far as the Agricultural Institutes at Daulatpur and Rajshahi are concerned.

The standard of agricultural education imparted at Jadavpur and Barrackpore Agricultural Institutes is different from that imparted in Government Secondary Agricultural Schools.

(*b*) The curriculum of only the Daulatpur Agricultural Institute is drawn up in consultation with the Agriculture Department and is at par with that of the Government Secondary Agricultural Schools at Dacca and Chinsura. The other Agricultural Institutes do not consult the Agriculture Department in framing their curricula.

(*c*) Eleven students passed from the Daulatpur Agricultural Institute in 1942, out of whom only six were available for employment in the Agriculture Department. In 1943 four students including three non-Bengalees passed; two were offered employment but only one joined.

Students of the Rajshahi Agricultural Institute, when available, have been employed in the Live Stock Section.

The authorities of the other Institutes do not send up the names of successful students nor do the latter offer themselves for employment.

(*d*)

Name of the Institute.	Government contribution spent up to date.	Private funds.
	Rs.	Rs.
Daulatpur Institute	38,300	18,000
B. K. Agricultural Institute, Rajshahi	Nil	46,752
Jadavpur Institute	Nil	50,510
Barrackpore Institute	Nil	1,43,767

(*e*) The successful candidates of the two Institutes at Rajshahi and Daulatpur are offered service in this Department. As for the students of the other two Institutes there is no objection to their being employed in the Department if they are found suitable.

Mr. HARIDAS MAZUMDAR: Do the Government propose to help the Daulatpur Agricultural Institution with further funds, it being a private institution?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is being helped and if the institution makes an application for further grant, it will be considered.

Death due to starvation in Calcutta.

124. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the number of persons who died due to starvation in the different parts of the city of Calcutta since the assumption of office by the present Ministry?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of Minister in charge of the Public Health and Local Self-Government Department the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): No such heading as "starvation" appears among the statutorily specified causes of death in the register of deaths; in fact, no separate record of deaths from starvation was kept. So the information wanted is not available to Government.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if what appears in the daily paper as deaths from effects of starvation are deaths from starvation?

Mr. BIREN ROY: It means deaths from other causes not recorded, such as, malaria, cholera, etc. If the honourable member will be satisfied with figures of deaths in Calcutta Emergency Hospitals, I can supply it.

Mr. LALIT CHANDRA DAS: Yes.

Mr. BIREN ROY: The figure is 6,730 in the year 1943.

Mr. LALIT CHANDRA DAS: Since which month?

Mr. BIREN ROY: Since June.

Muhurrum processions.

125. Mr. BANKIM CHANDRA MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that—

(*i*) in 1943 and in this year also, *Muhurrum* processions were allowed to parade the public roads of Burdwan town with uncovered Petromax lights and *mashals;* and

(*ii*) the Hindus were forced to finish immersion processions of images before 7 p.m., but the Muslims were allowed to use lights freely and to continue their processions up to 10 p.m.?

(*b*) If so, will he please state the reasons for this differential treatment?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) No. In both 1943 and 1944, lights were carried in violation of the lighting restrictions. In 1943, the licensees were warned and this year they have been prosecuted.

(*ii*) No force was used. The Hindu licensees adhered to the conditions laid down in their licenses.

(*b*) Does not arise.

Mr. BANKIM CHANDRA MUKHERJI: Will the Hon'ble Minister be pleased to state whether the Muslims were allowed to carry on procession up to 10 p.m.—nothing has been said in answer to clause (*a*)(*ii*) of the question.

Mr. BIREN ROY: They were not so allowed and it has already been stated that there have been certain prosecutions in 1943.

Mr. BANKIM CHANDRA MUKHERJI: Have any steps been taken against those who have violated the rules? Nothing has been said in regard to (*a*)(*ii*).

Mr. BIREN ROY: Sir, it is a printing mistake: clauses (*a*)(*i*) and (*ii*) should have been taken together.

Mr. BANKIM CHANDRA MUKHERJI: With regard to (*a*) (*ii*), I want to know whether the processionists continued up till 10 p.m. and, if so, what steps have been taken against them?

Mr. BIREN ROY: As I have already said, in answer (*i*), lights were carried in violation of the rules and they have been prosecuted.

Participation of Government servants in the election campaign.

126. Mr. BANKIM CHANDRA MUKHERJI: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if it is a fact that Mr. Ahmad Hosain, Police Magistrate, Sealdah, has proposed one Kazi Ashraf Ali as a candidate for election to the Calcutta Corporation in the present general elections; and

(*b*) if a Government servant is entitled to propose, second or otherwise actively participate in the election?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): A report has been called for from the District Magistrate, 24-Parganas, regarding part (*a*) of the question. A reply will be given as soon as the report is received.

Mr. BANKIM CHANDRA MUKHERJI: Will the Hon'ble Minister be pleased to state if any answer is possible now with regard to question (*b*)? Nothing has been said about it in the answer.

Mr. BIREN ROY: This answer should not have been inserted here. I read it as it appears. The answer is that no Government servant is entitled to give any indication of the manner in which he proposes to vote and as such he cannot propose or second.

Production of foodstuff in Bengal.

127. Mr. NAGENDRA NATH MAHALANOBISH: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state whether the Government are aware that Bengal depends largely upon the imports from other Provinces and countries for some of its essential requirements of foodstuffs, such as pulses (*dal*), mustard and sugar?

(*b*) If so, do the Government propose to take steps to make Bengal self-supporting with regard to these essential foodstuffs?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Yes.

(*b*) Yes, as far as possible.

Some 12,592 maunds of gram, 7,433 maunds of lentil, 4,406 maunds of mustard seeds and 39,055 maunds of improved sugarcane cuttings have been distributed among the cultivators during 1943-44 for sowing purposes with a view to obtain increased outturn at the next harvest.

Local holiday in Jessore.

128. Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether the Collector of Jessore has declared that there will be no local holiday in 1944 in the district of Jessore;

(*b*) what reasons have led the Collector to issue such an order;

(*c*) whether in many of those local holidays observance of religious rites and ceremonies are enjoined on and practised by both Hindus and Muslims;

(*d*) whether the Practice and Procedure Manual empowers the Collector in any way to withhold or scrap the usual local holidays;

(*e*) whether discretion allowed in the matter to district authorities is only regarding the selection of days or dates;

(*f*) whether he is aware that the said order has caused considerable public feeling; and

(*g*) whether representations from representative bodies have come to the higher authorities in protest against the order in question?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) and (*c*) Yes.

(*b*) To deal with the increased work and to prevent accumulation of arrears of urgent and important work.

(*d*) and (*e*) In view of the present emergency the usual arrangements in regard to holidays have been suspended and the heads of departments and offices have been instructed to discontinue the routine observance of holidays.

(*f*) No.

(*g*) One such representation has been received and is under the consideration of Government.

Cases of starving women.

129. Mr. HARIDAS MAJUMDAR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if he is aware that pangs of starvation had driven women in various districts of the Province in despair to take to a life of shame;

(*b*) (*i*) if the Government propose to found a Destitute Women's House in Calcutta;

(*ii*) if the reply to part (*b*) (*i*) be in the affirmative, whether the Government have appointed a Ladies' Committee under whose supervision and control the Institution is going to be run; if so, who are the members of the Committee;

(*c*) (*i*) if the Government have started Destitute Women's Homes in the rural areas of the Province; if so, what are the names of the places where they have been founded with the names of the members of the Committees under whose control they are being run; and

(*ii*) if not, why not?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) Some reports to this effect have been received by Government.

(*b*) (*i*) Yes.

(*ii*) Steps have already been taken to appoint such a Committee with the Revenue Minister as the President, Mr. A. K. Chanda as Secretary and prominent ladies and gentlemen engaged on social welfare work as members. As soon as the consent of the members whom it is proposed to appoint to the Advisory Committee is received, the constitution of the Committee will be announced.

(*c*) (*i*) Yes. A statement giving the necessary particulars in respect of the "Homes" is laid on the Table.

(*ii*) Does not arise.

Statement referred to in reply to clause (*c*) (*i*) *of question No. 129.*

Names of districts.	Names of the location where the Destitute Women's Homes have been founded.	Homes.	Particulars of management.
1. Midnapore ..	At Paniparul, Balighai, Gopichak, Basantia, Satmile and Bhagawanpur in Contai subdivision.	6	Under Government management and control.
	At Lakshya in Tamluk subdivision	1	Babu Hiralal Maitrya, Zamindar, Lakshya, is in charge of the house and is assisted by other members of the Relief Committees.
	Total ..	7	
2. Dacca ..	At Manikganj ..	1	Under a Managing Committee with the Subdivisional Officer as Chairman of the Committee
	At Munshiganj, Dighirpar, Taltola and Tangibari in Munshiganj subdivision.	4	The one in Munshiganj is run by a Special Committee with the Subdivisional Officer as President and the Circle Officer as Secretary, while the other three are run by the respective Union Relief Committees.
	Total ..	5	
3. Hooghly ..	At Arambagh ..	1	It is run by a Ladies' Committee under the supervision and control of the Subdivisional Officer.
4. Khulna ..	At Daulatpur ..	1	Run under the management of the local Relief Committee under the direct supervision of the Circle Officer.
5. Mymensingh ..	Through the district ..	12	Under Government management and control.

Mrs. LABANYAPROBHA DUTTA: Arising out of (*b*) (*ii*), will the Hon'ble Minister please state the names of the prominent ladies and gentlemen proposed for membership of that Committee and whether Council members are being included among them? What are the qualifications of members who are going to cater to the needs of women? Have they run any women's organization, if so, what are their number?

The Hon'ble Mr. TARAK NATH MUKERJEA: As for the names, I want notice. For the information of the honourable member I may say that lady M.L.As. and M.L.Cs. are included on this Committee. As regards qualification, those ladies and gentlemen who are expected to take interest in this matter have been taken.

Mrs. LABANYAPROBHA DUTTA: Arising out of the statement, will the Hon'ble Minister please state whether he proposes to support or help private individuals or municipalities to start such *homes* in the 24-Parganas and in the suburbs of Calcutta which are so thickly populated and where last year so many destitute women were found roaming about?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes.

Mrs. LABANYAPROBHA DUTTA: Are there any private *homes* in the 24-Parganas and in the suburbs of Calcutta?

The Hon'ble Mr. TARAK NATH MUKERJEA: So far as I am aware, there are *homes* but I cannot give the exact number.

Mr. NUR AHMED: Does the Hon'ble Minister propose to start any more *homes*?

The Hon'ble Mr. TARAK NATH MUKERJEA: If the situation so demands.

Mr. NUR AHMED: In view of the fact that Chittagong has been vitally affected due to famine conditions, will the Hon'ble Minister be pleased to state if any more *homes* will be opened in Chittagong?

The Hon'ble Mr. TARAK NATH MUKERJEA: The matter is under consideration.

Rural Development Board in Bengal.

130. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state if any provincial rural development board on the lines of Bombay has been formed in Bengal with a view to preparing schemes for the development of rural Bengal after the war?

(*b*) If not, do the Government propose to form such a board in Bengal? If not, why not?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. Khwaja Shahabuddin): (*a*) No. I have no information regarding the Rural Development Board, Bombay.

(*b*) The subject of rural development will come under the purview of the Bengal Post-War Reconstruction Committee. No separate board is considered necessary at present.

Smoking in the tram cars.

131. Rai Sahib JOGENDRA NATH RAY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if the Government are aware of a resolution passed by the Corporation of Calcutta, drawing the attention of the Calcutta Tramways Co., Ltd., to the annoying, unhealthy and dangerous practice of unrestricted smoking in tram cars?

(*b*) If so, are the Government aware of any measures taken by the Tramways to remedy this evil?

(*c*) Are the Government aware of smoking restrictions observed in public conveyance in other cities in India, viz., Bombay, Delhi, etc.?

(*d*) Are the Government aware of strong public demand for some sort of restrictions on the unrestricted smoking in public conveyances and in places of public amusements, *e.g.*, cinemas, theatres, etc.?

(*e*) Are the Government aware of the fact that the demand for restriction of such unrestricted smoking have been very strongly supported by the Press?

(*f*) Is it a fact that a largely-signed petition praying for restrictions of smoking in those places was addressed to the Minister in charge of Public Health through the Director of Public Health in the month of September, 1943?

(*g*) If so, what action do the Government propose to take in this matter?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes.

(*b*) Yes: notice boards requesting the public to refrain from smoking are being affixed.

(*c*) Yes, in Bombay.

(*d*) and (*e*) No.

(*f*) No such petition was received by the Director of Public Health.

(*g*) Does not arise.

Rai Sahib JOGENDRA NATH RAY: Will the Government be pleased to take steps to remedy this evil?

Mr. BIREN ROY: The Tramways Company are already taking it upon themselves to remedy the evil. So it is unnecessary for Government to take any steps.

Mrs. LABANYAPROBHA DUTTA: Will the Hon'ble Minister be pleased to state at least the average death-rate from all causes in previous years up to 1942 and during the period from June to December, 1943, so that we may know the difference between the average death-rate of the previous years and the abnormal death-rate from June to December, 1943?

Mr. BIREN ROY: All averages are not available. But as the question (*b*) refers to the Burdwan Division only, the Burdwan Division average is available and I may state that—

Burdwan Division.

District.	Urban.		Rural.	
	Average 1942.	June to December, 1943.	Average 1942.	June to December, 1943.
Burdwan ..	1,162	1,759	22,019	31,903
Birbhum ..	51	86	14,616	31,862
Bankura ..	553	1,010	15,521	29,866
Midnapore ..	810	1,863	31,897	65,073
Hooghly ..	1,887	3,389	12,151	16,341
Howrah ..	4,012	7,541	7,281	18,445

Mr. BANKIM CHANDRA MUKHERJI: Will the Hon'ble Minister be pleased to take steps to have a heading of "Deaths due to starvation" for future guidance?

Mr. BIREN ROY: For a heading of deaths due to starvation and malnutrition, instructions have already been issued, and it will be available in future years.

Deaths due to starvation.

132. Rai Sahib JOGENDRA NATH ROY: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the number of deaths from starvation in the streets and different hospitals of Calcutta since June till the end of the year 1943; and

(*b*) the number of deaths from the same cause in each of the districts of the Burdwan Division, giving the number in the urban and the rural areas separately?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): There is no such heading as "starvation" among the statutorily specified causes of death in the register of deaths and in fact no separate record of deaths from starvation was kept. So the information wanted is not available to Government.

Deaths due to starvation in Calcutta.

133. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the total number of starvation mortality in the streets and different hospitals of Calcutta and its suburbs since July last till the end of December, 1943; and

(*b*) the total number of deaths from the same cause and in the same period in the different parts of the Province?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): No separate record was kept of deaths from starvation and the information is not available to Government.

Small-pox in Chittagong.

134. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) if it is a fact that small-pox has broken out in some thanas of Chittagong in an epidemic form and there have been already many deaths from this disease;

(*b*) if it is a fact that there is an urgent need of promulgation of orders making revaccination compulsory in Chittagong;

(*c*) if it is a fact that both the District and Municipal Health Officers have made strong representations to the local authorities for making revaccination compulsory in Chittagong;

(*d*) if it is a fact that supply of lymph for vaccination and revaccination in Chittagong has proved inadequate to check the epidemic; and

(*e*) if so, what special measures, if any, have been taken by the Government of Bengal to check small-pox epidemic in Chittagong?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) The disease did not break out in an epidemic form.

A statement showing small-pox attacks and deaths in the various thanas of the Chittagong district from 1st January to 26th February, 1944, is laid in the Library.

(*b*) Yes. Small-pox regulations under the Epidemic Diseases Act which make vaccination or revaccination compulsory in the case of all persons exposed to infection have been promulgated in the district since 8th February, 1944.

(*c*) No.

(*d*) No. Supplies totalling 5 lakhs doses were sent in 18 consignments at regular intervals between January 6th and March 14th.

(*e*) Does not arise.

Mr. NUR AHMED: With reference to (*a*), will the Hon'ble Minister please state what is the total number of attacks and deaths from cholera in Chittagong for the months of January, February and March, 1944?

Mr. BIREN ROY: Yes, I am giving the statement, week by week.

Mr. NUR AHMED: I do not want a weekly statement but only a monthly statement. I want a statement for the whole month.

Mr. BIREN ROY: I was going to give a weekly statement but I will give you a monthly statement instead, if you want that. Here are the figures: In the first four weeks of January, the attacks were 39, 22, 69 and 52 and deaths during that period were 8, 17, 12 and 12.

Mr. NUR AHMED: What about the months of February and March?

Mr. BIREN ROY: I have no figures available for March but I may quote figures for February which are as follows:—Attacks during the first four weeks were 60, 78, 20 and 86; deaths 13, 18, 20 and 38.

Mr. NUR AHMED: Does it not show that the death-rate is still on the increase?

Mr. BIREN ROY: It shows a slight increase, Sir.

Mr. PRESIDENT: Mr. Pain.

Mr. NUR AHMED: Will the Hon'ble Minister——

Mr. PRESIDENT: Mr. Nur Ahmed, I have already called upon the Hon'ble Mr. Pain to make his statement.

Mr. NUR AHMED: All right, Sir.

Statement by the Hon'ble Mr. B. P. Pain.

The Hon'ble Mr. BARADA PRASANNA PAIN: I beg to lay on the table the statement promised in reply to Council Question No. 5 of the 17th September, 1942.

Mr. HARIDAS MAZUMDAR: What is the statement about?

Mr. PRESIDENT: Well, it is a printed statement containing a reply to a question. It was going to be read on the last day but was kept pending only at the request of some honourable members to enable them to ask supplementary questions. I find that no supplementary questions are going to be asked, however.

Statement promised in reply to Council Question No.5 of the 17th September, 1942.

The Hon'ble Mr. BARADA PROSANNA PAIN: Sir, I lay the following statement which was promised in reply to question No. 5 on the 17th September, 1942:—

Question.

(*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state how much have been spent from

the contribution by the Central Government and from the Provincial Government Fund on—

(*i*) improvement of roads and communication;

(*ii*) improvement and construction of bridges;

(*iii*) on excavation of *khals* and navigable channels; and

(*iv*) on irrigation works in the district of Chittagong?

(*b*) What are the schemes and projects on which the amounts mentioned in part (*a*) have been spent?

(*c*) What further irrigation scheme, improvement of roads and construction of bridge projects in Chittagong are still pending for allotment of necessary funds?

(*d*) Are any irrigation and other schemes for Chittagong still pending and have not been sanctioned as yet? If so, what are they?

Reply.

(*a*) (*i*) *A*. The expenditure incurred from the contribution by the Central Government falls under two separate heads, viz.,—

(1) *From Rural Uplift Grant.*—The details of expenditure from this grant are noted in Statement (No. 1) laid in the Library.

(2) *Road Development Fund.*—The details are noted in the Statement (No. 2) laid in the Library.

B. Expenditure incurred from Provincial Revenues is noted in Statement (No. 3) laid on the Table.

(*ii*) *A*. The details of expenditure incurred from Rural Uplift Grant are noted in Statement (No. 4) and those from the Road Development Fund in Statement (No. 5) laid on the Table.

B. The details of expenditure incurred from Provincial Revenues are noted in Statement (No. 6) laid on the Table.

(*iii*) and (*iv*) No amount has so far been spent from the Provincial Revenues. An amount of Rs. 18,566 has so far been spent from the Government of India's grant for minor drainage and flushing schemes and for improvement of village communications including waterways. Some of the schemes serve the purpose of irrigation also and the amount spent on such schemes is Rs. 8,509.

(*b*) The list of schemes in respect of (*i*) roads and communications and (*ii*) bridges has been noted in the Statements laid on the Table in connection with the answer to part (*a*) as far as available.

The names of irrigation works as per (*iii*) and (*iv*) have been noted in Statement (No. 7) laid on the Table.

(*c*) With reference to my previous answer to (*c*), I am to add that steps are being taken to take up the two irrigation projects, mentioned therein, viz., (1) improvement of the Dhurang *khal*, and (2) re-excavation of the Hunger *khal*. These two schemes will be financed out of the Provincial Revenues.

(*d*) Already answered.

Statement No. 3.

Source of funds.	Names of schemes and amount spent in respect of each on improvement of roads and communication.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38	1938-39	1939-40.	1940-41.	1941-42.
B. Provincial Revenues.	*Roads.*	Rs.	Rs	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1	Repairs to Chittagong Trunk Road, Chittagong.	.	.	20,299	18,738	14,566	10,095	12,269	20,837	18,295	..	9,342	5,888
2	Repairs to Agrabad Road, Chittagong.	..	..	2,878	998 150	1,185	75	154	188	722	809	178	80
3	Upkeep of the bituminous portion of Chittagong Trunk Road, Chittagong.	2,112	..	..	174	2,224	5,395	..	846 189	739	5,518	..	..
4	Repairs to Strand Road, Chittagong.	5,423	..	11,944	3,850	5,470	3,481	50	954	2,256	1,113	3,510	1,593
5	Upkeep of bituminous portion of Strand Road, Chittagong.	..	..	..	2,831	4,459	7,671	.	3,886	1,082	4,068	2,678	6,232
6	Upkeep of the bituminous portion of Agrabad Road, Chittagong.	..	..	..		3,368	2,507	25	423	560	804	707	5,560
7	Laying 2' shelcrete on the Strand Road, Chittagong.	..	..	..	.	..	..	..	..	930	..	..	..
8	*Replacing the damaged brick arched culverts on the 2nd mile of Strand Road, Chittagong, by R. C. box culvert.	..	..	.	..	..	..	..	..	1,544	..	..	..
9	Upkeep of the metalled water bound macadam-portion of Chittagong Trunk Road, Chittagong.	..	..	..	..	..	..	..	..	..	..	2,811	5,070
10	Advance collection of metal for Chittagong Trunk Road, Chittagong.	..	..	..	.	..	.	..	..	..	..	..	339
11	Special repairs to Chittagong-Trunk Road at Chittagong.	..	1,407	3,524	10,950	334	1,624	.	4,922	..	..	..	..
12	Special repairs to Strand Road at Chittagong.	1,740	3,197	2,361	12,976	−17	..	..	6,743	..	..	..	..
13	Special repairs to Agrabad Road at Chittagong.	272	2,890	1,291		..	..	..	..	..	..	..	..
	Total ..	9,367	7,494	42,297	51,667	31,589	30,848	12,498	38,988	26,128	12,310	19,226	24,762

*Completed in March, 1939.

Statement No. 4.

Source of funds.	Names of schemes in respect of improvement of existing communications excluding waterways.	Amount spent.			
		1938-93.	1939-40.	1940-41.	1941-42.
		Rs.	Rs.	Rs.	Rs.
Government of India's Rural Uplift Grant.	*B.* Bridges only ..	1,211	1,050	1,100	400

Statement No. 5.

Suorce of funds.	Names of schemes and amount spent in respect of each on improvement of bridges.	1930-31.	1931-32.	1932-33	1933-34.	1934-35	1935-36	1936-37.	1937-38.	1938-39.	1939-40.	1940-41.	1941-42.
	Bridges.												
1	*Constructing a bridge at Kalarpole over Shikalbaha channel on Chittagong-Arracan Road, Chittagong.	..	.	..		.		9,762	2,746	10.495	41.941	149	.
2	†Constructing bridge No. 14 over Tankabati *khal* on the 30th mile of Chittagong-Arracan Road, Chittagong.	..	.		.	..	.	.	8,605	45,389	61,545	130	13,342
3	‡Constructing brige No 17 over Dalu *khal* on the 33rd mile of Chittagong-Arracan Road, Chittagong.	.					.	..	1,764	4 ..380	54.737	5.423	3,405
4	‡Manufacture of bricks required for the reconstruction of Induri Bridge on Chittagong-Arracan Road—south of Dohazari	.	.			..		92,606	6,156	−21,182	−5,597	2.916	−8,011
5	Testing soil by boring in connection with constructing Induri Bridge on Chittagong-Arracan Road.	.			.	..	16	−16	..		250		..
	Total	.				.	16	1,02,352	19,271	80,082	1,52,776	8,618	8,763

*Completed in January, 1941 †Completed in February, 1942. ‡Completed in March, 1942.

Statement No. 6.

Source of funds.	Names of schemes and amount spent in respect of each on improvement of bridges.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.	1938-39.	1939-40.	1940-41.	1941-42.
Provincial Revenues.	*Bridges.*	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1	Special repairs to bridge No. 52 on mile 25 of Chittagong Trunk Road.	..	.	..	..	..	33	..	..	..	..	..	..
2	Reconstructing bridge No. 57 in 26th mile of Chittagong Trunk Road.	..	..	..	..	..	2,943	..	..	..	..	..	..
3	Reconstructing bridge No. 53 in 25th mile of Chittagong Trunk Road.	..	..	.	..	.	2,553	..	..	..	..	..	..
4	Special repairs to bridge No. 1 at Strand Road, Chittagong.	..	..	.	..	..	.	..	..	..	2,381	..	..
5	*Special repairs to bridge No. 3 on Strand Road, Chittagong.	..	..	..	.	..	..	..	..	..	..	1,503	−52
6	Reconstructing bridge No. 8 on Strand Road, Chittagong.	..	..	..	..	..	..	..	..	..	..	7,010	..
7	Strengthening bridge No. 9 over Mahesh *khal* at Strand Road, Chittagong.	..	..	..	.	..	..	..	..	..	..	..	3,676
8	Special repairs to bridge No. 38 on the 19th mile of Strand Road, Chittagong.	..	1,587	..	..	..	..	..	..	..	..	..	..
9	Special repairs to bridge No. 21 on Chittagong Trunk Road at 11th mile.	..	1,595	.	..	..	..	..	..	..	..	..	..
	Advance collection of metal for repairs to Strand Road at Chittagong.	..	..	4,498	2,007	508	501	877	..	..	..	..	..
	Advance collection of metal for repairs to Chittagong Trunk Road at Chittagong.	..	..	4,846	2,188	232	..	828 8	123	218	..	..	..
	Total ..	..	3,182	9,344	4,195	740	6,030	1,773	123	218	2,381	8,513	3,524

*Completed in December, 1942.

Statement No. 7.

List of Schemes.

1. Gomai Bil Drainage Scheme.
2. Re-excavation of Gomdaudi khal in police-station Patiya.
3. Thandachari Nashi in police-station Hathazari.
4. Re-excavation of Bholamara Dhoba khal in police-station Rangunia.
5. Re-excavation of Sonaichari khal in police-station Mirsarai.
6. Re-excavation of Sreemati khal in police-station Anwara.
7. Re-excavation of Asiakhali khal in police-station Patiya.
8. Re-excavation of Gopinath Chhara in police-station Mirsarai.
9. Re-excavation of Dhemichar khal in police-station Rangunia.
10. Re-excavation of Binajuri khal in police-station Fatikchari.
11. Re-excavation of Beolia khal in police-station Anwara.
12. Re-excavation of Chenga and Chainder khal in police-station Ramu.
13. Re-excavation of Nazirghona-Kamalagodha khal in police-station Ramu.
14. Re-excavation of Kharana khal in police-station Patiya.
15. Re-excavation of Telpari khal in police-station Fatikcheri.
16. Re-excavation of Katakhali khal in police-station Anwara.
17. Re-excavation of Katakhali khal in police-station Ramzan.
18. Diversion of Sitalpur Chhara in police-station Sitakund.
19. Excavation of Nalvila canal in police-station Chakaria.
20. Diversion of Maghadia khal in police-station Mirsarai.
21. Sluice Box at Pilatkata khal in police-station Kutubdia.
22. Re-excavation of Buramai Bipulchara in police-station Rangunia.
23. Straightening the course of Domkhali khal in police-station Mirsarai.
24. Re-excavation of Boarkhali khal in police-station Hathazari.
25. Barabil Bundh in police-station Ramu.
26. Bazirpar Bundh in police-station Ramu.

Adjournment motion.

Mr. LALIT CHANDRA DAS: Sir, I have an adjournment motion standing in my name. It relates to the Department of Civil Supplies. But as the Hon'ble Minister is not present today, will you please permit me to mention the matter when he comes next?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, I would submit that at this stage it is not a question of the Hon'ble Civil Supplies Minister being present. First of all, the Chair must judge whether it is admissible or not——

Mr. PRESIDENT: Mr. Das, I have considered the matter and I feel that it is hardly a definite matter of urgent public importance, because the question has been before the public of Bengal for the last one year. As far as I remember, this question was raised more than once on the floor of the House especially in connection with the budget discussion; so I am afraid it will be a mere re-iteration of the same matter.

Mr. LALIT CHANDRA DAS: Will you kindly allow me to put in my point of view in this matter, Sir?

Mr. PRESIDENT: Yes.

Mr. LALIT CHANDRA DAS: I fully realise your point of view that the position regarding the price of rice in Bengal was commented upon during the budget discussion. That the situation had very much improved in the meantime—that also is true. But since the price-control order regarding rice was circulated throughout the districts of Bengal about a week ago, the situation has become worse. The order was not flouted till April 15th. But since April 15th when the latest price-control order was passed fixing the price at Rs. 15 per maund, since that date, if you will scrutinise all the press-cuttings, copies of which I forwarded to you with my letter, you will find that in many parts of Bengal the price of rice has risen enormously—so much so that it has created a panic. In Dinajpur, the price of rice has risen up to Rs. 27 a maund, in Munshiganj, the price varies from Rs. 20 to Rs. 24. In Jessore, in Mymensingh, in Dacca the price has been very high——

The Hon'ble Mr. Khwaja SHAHABUDDIN: On a point of order, Sir. I do not think at this stage the honourable member can discuss the merits of the subject-matter of this motion. He is quoting figures: so he is discussing the actual merits of the case.

Mr. PRESIDENT: I think he is making this statement in support of his motion.

The Hon'ble Mr. Khwaja SHAHABUDDIN: I submit, Sir, if he is allowed to discuss the merits of the case now, it will defeat the very purpose of the rules which disallow discussing the merits at this stage. The mode of discussion should conform to the rules.

Mr. PRESIDENT: Mr. Shahabuddin, I have asked Mr. Das to substantiate his case for admissibility of his motion; and in doing so he is, I believe, stating all these facts. He is not entering into the merits of the case.

The Hon'ble Mr. Khwaja SHAHABUDDIN: But, Sir, he is entering into the merits.

Mr. PRESIDENT: All right, let me hear what he says.

Mr. LALIT CHANDRA DAS: Sir, I am not going into the merits of the case and what I say is in conformity with the rules regarding adjournment motion. The first condition is: whether it is a matter of urgent public importance. I shall show that it is so. Mr. Shahabuddin cannot deny that the statement I am making contains actual facts. It is a matter of public importance in this way, viz., that the situation has gone from bad to worse since 15th April last. Today is 25th April and no relief has been given.

Mr. PRESIDENT: Mr. Das is trying to support his proposal by saying that the situation has become very acute during the last week. As such, it is a definite matter of urgent public importance, I think that is his view.

Mr. LALIT CHANDRA DAS: Yes, Sir.

The Hon'ble Mr. Khwaja SHAHABUDDIN: On a point of order, Sir. I may mention that the rule requires that there should be a definite matter of urgent public importance. In the motion as drafted, there is no mention of any definite matter. It is so vague and indefinite. I would, therefore, request you to consider whether it conforms to the rules about the admissibility of adjournment motions.

Mr. PRESIDENT: As regards the point whether it is definite or not, I hold that it is definite. The real point for consideration is: whether in view of the fact that this House discussed this question more than once during the last few months, it can be raised again. Now, Mr. Das, what is the new point that you are making?

Mr. LALIT CHANDRA DAS: Sir, we discussed the rice situation in the past, there is no doubt about it. But since then a new situation has arisen and it has developed in such a manner that unless Government intervene, the people will be in the throes of another famine.

Mr. PRESIDENT: Mr. Das, more than once the Opposition tried to make out that Government had failed to enforce the price fixed by them and more than once you wanted to censure Government exactly on the same ground.

Mr. LALIT CHANDRA DAS: Sir, it was never discussed in the form of an adjournment motion. Through this motion we want to point out that the Government has failed to make effective their price-control order about rice and that this has resulted in acute distress amongst the people of the province.

Mr. PRESIDENT: A similar motion was once discussed in the House.

Mr. HARIDAS MAZUMDAR: It was withdrawn, Sir; it was not discussed.

Mr. PRESIDENT: Mr. Das, do you mean to say that the price-control order referred to in your motion was passed recently?

Mr. LALIT CHANDRA DAS: Yes, Sir, on the 15th April an order was published fixing the price of rice at Rs. 15 per maund. Since then the price of rice has gone up. In several places, such as, in Madaripur, Munshiganj, Mymensingh, Khulna, the rice has been selling at Rs. 25 a maund.

Mr. PRESIDENT: May I hear Government on the point?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, I am sorry the Hon'ble Minister in charge of the Civil Supplies Department is not present in Calcutta and I have not had any previous intimation about this motion being taken up. So, it is very difficult for me to refute the wild charges and allegations made by Mr. Lalit Chandra Das——

Mr. LALIT CHANDRA DAS: Sir, I object to the words "wild charges". I have cited several facts and figures which have been published. The Hon'ble Minister must be careful about the expressions he uses.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, I would request the honourable member not to put so much faith in the newspaper reports.

Mr. PRESIDENT: Mr. Shahabuddin, you cannot reply at this stage.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, in trying to justify the admissibility of his motion, the honourable member has made certain statements which, if allowed to go unchallenged, will be very harmful. So, I have to protest against and contest these assertions of the honourable member. As far as the admissibility of the motion is concerned, I have already mentioned, Sir, that in my humble opinion, it does not fulfil all the conditions laid down for a motion like this. The drafting of the adjournment motion has not clearly made out that the matter is definite. The

motion is vague and indefinite. It is not a new order at all. It is a continuation of the previous order. We have been trying to bring down the price of rice gradually. First, it was Rs. 17, then Rs. 16 and then it has been sought to reduce the price to Rs. 15. Actually, this order does not create any new issue. You, Sir, yourself have observed at an earlier stage that this matter was once discussed and so it cannot be discussed again during this session.

Mr. PRESIDENT: According to our rules, a motion must not revive discussion on a matter which has been discussed in the same session. This principle is laid down in rule 99. Now, Mr. Das wants to make out that a new order was promulgated only on the 15th April last and since then the price of rice has gone up and Government have failed to enforce their new order. I would have liked very much to hear Government specifically on that point. I quite realise, Mr. Shahabuddin, that you cannot reply to all these points, because you are not conversant with the details pertaining to the Civil Supplies Department.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, if I had got an earlier notice of the motion, I could have replied.

Mr. PRESIDENT: If I admit it today and a date for discussion is fixed later on, would you be in a position to reply?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, a statement has been made by him that the price of rice has gone up.

Mr. PRESIDENT: That will be for you to contradict in your reply. Meanwhile, I give my consent to the motion being moved.

Mr. MESBAHUDDIN AHMED: Sir, we object to the discussion of this motion.

Mr. PRESIDENT: The motion runs thus: that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government to make effective their price-control order on rice resulting in acute distress amongst the people of the province.

Mr. LALIT CHANDRA DAS: Sir, will you kindly permit me to move the motion in the presence of the Hon'ble Minister for Civil Supplies?

Mr. PRESIDENT: That question does not arise at this stage. Let the motion be first admitted.

Those who are in favour of the motion being moved, will please stand up.

(Less than 13 members rose in their seats.)

As less than 13 members have risen, the permission to move the motion is refused.

The Bengal Embankment (Amendment) Bill, 1944.

Mr. PRESIDENT: The next item is "The Bengal Embankment (Amendment) Bill, 1944."

Mr. HARIDAS MAZUMDAR: Sir, may I mention the *bhog* ration question now, or shall I mention it in the presence of the Hon'ble Minister for Civil Supplies who is absent today?

Mr. PRESIDENT: Yes, mention it in his presence.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I sent in an amendment regarding clause 2 of this Bill which was perhaps a little late.

Mr. PRESIDENT: Yes, it was received late but I admitted it, and I hope Mr. Mukherjee will be able to supply copies of his amendment to the honourable members.

The Hon'ble Mr. BARADA PRASANNA PAIN: Sir, I beg to move that the Bengal Embankment (Amendment) Bill, 1944, be taken into consideration.

Mr. PRESIDENT: Motion moved: that the Bengal Embankment (Amendment) Bill, 1944, be taken into consideration.

Clause 1.

The question before the House is: that clause 1 stand part of the Bill.
(The question was agreed to.)

Clause 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

Mr. NUR AHMED: I do not move the amendment standing in my name, Sir.

Mr. PRESIDENT: Do you not move any of your amendments?

Mr. NUR AHMED: No, Sir.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in clause 2 of the Bill, in sub-clause (*b*), the following be added at the end of the proposed clause (*1a*):—

Sir, the reason of the amendment is that Government propose that they will not take charge of an embankment but if repairs are necessary, they would repair embankments and then realise the cost from the persons who are benefited by the embankment. By the amendment that I propose I want that notice should be served on those who are benefited by that embankment to the effect that if within the time specified under the rules of the Act the embankment is not repaired, then only Government will undertake the repair. It may be that the people may be able to repair the embankment within a very short space of time if they know that if they do not repair the embankment they will have to pay a much larger cost which the Government will incur for the repair of the embankment in terms of the Act. Therefore, I propose to introduce an additional clause to clause (*1a*), so that if after notice the people who are going to be benefited by the embankment do not repair it, then Government will repair the embankment and realise the cost from the people who are likely to be benefited by it. That is my proposal. It will go to the relief of the poor people in not having to pay a large sum and at the same time they will get the embankment repaired, if notice is served by Government. I hope Government will have no objection to this inoffensive amendment.

Mr. PRESIDENT: Amendment moved: that in clause 2 of the Bill, in sub-clause (*b*), the following be added at the end of the proposed clause (*1a*):—

"and such repair work is not effected within a time to be specified by the people benefited by the embankment".

Mr. HARIDAS MAZUMDAR: Sir, I beg to support the amendment moved by my friend, Mr. Bankim Chandra Mukherjee. This is a very reasonable amendment. I think it had escaped the attention of the framers of the Bill to put in a provision like this. I hope that this amendment will be accepted by the Government with good grace.

The Hon'ble Mr. BARADA PRASANNA PAIN: Mr. President, Sir, I am unable to accept the amendment for several reasons. In the first place, our experience in the past has been that repeated requests for repair of embankments have been ignored by the zemindars. In the second place, the amendment seeks to establish that the period of time within which the repair has got to be effected should be specified in consultation with the people themselves. That, Sir, will lead to endless correspondence and delay, and will absolutely nullify the purpose which we have in view. I am, therefore, sorry to have to oppose the amendment.

Mr. BANKIM CHANDRA MUKHERJEE: May I not say a few words in answer to the reply of the Hon'ble Minister?

Mr. PRESIDENT: No, you have no right of reply.

(The amendment was negatived.)

The motion that clause 2 stand part of the Bill was agreed to.

The question that the long title and preamble stand part of the Bill was then put and agreed to.

The Hon'ble Mr. BARADA PRASANNA PAIN: I beg to move that the Bengal Embankment (Amendment) Bill, 1944, as settled in the Council, be passed.

Mr. PRESIDENT: Motion moved: that the Bengal Embankment (Amendment) Bill, 1944, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Diseases of Animals Bill, 1944.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to move that the Bengal Diseases of Animals Bill, 1944, as reported by the Select Committee, be taken into consideration.

Mr. PRESIDENT: Order, order. The question before the House is that the Bengal Diseases of Animals Bill, 1944, as reported by the Selec Committee, be taken into consideration.

(The motion was agreed to.)

Clause 1.

Mr. PRESIDENT: The question before the House is: that clause stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. PRESIDENT: The question before the House is: that clause stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. PRESIDENT: The question before the House is: that clause 3 star part of the Bill.

(The motion was agreed to.)

Clause 4.

Mr. PRESIDENT: The question before the House is: that clause 4 stand part of the Bill.

(The motion was agreed to.)

Clause 5.

Mr. PRESIDENT: The question before the House is: that clause 5 stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Mr. PRESIDENT: Clause 6 stand part of the Bill.

Mr. LALIT CHANDRA DAS: I beg to move that in sub-clause (*2*) of clause 6 or the Bill, after the word "railway" in line 2, the words "or by steamer" be inserted and that for the word "any" occurring in the same line, the words "any other" be substituted.

Sir, what is proposed to be done by this amendment is this: Sub-clause (*2*) of clause 6 runs as follows:—"Nothing in sub-section (*1*) shall prevent the carriage by rail or by any mechanically-propelled vessel of a type approved by the Provincial Government of any animal or thing referred to in that sub-section through an infected area". So far as the word "steamer" is concerned, it was carried in the Select Committee but when the Report of the Committee was placed before me I found it scored through in red ink. Therefore, I gave a note of dissent. It was urged by the Hon'ble Minister in charge of the Bill that there was the expression 'mechanically-propelled vessel of a type approved by the Provincial Government" which would make up for the defect. But I may point out that the word "steamer" would make the meaning quite clear. Sir, it is one thing to get a particular word passed in the House and quite another to leave it to the Provincial Government to make up for the defect by their rule-making power. I submit, Sir, that the word "steamer" should be there, because where there is no railway, the Legislature should make it clear by the addition of the word "steamer" and nothing should be left to the rule-making power of the Government. For example, what happens in the Barisal district where there is no rail; it is intersected by river and the cattle can be carried from one part to another during rainy season only by steamer. If any animal is to be carried from Sandwip to Noakhali through the Meghna, it must have to be carried on a steamer or by a boat or by a mechanically-propelled vessel. The word "steamer" was carried in the Select Committee. So this should be made explicit and put after the word "railway" and then the other thing may be left at the discretion of the Government to describe some other means of carrying the animals from one place to another. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 6 of the Bill, after the word "railway" in line 2, the words "or by steamer" be inserted and that for the word "any" occurring in the same line, the words "any other" be substituted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to oppose the amendment for the simple reason that the expression "mechanically-propelled vessel" includes steamers; the only

difference between a railway and a steamer is that there are different kinds of steamers but there is no difference between one railway and another. There are various steamers over which Government have little or no control. So, Govrnment should know the type of steamer which would be used for carrying cattle before they give permission. The present clause is, therefore, all right.

Mr. PRESIDENT: The question before the House is: that in sub-clause (2) of clause 6 of the Bill, after the word "railway" in line 2, the words "or by steamer" be inserted and that for the word "any" occurring in the same line, the words "any other" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 6 stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Mr. PRESIDENT: The question before the House is: that clause 7 stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. PRESIDENT: The question before the House is: that clause 8 stand part of the Bill.

(The motion was agreed to.)

Clause 9.

Mr. PRESIDENT: The question before the House is: that clause 9 stand part of the Bill.

(The motion was agreed to.)

Clause 10.

Mr. PRESIDENT: The question before the House is: that clause 10 stand part of the Bill.

(The motion was agreed to.)

Clause 11.

Mr. PRESIDENT: The question before the House is: that clause 11 stand part of the Bill.

(The motion was agreed to.)

Clause 12.

Mr. PRESIDENT: The question before the House is: that clause 12 stand part of the Bill.

(The motion was agreed to.)

Clause 13.

Mr. PRESIDENT: The question before the House is: that clause 13 stand part of the Bill.

(The motion was agreed to.)

Clause 14.

Mr. PRESIDENT: Clause 14 stand part of the Bill.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I beg to move that in clause 14 of the Bill, for the words "fifty rupees" in line 5, the words "twenty-five rupees" be substituted.

Sir, the main object of my moving this amendment is to reduce the amount from Rs. 50 to Rs. 25, because after all, the persons affected are likely to be mostly poor, and therefore Rs. 50 will be too much for them.

Mr. PRESIDENT: Amendment moved: that in clause 14 of the Bill, for the words "fifty rupees" in line 5, the words "twenty-five rupees" be substituted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to oppose the amendment. The punishment ought to be deterrent if it is to have any effect. So, it is not proper to reduce the amount from Rs. 50 to Rs. 25. As a matter of fact, Rs. 50 is the maximum, as it is stated that it may etxend to Rs. 50. If the trying court thinks it proper, it may impose a fine of five rupees even. Therefore, the amendment is unnecessary.

Mr. PRESIDENT: The question before the House is: that the amendment stand part of the Bill.

(The amendment was negatived.)

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I beg to move that in clause 14 of the Bill, for the words "one hundred rupees" in line 6, the words "fifty rupees" be substituted.

Sir, I think my honourable friend, the Minister in charge of the Bill, will repeat the same argument as he did in connection with item No. 12.

Mr. PRESIDENT: Why not both of you repeat your own arguments? (Laughter.)

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I think Rs. 50 is deterrent enough for the purpose for which the Bill has been brought forward, and that is why I want to limit the punishment to Rs. 50 instead of Rs. 100.

Mr. PRESIDENT: Amendment moved: that in clause 14 of the Bill, for the words "one hundred rupees" in line 6, the words "fifty rupees" be substituted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, this case is even worse than the former one. Rs. 100 is the punishment for a subsequent offence, and even for the subsequent offence my honourable friend does not like that any deterrent punishment should be given. I think that punishment ought to be deterrent, and the amount fixed is not at all very high. Therefore, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that the amendment stand part of the Bill.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 14 stand part of the Bill.

(The motion was agreed to.)

Clause 15.

Mr. PRESIDENT: Clause 15 stand part of the Bill.

Rai Bahadur KESHAB CHANDRA BANERJEE: I beg to move that in clause 15 of the Bill, for the words "five hundred" in lines 5 and 6, the words "two hundred" be substituted.

In this clause provision has been made for a fine of Rs. 100 for the first offence and Rs. 500 for subsequent offences. Rupees 500 is an inordinately high amount. So, I would like to limit it to Rs. 200. My honourable friend, the Agriculture Minister, knows or is at lesat supposed to know the conditions prevailing in the villages, particularly, the condition of the cultivators, whose well-wisher he professes to be. I do not think that even by the sale of the entire holding of an agriculturist, it will be possible to realise Rs. 500. That is why I would like to reduce the amount of fine to Rs. 200 which may be easier to recover.

Mr. PRESIDENT: Amendment moved: that in clause 15 of the Bill, for the words "five hundred" in lines 5 and 6, the words "two hundred" be substituted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I oppose the amendment. I am a supporter of agriculturists no doubt but not a supporter in their commission of crimes. It is a crime against the State. He will be killing animals probably worth Rs. 50,000 or more by importing cattle, which have got that infection, in that particular *hat*. It will thus injure hundreds and thousands of animals and owners. Therefore, in order to prevent this being done, the punishment must be deterrent. This very deterrent nature of the punishment is likely to prevent the people from bringing such animals to the *hats* and bazars knowing them to be infected. So I cannot but oppose the amendment.

(The amendment was negatived.)

Mr. PRESIDENT: The question that clause 15 stand part of the Bill was then put and agreed to.

Clause 16.

Rai Bahadur KESHAB CHANDRA BANERJEE: I beg to move that in clause 16 of the Bill, in paragraph (*e*) of sub-clause (*1*) for the words "a Veterinary Assistant" in line 1, the words "the Veterinary Assistant and the officer of the Bengal Civil Veterinary Department appointed by the Provincial Government" be substituted.

Sir, the underlying idea of my amendment is that a single officer should not be entrusted with such a responsible duty. He should have the assistance of a senior officer to collaborate with him in this matter. So I think that if the Veterinary Assistant works conjointly and in collaboration with a senior officer of the Civil Veterinary Department, that would be very helpful; otherwise it may be that an over-zealous officer may exceed the bounds of law to the utter detriment of the so-called offenders concerned.

Mr. PRESIDENT: Amendment moved: that in clause 16 of the Bill, in paragraph (*e*) of sub-clause (*1*), for the words "a Veterinary Assistant" in line 1, the words "The Veterinary Assistant and the officer of the Bengal Civil Veterinary Department appointed by the Provincial Government" be substituted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think that the amendment is out of order. It seems to be consequential to the amendment to clause 8(*1*) but clause 8(*i*) not having been amended it becomes out of place. I oppose this amendment on this ground as well as on the ground that it is absolutely unnecessary. The Veterinary Assistant is quite enough. In every case it is not possible for any other officer to go to the rural areas and give directions to the Veterinary Assistant. So I think that the provision in the Bill is more than enough. Therefore, I say that the amendment proposed is unnecessary and is also out of order.

Is it not really out of order, Sir? Because it is really consequential on an amendment to sub-clause (*i*) of clause 8 of the Bill which stood in the name of the mover of the present amendment but which was not moved by his. Sub-clause (*i*) of clause 8 mentions only Veterinary Assistant; there is no mention of any other assistant. So this amendment is practically out of order unless clause 8(*1*) is also amended. On this ground as well as on the ground that it is unnecessary, I oppose the amendment.

Mr. PRESIDENT: In any case, you have not taken that objection at the beginning.

The question before the House is: that in clause 6 of the Bill, in paragraph (*e*) of sub-clause (*1*), for the words "a Veterinary Assistant" in line 1, the words "the Veterinary Assistant and the officer of the Bengal Civil Veterinary Department appointed by the Provincial Government" be substituted.

(The amendment was negatived.)

Rai Bahadur KESHAB CHANDRA BANERJEE: I beg to move that in paragraph (*i*) of sub-clause (*1*) of clause 16 of the Bill, after the word and figure "section 13", the words and figures "or of any other section of this Act and the rules made under section 24" be inserted.

Sir, I do not think the Hon'ble Minister can have any reasonable objection to accepting this amendment except for the fact that the amendment has been moved by a member of the Opposition. It is very desirable that the rules should also be included in this clause.

Mr. PRESIDENT: Amendment moved: that in paragraph (*i*) of sub-clause (*1*) of clause 16 of the Bill, after the word and figure "section 13", the words and figures "or of any other section of this Act and the rules made under section 24" be inserted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to oppose the amendment, not only because it is unnecessary, but also because it is contradictory. In every other section there are appropriate sub-sections, for example, (*d*), (*e*), (*f*). This is in respect of failure of another particular section. So if we say "any other sections" then sub-section (*d*), (*e*), (*f*) become unnecessary and contradictory. Therefore, I oppose it.

Mr. PRESIDENT: The question before the House is: that in paragraph (*i*) of sub-clause (*1*) of clause 16 of the Bill, after the word and figure "section 13", the words and figures "or of any other section of this Act and the rules made under section 24" be inserted.

(The amendment was negatived.)

Rai Bahadur KESHAB CHANDRA BANERJEE: I beg to move that in sub-clause (*1*) of clause 16 of the Bill, for the words "fifty rupees" in line 20, the words "twenty-five rupees" be substituted".

The object of this amendment is plain enough and I have already stated my reasons while moving two other similar amendments. So, I think I need not say anything more.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 16 of the Bill, for the words "fifty rupees" in line 20, the words "twenty-five rupees" be substituted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I oppose the amendment. As I have already said, punishment should be deterrent if any punishment is to be inflicted at all.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 16 of the Bill, for the words "fifty rupees" in line 20 the words "twenty-five rupees" be substituted.

The amendment was negatived.

Mr. LALIT CHANDRA DAS: I beg to move that after sub-clause (*2*) of clause 16 of the Bill, the following new sub-clause be added, namely:—

"(*3*) Whoever being a Veterinary Assistant or practitioner or any officer of the Bengal Civil Veterinary Department duly authorised by the Provincial Government to carry on the duties of the Veterinary Assistant under this Act unnecessarily and vexatiously enters or searches any field, building, house or other place or seizes or detains any animals on the pretence that it is diseased or orders destruction of it, unnecessarily and vexatiously causes any other loss, injury, detriment or inconvenience or unnecessarily and vexatiously causes the carcass of any such animal to be exhumed shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both: Provided that no prosecution shall be instituted after expiry of 3 months from the date on which the offence has been committed".

Sir, I have submitted this amendment on the lines of a provision which occurs in the legislation entitled the Glanders and Farcy Act, enacted by the Central Government as far back as 1899. A reference has already been made to that Act in the Statement of Objects and Reasons relating to this Bill. In the second paragraph of the Statement of Objects and Reasons, it has been stated "The Glanders and Farcy Act, 1899, already in force in this province applies to horse, camels, asses and mules. Under section 2(*1*) of that Act, its provisions can be extended to apply to these animals affected with any dangerous disease by a notification issued by the Provincial Government in the Official Gazette. It is not, therefore, considered necessary to extend the provisions of the present Bill to horses, camels, asses and mules." Otherwise it would have been done. Sir, I desire to draw, through you, the attention of this House to section 12 (*1*) and (*2*) of the Glanders and Farcy Act. Section 12(*1*) runs as follows: "Whoever being an inspector appointed under this Act vexatiously or unnecessarily enters or searches any field, building or other places or ceases or detains any horse on the pretence that it is diseased shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both." Then 12(*2*) says: "No

prosecution under this section shall be instituted after the expiry of 3 months from the date on which the offence has been committed." It will be seen that the authors of the Act were careful also to give protection to the officer by drawing up section 16 of that Act. Section 16 says: "No suit or prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act." So, the Central Legislature was careful to give due protection to inspectors acting under that Act. So far as this Bill is concerned, a similar provision has been incorporated in section 23. Section 23 of the present Bill says: "No suit, prosecution or other legal proceedings shall lie against any servant of the Crown for anything which is in good faith done or intended to be done under this Act or any rule made thereunder." Every step has been taken to protect the officers acting under this Bill when done in good faith. The liability for acts done unnecessarily and vexatiously should be clearly laid down as in the Glanders and Farcy Act, 1899. The reason is obvious. In most of the villages in Bengal there are party strifes and individual animosities and the provision of this Bill may be used to satisfy the private or party grudge and at the same time the veterinary officer may also take advantage of this provision and make some unlawful gains. So, it is only necessary that a provision like this which has been suggested by me should be made a part of this Bill.

With these few words, I move my amendment.

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of information, Sir. An almost similar amendment stands in my name, i.e., amendment No. 34, although it is slightly different from the one already moved by Mr. Lalit Chandra Das. Now, suppose if this amendment is lost, shall I have the privilege of moving my amendment No. 34, or shall I make a speech on that amendment?

Mr. PRESIDENT: I think it will be better if you speak on that amendment instead of moving your amendment, for the fate of your amendment will be decided by the decision on this amendment.

Amendment moved: that after sub-clause (2) of clause 16 of the Bill, the following new sub-clause be added, namely:—

"(3) Whoever being a Veterinary Assistant or practitioner or any officer of the Bengal Civil Veterinary Department duly authorized by the Provincial Government to carry on the duties of the Veterinary Assistant under this Act unnecessarily and vexatiously enters or searches any field, building, house or other place or seizes or detains any animals on the pretence that it is diseased or orders destruction of it, unnecessarily and vexatiously causes any other loss, injury, detriment or inconvenience or unnecessarily and vexatiously causes the carcass of any such animals to be exhumed shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both: Provided that no prosecution shall be instituted after expiry of 3 months from the date on which the offence has been committed."

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, clause 23 of the present Bill has been taken from the Glanders and Farcy Act of 1899. Section 16 of the Glanders and Farcy Act provides that "no suit, prosecution or other legal proceedings shall lie against any person for anything

which is, in good faith, done or intended to be done under this Act." But here, the words "any servant of the Crown" have been substituted for the words "any person" in line 2 of clause 23 and the words "or any rule made thereunder" have been inserted in lines 3 and 4 of the same clause 23. So, the object underlying the provision of the two sections is practically the same. While the Hon'ble Minister has thought fit to protect the Government officer against any unnecessary prosecution, there is no reason why a provision similar to that in section 12(*1*) of the Glanders and Farcy Act of 1899 should not be made in the Bill. Sir, Mr. Das has read out section 12(*1*) of the Glanders and Farcy Act; so I need not repeat it. It is desirable that for the protection of the public some safeguard should be provided in the Act. All officers are not of the same status or they may not be all honest; there may be over-zealous officers who may, in their exuberance, try to do harm to the public. We have seen such things in the past and even now such a state of things is continuing in this country on a wide scale and over-zealous and dishonest officers will try to make something out of it. Indeed, this will be a very good ground for practising dishonesty. That is I think that a similar provision should be made in this Bill.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to oppose the amendment. My friend Mr. Lalit Chandra Das has quoted the precedent of an Act which is now half a century old in support of his motion. We have grown wiser since then. In no legislative measure do we find a provision like that. The arm of the ordinary law is long enough to inflict punishment upon Government officers who vexatiously or maliciously harass the public. So, the amendment is not at all necessary. I oppose it.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir the Glanders and Farcy Act has been thrice amended and is not so old as is sought to be implied.

The amendment being put, a division was challenged and taken with the following result:—

AYES—9.

Mr. Altaf Ali.	Mr. B. C. Mukherji.
Rai Bahadur K. C. Banerji.	Rai Sahib Jogendra Nath Ray.
Mr. S. C. Chakraverti.	Mr. A. D. Roy.
Mr. L. C. Das.	Mr. B. K. Roy Chowdhury.
Alhadj Khan Bahadur Shaikh Moammad Jan.	

NOES—24.

Mr. Mesbahuddin Ahmed.	Mrs. Labanya Probha Dutt.
Khan Sahib Farid uddin Ahmed.	Mr. R. W. N. Ferguson.
Mr. Nur Ahmed.	Khan Bahadur Abdul Gofran.
Khan Sahib Nurul Amin.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib Abdul Aziz.	Mr. Latafat Hossain.
Mr. Kader Baksh.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Mr. Abdul Latiff.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Khan Bahadur Abdul Hamid Chowdhury.	Khan Bahadur M. A. Momin.
Mr. C. E. Clarke.	Mr. T. B. Nimmo.
Mr. D. J. Cohen.	Mr. Biren Roy.
Mrs. K. D' Rozario.	Rai Bahadur R. B. Roy.

Mr. PRESIDENT: Order, order. The House has divided. The Ayes being 9 and the Noes 24, the amendment is negatived.

Clause 16.

Mr. PRESIDENT: The question before the House is: that clause 16 stand part of the Bill.

(The motion was agreed to.)

Clause 17.

Mr. PRESIDENT: The question before the House is: that clause 17 stand part of the Bill.

(The motion was agreed to.)

Clause 18.

Mr. PRESIDENT: The question before the House is: that clause 18 stand part of the Bill.

(The motion was agreed to.)

Clause 19.

Mr. PRESIDENT: Clause 19 stand part of the Bill.

Mr. LALIT CHANDRA DAS: Sir, I beg to move: that for clause 19 of the Bill, the following be substituted, namely:—

"19. No police officer shall have power to arrest without warrant or any summons duly issued from any court any person who has been concerned in any offence under this Act."

Sir, section 19 of this Bill runs as follows: "Any police officer not below the rank of a Sub-Inspector may at the request in writing of a Veterinary Assistant arrest, without warrant, any person who has been concerned in any offence under this Act." The highest penalty under this Act is a fine of Rs. 100 or Rs. 50 or thereabout. It is a non-cognisable offence and yet the police officer not below the rank of a sub-inspector can arrest. This, I think, is extraordinary. The only change that has been made by the Select Committee is the addition of the words "at the request in writing of a Veterinary Assistant", as if the police officer will be at the beck and call of the Veterinary Assistant and is subordinate to him. Sir, the incongruity of the suggestion will appear from section 20 of the Bill itself. Section 20 clearly lays down "No court shall take cognizance of any offence under this Act except upon the complaint or report of a Veterinary Assistant." This is all right. But suddenly without any reference to the court, section 19 says that a police officer can arrest a person as soon as a *chit* is received by him from the Veterinary Assistant. As this is an extraordinary thing, I submit that Government should take a reasonable view of the situation and accept my amendment, namely that "no police officer shall have power to arrest without warrant or without any summons duly issued from any court." The present Ministry is acting like an autocraft, giving power to the police officer to arrest any person as soon as he receives a *chit* from the Veterinary Assistant.

Mr. PRESIDENT: Amendment moved: that for clause 19 of the Bill, the following be substituted, namely:—

"19. No police officer shall have power to arrest without warrant or any summons duly issued from any court any person who has been concerned in any offence under this Act."

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to oppose this amendment. The offence under this Act is of a very serious nature, because it is fraught with serious consequences. If there is delay in making arrest, the result will be that the infection will spread and the whole animal population of the country may be devastated. Therefore, it is very necessary that the arrest should be made immediately. But because of the bad name attached to a police officer, we decided in the Select Committee that he should not arrest unless there was a report from the Veterinary Assistant. So I think this is sufficient protection against unnecessary arrest and with these words, I oppose the amendment which has been moved.

Mr. PRESIDENT: The question before the House is: that the amendment stand part of the Bill.

(The amendment was negatived.)

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I beg to move that in clause 19 of the Bill, for the words "without warrant" in line 3 the words "in accordance with the procedure laid down in the Criminal Procedure Code" be substituted.

Sir, it will be creating a dangerous precedent to invest the police officer with the authority to arrest without warrant. Even the Criminal Procedure Code provides for discrimination between arrest with warrant and arrest without warrant. The section provides that if the Veterinary Assistant makes a request to the police officer in writing, he will at once arrest a person without warrant. It does not matter in the least whether the request is a verbal one or is made in writing. If the clause stands, the police officer will have no option but to arrest a person provided a request to this effect is made by the Veterinary Assistant. Sir, those in touch with village life know it very well that officers, whether under government or a local body, are sometimes involved in village cliques and are found to take sides. They are, after all, human beings, and if the officer concerned is a man of the locality, there is every probability of his being mixed up in village politics. So, for the safety of the person concerned, I think the law of the land should be allowed to take its own course, and I do not think that the Hon'ble Minister can have any reasonable objection to follow the procedure laid down in the Criminal Procedure Code. It is not proper to invest the police officer with such dangerous authority which may at times be abused. If the Veterinary Assistant is in league with any person who is not on friendly terms with another person of the village, he may easily harass him in the manner provided in this section. Sir, sometimes it may so happen that the officer himself is not on good terms with any particular villager, and, as I have said, if he is a man of the locality, he will try to do that villager harm in collusion with the police officer. A simple request in writing will be quite enough to arrest a person without any wararnt and without proper enquiry. As has been pointed out by Mr. Lalit Chandra Das, section 20 is quite all right since exclusive jurisdiction has been given to the Court of law which alone shall be able to take cognizance of any offence under this Act, but to give the police officer or for the matter of that the Veterinary Assistant a power of this nature will, I think, only create opportunities for him to unnecessarily harass and oppress people for personal

gain. In such cases, it is not unlikely that higher authorities may have to intervene to settle the matter. With these words, I commend the amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in clause 19 of the Bill, for the words "without warrant" in line 3 the words "in accordance with the procedure laid down in the Criminal Procedure Code" be substituted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I beg to oppose the amendment. In the first place, I beg to say that the amendment is altogether meaningless, because it says that instead of the words "without warrant", the words should be "in accordance with the procedure" etc. That is hardly necessary to be laid down. How a police officer is to arrest is already laid down in the Criminal Procedure Code and so there is no need of repeating it. Besides, we were advised by our legal experts also not to make any change of this kind. But as regards my objection to the contention that there should be no arrest without warrant, I have already said in connection with the last amendment that this Act will deal with crimes which are of a far-reaching character and it will be disastrous to the animal population of a particular locality unless the people who commit these crimes are arrested at once and are prevented from committing crimes which are likely to spread the epidemic. So it is absolutely necessary that such arrests should be made without warrant and very promptly. The provision that has been made that the request should be in writing by the Veterinary Officer is a sufficient guarantee that the police officer alone will not be able to arrest a man and it cannot certainly be expected that two officers will be in collusion and will unnecessarily harass people! With these words, and in this view I oppose the amendment.

(The amendment was negatived.)

Rai Bahadur KESHAB CHANDRA BANERJEE: I beg to move that in clause 19 of the Bill, after the words "under this Act" occurring at the end, the words "or any rule made thereunder" be added.

In section 23 of the Bill, it is stated that no suit, prosecution or other legal proceedings shall lie against any servant of the Crown for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

So Government have accepted the principle that the procedure laid down in the Act as well as in the rules shall have the same legal force. For this reason, I think it is desirable to insert these words. There does not seem to be anything objectionable in this and I hope that the Hon'ble Minister will be pleased to accept it.

Mr. PRESIDENT: Amendment moved: that in clause 19 of the Bill, after the words "under this Act" occurring at the end, the words "or any rule made thereunder" be added.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I oppose the amendment, because we are advised by our law officers that it is absolutely unnecessary.

Rai Bahadur KESHAB CHANDRA BANERJEE: Then why do you mention the words "or any rule made thereunder" at the end of clause 23?

(The amendment was negatived.)

The question that clause 19 stand part of the Bill was then put a agreed to.

Clause 20.

Mr. PRESIDENT: The question before the House is: that clause 2 stand part of the Bill.

(The motion was agreed to.)

Clause 21.

Mr. PRESIDENT: The question before the House is: that clause 2 stand part of the Bill.

(The motion was agreed to.)

Clause 22.

Mr. PRESIDENT: Clause 22 stand part of the Bill.

Mr. LALIT CHANDRA DAS: I beg to move——

Mr. PRESIDENT: Mr. Das, yours is a negative motion. So, I thir it is out of order.

Mr. LALIT CHANDRA DAS: Am I not entitled to oppose tl provision?

Mr. PRESIDENT: Yes, you can speak on it.

Mr. LALIT CHANDRA DAS: I say, Sir, that clause 22 of the Bi should be omitted. Clause 22 runs as follows:—"No person shall be entitl to any compensation in respect of the destruction of any anim or thing or of any other loss, injury, detriment or inconvenien caused him by reason of anything done under this Act good faith". This is altogether an unnecessary clause. It is a dire incitement, I should say, to persons of evil intention to do wrong takir advantage of certain provisions of this Bill. If you look to clause 23, y will find that section 22 is altogether unnecessary. Clause 23 runs follows:—"No suit, prosecution or other legal proceedings shall lie again any servant of the Crown for anything which is in food faith done or inten ed to be done under this Act or any rule made thereunder."

Here is the protection given to the officer of Government for anythi done under good faith. When there is a provision like this, it is absolute unnecessary to have a provision as set out in section 22 of the Bill. The is no reason why there should be a provision like this unless it be for t purpose of giving double protection to officers of Government, lest they a brought within the cognizance of civil court for any compensation. It a sort of hint to the court that such suits should not be entertained wi any favour at all. It is a sort of discouragement for persons who look to the court for remedy for any loss, injury, detriment or inconvenien caused by the officers of the veterinary department or other officers the Government of Bengal.

Sir, there is already protection given under clause 23 that no su prosecution or other legal proceedings shall lie against any servant of t Crown for anything which is in good faith done or intended to

done....., etc. So what is the good of again saying, as laid down in clause 22, that no person shall be entitled to any compensation in respect of the destruction of any animal or thing or of any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith.

With these words, I oppose the clause.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I did not intend to speak on this amendment regarding the deletion of clause 22; but seeing the way in which legislation is done in this House, I could not resist the temptation of speaking, specially in view of the fact that these laws are going to be permanently placed on the Statute Book of the province. Now, I do not know whether the Legislative Department of the Government considered this aspect of the matter. Clause 22 says: "No person shall be entitled to any compensation in respect of the destruction of any animal or thing or of any other loss, injury, detriment or inconvenience caused him by reason of anything done under this Act in good faith." Clause 23 says: "No suit, prosecution or other legal proceedings shall lie against any servant of the Crown for anything which is in good faith done or intended to be done under this Act or any rule made thereunder". I do not understand why Government is going to introduce both these clauses and keep them together in the same Act. They deal with the same subject. A person cannot claim any compensation unless he brings any suit against whom the compensation is claimed. Therefore, I submit that either retain clause 22 and delete clause 23 or delete clause 22 and retain clause 23. It is no use having a redundant clause. One of the main purposes of legislation is that you should not have any redundant clause in an Act which may operate as embarrassing from the point of view of interpretation. As a matter of fact, we have already considered two inconsistent clauses, namely, clauses 19 and 20. So, I do not understand why Government again is going to have two more inconsistent clauses. I would, therefore, request Government not to have both clauses 22 and 23 together.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I do not think many words are needed to impress upon this House the desirability of deleting this clause. Clauses 22 and 23 have been set very carefully, one after the other, as if they are twin brothers. Clauses 22 and 23 give wide powers to the Government officer, and he may do anything he likes. In fact, he is proposed to be given great civil authority so that no action of his case be called in question, and even the law courts will have power to interfere. This is a very dangerous principle to enunciate. Whenever Government have sought to introduce similar provisions in connection with other legislative measures, I have opposed them on principle. By clause 23 the Hon'ble Minister proposes to give the Veterinary Assistant or any Government officer authorized in this behalf unlimited powers, so that if he is involved in any village quarrel, he will have immense opportunities of doing harm to the persons concerned, and the villager who may be thus harassed or subjected to any harsh treatment will have no protection either in the law courts or in the *thana*, because, the police officer at the request of the Veterinary Assistant will immediately arrest him. As I have already said, there are other similar provisions which will give the Veterinary

Assistant unlimited powers to deal with any person in whatever manner h likes. So, I think the Hon'ble Minister will consider whether or not thes two clauses should be deleted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN Sir, I beg to oppose the amendment——

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, no amendmen has been moved in respect of this clause.

Mr. PRESIDENT: Khan Bahadur, you speak in support of your clause There is no amendment.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN Sir, apparently the clauses 22 and 23 seem to be one and the same; bu really they are not so. Clause 22 is an indemnity clause in favour o Government and clause 23 is an indemnity clause in favour of the servan of the Crown, and they are quite different things. I think it is necessary that there should be such indemnity clauses, and that the Governmen servant as well as the Government should be protected by indemnity clause like these. They are no new things, and therefore I think that these tw clauses should stand.

Mr. PRESIDENT: The question before the House is: that clause 22 stand part of the Bill.

(The motion was agreed to.)

Clause 23.

Mr. PRESIDENT: Clause 23 stand part of the Bill. Rai Bahadur Keshab Chandra Banerjee.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I do not move the amendment which stands in my name.

Mr. PRESIDENT: The question before the House is: that clause 23 stand part of the Bill.

(The motion was agreed to.)

Clause 24.

Mr. PRESIDENT: The question before the House is: that clause 24 stand part of the Bill.

The motion was agreed to.)

Title and preamble.

Mr. PRESIDENT: The question before the House is: that the title and preamble be added to the Bill.

(The motion was agreed to.)

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I beg to move that the Bill, as settled in the Council, be passed.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. The third reading of the Bill cannot be taken up today.

Mr. PRESIDENT: Why not? The Bill has not been amended.

Mr. LALIT CHANDRA DAS: But amendments have been moved.

Mr. PRESIDENT: But they were not accepted. I would refer you to sub-rule (*1*) of rule 67 of our Procedure Rules in this connection.

Mr. PRESIDENT: Order, order. Motion moved: that the Bengal Diseases of Animals Bill, 1944, as settled in the Council, be passed.

Rai Bahadur KESHAB CHANDRA BANERJEE: While I congratulate the Hon'ble Minister on bringing forward a Bill of this kind, I cannot but blame him, at the same time, for introducing certain provisions in the Bill which may be characterised as dangerous. This Bill has been long overdue and I am glad that at long last the Government have awakened to the necessity of preserving the cattle population of Bengal. But it is unfortunate that certain very salutary provisions which were sought to be incorporated by the Opposition have not been accepted—provisions which would not have altered the Bill materially but which would have, on the other hand, improved it to a great extent. For instance, the provisions contained in clauses 22 and 23 which have been criticised by certain members are really uncalled for, because it does not seem to be necessary that so much protection should be given to the Veterinary Assistant who is proposed to be entrusted with the duty of looking after the epidemic diseases of the cattle. There is a certain amount of grievance in the mind of the public against a certain class of police officers and we have seen in the course of the working of the Local Self-Government Act and the Village Self-Government Act that Government officers are not above board. There are officers and officers. So I think the principle of extending protection to a Government officer whoever he may be, against proceedings in a law court or of giving him certain privileges which he should not enjoy is fundamentally wrong. Sub-clause (*4*) of clause 8 of the Bill deals with the destruction of certain animals. Unfortunately I was not present in the House when the motion was called, otherwise I would have moved my amendment which aimed at the deletion of the provision for destruction of certain kinds of animals, namely, bull, bullock, cow, ox, heifer or calf. It is not really necessary to destroy the animals because they are diseased. Provision has been made in the Bill——

Mr. PRESIDENT: How long will you speak yet, Rai Bahadur?

Rai Bahadur KESHAB CHANDRA BANERJEE: Two or three minutes more, Sir. Animals suffering from infectious or contagious diseases are proposed to be segregated and the Veterinary Department of the Government will undertake their treatment as long as necessary and if some of these animals do not recover they will die a natural death. But the Hon'ble Minister wants to destroy them. I do not think the Government will be justified in laying down a hard and fast rule like that. So far as these animals are concerned, namely, bullock, bull, calf, heifer and cow, these may be sent to *prinjrapole*, where disabled animals are kept until they die a natural death. Then there is a procedure laid down as to how the Veterinary Assistant should report. Provision has been made for sending a copy to the Subdivisional Officer. Mere sending of a copy to the Subdivisional Officer for information will not do. Everything should pass through him,

being the executive head of the subdivision. These are some of the point which are open to objection. The Hon'ble Minister in charge of the Bi would have done well in accepting some of the suggestions of the Opposition

Mr. PRESIDENT: The House stands adjourned till 1-30 p.m. tomorrow

Adjournment.

The Council then adjourned till 1-30 p.m. on Wednesday, the 26th April 1944.

Members absent.

The following members were absent from the meeting held on the 25t April, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Mr. Hamidul Huq Chowdhury.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. Narendra Chandra Datta.
(6) Mr. K. K. Dutta.
(7) Mr. Mohamed Hossain.
(8) Mr. Humayun Kabir.
(9) Maulana Mohd. Akram Khan.
(10) Rai Bahadur B. M. Maitra.
(11) Mr. N. N. Moholanabish.
(12) Mr. R. S. Purssell.
(13) Khan Bahadur Mukhlesur Rahman.
(14) Khan Bahadur Kazi Abdur Rashid.
(15) Mr. S. N. Sanyal.
(16) Mr. J. W. R. Steven.
(17) Dr. Kasiruddin Talukdar.

BGP-44/5-2451A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 34.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 26th April, 1944, at 1-30 p.m., being the thirty-fourth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Puber Bundh.

135. Mr. HARIDAS MAZUMDAR (on behalf of Mr. Humayun Kabir): (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state what steps have up to now been taken to repair the "Puber Bundh" and the Someswar-Khaira khal which are of vital importance, to ensure the safety of the people as also for the success of the "Grow More Food" campaign?

(*b*) What amounts have up to date been paid under this head by the Government?

(*c*) Is it a fact that the contributions raised by the union board for the repairs of "Puber Bundh" have not been expended in full?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Mr. Barada Prasanna Pain): (*a*) Both the *bundh* and the *khal* belong to private persons, and the responsibility for their maintenance rests with their owners. The Collector of Howrah is, however, trying to have the *bundh* repaired by the persons concerned at their own expense.

(*b*) Does not arise.

(*c*) The Department of Communications and Works has nothing to do with funds raised by union boards.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister in charge of the Communications and Works Department please state what amount has actually been utilised so far? It may not have any concern with his Department but he may be in possession of this information.

Mr. BIREN ROY: Yes; local people have paid their share, that is half, which is Rs. 1,650 and the zemindars' share is only Rs. 250 and the rest still remains unpaid. The zemindars tried to repay it but the attempt was not successful.

Cotton mills in Bengal.

136. Mr. HARIDAS MAZUMDAR (on behalf of Mr. Nagendra Nath Mahalanobish): (*a*) Will the Hon'ble Minister in charge of the Commerce,

Labour and Industries Department be pleased to state whether the Government are aware that the few cotton mills in Bengal are not in a position to supply the ordinary requirements of cloth of the people of Bengal?

(*b*) If so, do the Government propose to take steps—

(*i*) to encourage and facilitate the establishment of sufficient number of cotton mills in Bengal; and

(*ii*) to help the weavers of the Province by money and materials to increase their production of cloth to make Bengal self-supporting in this respect?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Mr. K. Shahabuddin): (*a*) Yes.

(*b*) (*i*) No. The present time is considered inopportune for the establishment of mills due to difficulties in obtaining machinery.

(*ii*) Yes. A scheme is under consideration.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister please state what steps have been taken to increase the supply and to remove the want from which the people are suffering at the present moment?

Mr. BIREN ROY: Cloths are now being imported from Bombay. As regards helping the weavers, with money and materials, that is cotton yarns, that is under consideration. The final details would be published very soon.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is this shortage due to a large quantity of cloths being supplied to the Military Department?

Mr. BIREN ROY: No.

Rai Bahadur KESHAB CHANDRA BANERJEE: Arising out of (*ii*) regarding the scheme, will the Hon'ble Minister please state when will the scheme be completed?

Mr. BIREN ROY: In about two months' time.

Mr. HARIDAS MAZUMDAR: Can the Government give an outline of this scheme?

Mr. BIREN ROY: It is not possible to divulge it at this preliminary stage; when the final stage will come, it would be advisable to give details to the public.

Mr. HARIDAS MAZUMDAR: Is it not a long standing question or rather a problem regarding the provision for help to the weavers of the Province?

Mr. BIREN ROY: Such question does not arise.

Mr. PRESIDENT: Yes, it does arise, because it is a part of the question No. (*b*) regarding help to the weavers of the Province.

Mr. BIREN ROY: Oh, I am sorry. I thought the honourable member was raising the question of health of the weavers of the Province. As regards the help to weavers of the Province, the answer is already given that the scheme is under consideration.

Mr. HARIDAS MAZUMDAR: How long the matter is under the consideration of the Government?

Mr. BIREN ROY: Only two months.

Rai Bahadur KESHAB CHANDRA BANERJEE: Arising out of (*ii*), what will be the financial liability of Government in connection with the scheme?

Mr. BIREN ROY: As I have already said, it is not possible to divulge it at the present moment.

Mr. SHRISH CHANDRA CHAKRAVERTI: How many months Government will take to mature the scheme?

Mr. BIREN ROY: Another two months.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether in view of the deficit budget of the Government of Bengal it will be possible to render financial assistance to the weavers in the near future?

Mr. BIREN ROY: That will be for the Government to consider.

Point of Information regarding constitution of Food Committees.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, may I rise on a point of information regarding the constitution of food committees. My question on this subject was due for answer on the 30th March, 1944. This is a very urgent and important matter. The Civil Supplies Department should answer this question in time. The food committees are being constituted in the district of Burdwan, and I hope the answer will be forthcoming before the answer to the question becomes useless.

Mr. PRESIDENT: Will the Hon'ble Leader of the House kindly enlighten it on this?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I think every attempt is being made to answer the question. The other day the Hon'ble President made certain observations which were duly communicated to the Hon'ble Ministers and they have sent replies to the effect that they are making the utmost effort to see that the answers are expedited, and that they have no intention of showing any disrespect to this House or indifference to the questions being answered.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in the town of Burdwan a serious agitation is going on regarding the constitution of food committees, and so Government should take immediate steps so that this question is answered without delay. As a matter of fact, on the 30th of April, 1944, the food committees are going to be formed, and it is necessary that the question should be answered before that date. That is why I have brought up this matter for the information of the Hon'ble the Leader of the House.

Mr. PRESIDENT: Will the Leader of the House kindly take note of this?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: What is the number of the question?

Mr. BANKIM CHANDRA MUKHERJEE: No. 153.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have taken note.

Point of Information regarding the Public Accounts Committee of the Council.

Mr. HARIDAS MAZUMDAR: Sir, with reference to the appointment of a Public Accounts Committee of the Council, I have tabled a short-notice question which is almost due to be answered even as an ordinary question. I would like to know whether the Government are going to announce their decision very soon, because the Hon'ble Finance Minister promised us that by the third week of the last month they would announce their final decision on this matter.

Mr. PRESIDENT: The short-notice question has been admitted by me, but I do not know whether Government will reply to it as such.

Mr. BIREN ROY: I have not received the short-notice question yet, but an answer was given to it during the last session.

Mr. PRESIDENT: No, no; not that question.

Mr. HARIDAS MAZUMDAR: After the Conference was over, the Hon'ble Finance Minister——

Mr. PRESIDENT: I am informed that the Hon'ble Finance Minister has not agreed to answer this question at short-notice.

Mr. HARIDAS MAZUMDAR: And yet the Parliamentary Secretary says that he has not received the question; from this the Chair will gather how the work is going on.

Mr. BIREN ROY: Well, if the Hon'ble Minister does not admit the question, then how can I see it or receive it?

Mr. PRESIDENT: The point is this: the short-notice question was admitted by me and then it was sent to Government. Of course, it is for the Hon'ble Finance Minister to agree to answer or to refuse to answer the question at short-notice. Evidently, he has refused to answer the question at short-notice. And that is why the Parliamentary Secretary is not aware of it and is not in a position to answer the short-notice question.

Mr. HARIDAS MAZUMDAR: Sir, even the period prescribed for an ordinary question is about to elapse and so I may expect a reply very soon. It is a very urgent matter which has been hanging fire for the last few years. Moreover, the Hon'ble Finance Minister promised to announce his final decision in the third week of this month. We hope the Finance Minister will implement his promise.

Mr. BIREN ROY: On the first day we meet next time—the date has not yet been fixed—I shall see that this question is answered.

Mr. SHRISH CHANDRA CHAKRAVERTI: The Chair too had been moving in this matter; so may we be enlightened as to how far the matter has proceeded?

Mr. PRESIDENT: I may inform the House that the Hon'ble Finance Minister promised to take up the question with his colleagues and to make a statement in the House by a certain date: possibly it was the third week of March; but since then he has been busy with the Agricultural Income-tax Bill in another place. I drew his attention by writing to him to which he replied some time ago. He had promised to make a statement by the middle of this month. I think, therefore, the obvious course now is to wait till

we meet again when the Finance Minister will be here in connection with his Agricultural Income-tax Bill. The question may be put to him then and the House may find out what his attitude is.

Laying of papers on the table of the House.

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of privilege, Sir. As the Council will adjourn today for about ten or twelve days, I wish to raise a point of privilege, namely, in the matter of answering questions in this House. We often find that Government reply to questions in succinct manner and at times refer us to papers laid on the Library table. The table of the library is far away from this House. If a table is kept in this Chamber and the necessary papers are laid on it, members may have access to it on the floor of the House, and that would greatly obviate difficulty and inconvenience.

Mr. PRESIDENT: Rai Bahadur, I promised to look into this matter as to whether instead of placing the papers on the library table they could be laid on the table of this House. I must apologise to the House for not having been able to do so yet. I shall, however, look into the matter and give my decision when the House meets again.

The Bengal Diseases of Animals Bill, 1944.

Mr. BANKIM CHANDRA MUKHERJI: Sir, I rise to speak a few words on the general provisions of this Bill and may point out certain very glaring defects which exist in it and which we have passed while considering the Bill, clause by clause. The Bill has been styled as the Bengal Diseases of Animals Bill, 1944. I think, Sir, it would have been more appropriate to style it as a Bill for the assistance of the veterinary assistants appointed by the Government of Bengal. Throughout the Bill, in almost every section you will find the hands of the veterinary assistants so far as this matter is concerned. While speaking on the provisions of the Bill, I cannot imagine that the Legislative Department of the Government of Bengal is unaware of similar enactments in regard to the diseases of animals of Great Britain—the English law on the subject. The Government and the Ministry may be excused if they show ignorance as to the provisions of the English law in regard to this subject. One salutary provision, which was sought to be incorporated by my friend Mr. Lalit Chandra Das that in case of malicious action by any person under the Act he should be liable to pay compensation, has not been agreed to by Government. It was pointed out that similar provision finds place in the Glanders and Farcy Act of 1899 passed by the Central Legislature. The Hon'ble the Leader of the House who happens to be the Hon'ble Minister in charge of the Bill, sarcastically pointed out that we are referring to a provision of 1899 and that they were half a century ahead and did not recognise the provisions of the Central Government Act passed in 1899 in which some check is provided for malicious or illegal actions of any person. As a matter of fact, the Act was thrice amended up to 1927. That is not all. I am going to point out for the consideration of the House and for the information of some members who may not be aware of it that so far as this Bill is concerned, it should really have been termed as a Bill for the prevention of the spread of contagious diseases.

The English Statute of 1894—I believe—is consolidated in 57 and 58 Victoria, Chapter 57. It is an Act of 1894. It is a provision passed 50 years ago and most of its provisions are still in force. If you refer to the title of that Act you will find that it is a consolidated Act. If you look to the provisions of this consolidated Act you will find that its provisions are very salutary both for the protection of the people and for the protection of the cattle population of Great Britain. At the same time they were very considerate in dealing with the owners of the cattle—owners of diseased cattle—who might have diseased cattle without their knowledge or may be with their knowledge. Now, in the diseases of Animals Act, 1894, there are provisions for destruction of the animals which were suspected or found to be infected with contagious diseases. They have also provided for creating a fund by opening an account with the Bank of England under the provisions of section 2 of the Contagious Diseases (Animals) Act, 1890, under which a sum was directed to be paid to the said account—such moneys (not exceeding one hundred and forty thousand pounds in any one year) being provided by Parliament towards defraying the costs incurred by the Board of Agriculture in the execution in Great Britain of the provisions of this Act relating to the slaughter of cattle, animals or swine, etc. I need not trouble you with giving the whole section as it is. But there are provisions for the slaughter of cattle which are suspected or found to be afflicted with contagious diseases to the effect that the Board shall have power to slaughter the animals so diseased under sections 7 and 14. Under section 14(*3*), the Board shall, for cattle slaughtered under this section pay compensation as follows:—

(*a*) where the animal slaughtered was affected with pleuro-pneumonia (this is one of the main diseases from which many cattle die in Bengal), the compensation shall be three-fourths of the value of the animal immediately before it became so affected, but so that the compensation do not in any such case exceed thirty pounds; and

(*b*) in every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation does not in any case exceed forty pounds.

There are other similar provisions for slaughter of cattle for diseases. I say all these things because this is really a beneficial Act and a social legislation,—a legislation which not only protects other animals from being attacked with a particular disease but protects the whole cattle population of the village. Under the English law when a cattle is slaughtered, a compensation is paid to the owner. Bengal has passed through a troublous time, as the Hon'ble Minister for Agriculture knows fully. The condition of the poor cultivators is known to everybody. So, it is only fair that some compensation should be paid to the cultivator whose cattle is going to be destroyed. We have made provisions for penalties for offences committed under this Act; the Legislative Department was not unaware of the different provisions of the English Act, because, I find that some of the definitions have been taken bodily from that Act. It may be that the Minister in charge or the Cabinet were not aware of those provisions. I cannot say whether the Department brought these provisions to the notice of

the Government. If the Legislative Department did not bring it to the notice of Government, it was surely very unfortunate. Therefore, my submission is this: you have made provisions for the destruction of cattle without providing for any compensation. I need not refer to other provisions and to the other offences for keeping animals affected with contagious diseases and would show that for all of these cases provision has been made for payment of fine. Now, when we look to the sections where enforcement of some of the provisions is dealt with, we find clauses 19 and 20. Clause 20 says that "No Court shall take cognizance of any offence under this Act except upon the complaint or report of a Veterinary Assistant." That practically makes it clear that a Court will not issue summons for the arrest or warrant for the arrest unless it gets a complaint or a report from the Veterinary Assistant. Now look at clause 19 which says that "Any Police Officer not below the rank of a Sub-Inspector may at the request in writing of a Veterinary Assistant arrest, without warrant, any person who has been concerned in any offence under this Act." This, Sir, is a very wide power and this is merely playing with the liberties of the people of this Province. What is the offence? The offence is that he has kept a diseased animal. Possibly he does not know whether the animal is affected with contagious disease, or possibly he knows it but he does not know where to send the animal for treatment or otherwise. As a matter of fact, Government have not a quarantine or segregation centre for such diseased animals. What are you going to do? You make the Police Officer go to the place on receipt of a report from the Veterinary Assistant and arrest the person. If you compare the English Act, you will find that instead of taking charge of the animal as is done in the English Act, you take charge of the man and arrest him; but in the meantime the diseased animal will go freely and possibly the contagious disease will be spreading. No thought has been given with regard to it. With regard to the English Act, the provision is that: if you find that a particular animal is affected with any contagious disease, kill it immediately and pay compensation to the owner. This is the provision which the British legislators have provided. But what we are doing here? We are going to arrest the man without any warrant, and that only on receipt of the report from the Veterinary Assistant. How many Veterinary Assistants are there in the Province? In the 28 districts, I suppose there are 28 Veterinary Assistants appointed by the Government. Considering this the Government have provided a section which is still more harmful. Let me look at the provision again. In sub-clause (*6*) of clause 2, "Veterinary Assistant" means a Veterinary Assistant of the Bengal Civil Veterinary Department possibly having some technical qualification; but in the absence of the said Veterinary Assistant from his jurisdiction it will include any officer of the said department who in the opinion of the Provincial Government possesses suitable qualifications in veterinary medicine and if such an officer will send a report to the Police Officer against any man, he will be arrested. Sir, you are really placing the owner in the category of the animal with contagious diseases. This is the provision which you have made in the Act. You follow the man but you do not take charge of the animal. I say that all this was meant to be checked or any possibility of maladministration of the provisions of this Bill was sought to be checked by the amendments proposed to be

incorporated by my fried Mr. Lalit Chandra Das and they have all been negatived by this House. Unfortunately, the attitude that we find taken up by the Government during this session is that even if the Opposition move that a comma or a semi-colon should be removed, the Government must necessarily oppose it and they cannot be passed. That, Sir, is the attitude which we find Government to have taken up; therefore, even a reasonable request for a provision which finds a place in an Act of the Central Legislature on a kindred subject which is still in existence on the Statute Book, has been ignored and provisions have been incorporated which will act as an engine of oppression upon the cultivators of Bengal who are thus placed at the sweet mercy of the Veterinary Assistant and police officers who have been invested with full powers for the administration of the Bengal Diseases of Animals Bill. Sir, what is provided in section 22 of the Bill? There, it is provided that "no person shall be entitled to any compensation in respect of the destruction of any animals or things or of any other loss, injury, detriment or inconvenience caused him by reason of anything done under this Act in good faith." I do not know what the word "thing" means. "No person shall be entitled to any compensation in respect of the destruction of any animal or thing, or of any other loss"—these provisions in this Bill are very wide. It may be that the Government here are not thinking of animals but of some other thing—men who go and enter into a house and may have taken away things from that house and appropriated them, probably all such actions even though they may be malicious—are going to be protected by clause 22 of the Bill. Clause 23 is again introduced, and we do not know with what purpose. Regarding clauses 22 and 23, the Honourable Minister in charge of the Bill said that they deal with two different things—one with indemnity and the other with the power to claim compensation. But I may point out that both of them are the same thing——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May I rise on a point of personal explanation, Sir?

Mr. PRESIDENT: You have a right of reply at the end; you can do so at that time.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But the honourable member has been misinterpreting what I said.

Mr. PRESIDENT: Is it a personal explanation?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, Sir.

Mr. BANKIM CHANDRA MUKHERJEE: I refuse to yield: the Hon'ble Minister may say what he wishes to say in the course of his reply. With regard to these two sections, sections 22 and 23, the Hon'ble Minister contends that I have misquoted him. Sir, I have not misquoted him; I heard him all right and I say that he has misunderstood the point that I was going to make. One of the clauses deals with indemnity and the other with compensation; but, Sir, indemnity for what? It is indemnity for compensation. Therefore the two sections deal with the same thing. When another amendment was going to be moved, a gentleman on the Government side whispered "what are you saying with regard to the rules? We

are not going to frame any rules under section 24". They are going to put the Act into operation immediately—probably in these hard days the Veterinary Assistant is in want of something, and therefore Government do not like to wait for framing rules under section 24 of the Act. These are the provisions which have been made. Look at another provision in this Bill. Animals have been defined as bulls, bullocks, cows, oxen, heifers, etc. I think that includes bulls consecrated by Hindus at the time of *sradh* and *khodai* bulls of the Muhammadans which roam about at large. It would be a very dangerous thing if these consecrated bulls and "*khodai* bulls" are destroyed or shot down by any officer whether by Government or a police officer. No provision has been made for their protection. If you are going to segregate these cattle, make some provision with regard to these animals which are considered both by Hindus and Muslims as sacred. I therefore submit that there should have been some provision regarding this class of animals. Then, there should have been some provision for compensation for destruction of animals and there should have been no arrest without warrant. Section 19 says: "any police officer not below the rank of a sub-inspector may at the request in writing of a veterinary assistant arrest, without warrant, any person who has been concerned in any offence under this Act". So, he can arrest without warrant any person who is suspected of being accused of any offence under the Act. Why this wide power has been given, it is not understood. Then, Sir, he may not be a veterinary assistant, he may be a person authorised by the Provincial Government to do the work of the veterinary assistant. He goes and arrests any person and thus the liberty of the people is in danger, and you are going to pass a law of this kind. My friend, Rai Sahib Jogendra Nath Roy, Chairman of the Asansol Municipality, asks what are the qualifications of a veterinary assistant who performs these very onerous duties—I do not know the qualifications—but you are placing the liberty of six crores of the inhabitants of Bengal in their hands.

Rai Bahadur KESHAB CHANDRA BANERJI: On a point of information, Sir. Do not these persons include the Hon'ble Minister in charge of Agriculture who is supposed to be responsible for the cattle population of Bengal?

Mr. T. B. NIMMO: Mr. President, Sir, in rising to support the motion for the passing of this Bill, I wish to congratulate the Hon'ble Minister for introducing this much-needed measure and for the fair and impartial manner in which he presided over the Select Committee during its deliberations.

I hope, Sir, that the rules will be framed in such a manner as will cause no undue delay in operating this Act and that the fullest possible use will be made of it.

I would, however, suggest, Sir, that this Bill is liable to become so much waste paper unless it is properly administered and particularly unless there is proper supervision of the veterinary officers whose duties it is to prevent the spread of diseases. Even in the ordinary course of their duties veterinary officers rarely visit the remotest villages and there must be many villagers who have never seen the face of a veterinary doctor in their villages although the cattle epidemics are chiefly confined to villages. I have good reason to believe also that the class of men recruited for training in the

Bengal Veterinary College is steadily deteriorating; and if such men are given independent charge in districts, they are likely to remain sitting at headquarters as they are inclined to do at present unless properly supervised. I would, therefore, enquire from the Hon'ble Minister through you, Sir, if the present staff of the Civil Veterinary Department is adequate for the administration of the Act and what steps Government propose to take to ensure that the veterinary staff is strictly supervised.

Sir, I venture to offer a suggestion through you to the Hon'ble Minister. There is a special staff under the Principal of the Bengal Veterinary College for the prevention of the glanders under the Glanders and Farcy Act, but their functions are at present localised in the towns and suburbs of Calcutta and Howrah. Reports for the past few years reveal that the work of this department is much minimized and my suggestion is that this staff be utilized as a supervising staff for the purposes of this Bill. I would further suggest that the Veterinary Assistants for the administration of this Act may be recruited from senior officers of the Civil Veterinary Department with at least 5 years' service but that there should be no bar to direct appointment provided competent, hard-working and honest men are available with a knowledge of rural life and conversant with the language of the villagers. The number of Veterinary Assistants to be appointed must necessarily depend on the number of villages to be supervised; but I would impress on Government the necessity for a staff for the strict supervision of the veterinary assistants.

With these few words, Sir, I support the motion for passing the Bill.

Dr. KUMUD SANKAR RAY: Sir, not being present during the earlier stage of the discussion on this motion, I am afraid, I am not conversant with the views which have been expressed by different honourable members. But I felt somewhat inclined to agree with Mr. Nimmo when he said that this Bill may eventually end in pious wish as many other Bills of this nature have done. I know that many Epidemic Diseases Acts which concerned human beings have been practically dead letters. We seem to think that it is a very easy thing to copy Bills from other countries and to bring in such a Bill here and pass it, without bestowing the least thought on the machinery which would be necessary to give effect to the different provisions of the Bill. Mr. Nimmo has rightly said that the staff will have to be tremendously augmented. I do not know what the actual figures for the existing staff are. As far as I know, there is one Veterinary College for the whole of Bengal and I do not know how many students are turned out every year by this college. Neither do I know whether there is any cattle census taken for the whole of Bengal. I do not know the number of staff that would be necessary to exercise a proper check over the diseased animals which are scattered throughout the length and breadth of the country, specially in view of the fact that communications are so difficult now-a-days. It may take days before you get any assistance from the veterinary officer from the subdivision or from the district; and when at last the veterinary officer visits the place after being in correspondence spread over several weeks, not only the animal dies but it spreads the disease to other animals also. That is what, I am afraid, will happen. I admire the motive of the Hon'ble Minister in

introducing this Bill and also sympathise with his feeling towards the diseased cattle, or for the matter of that, for the entire cattle population of the province. But I am afraid, until and unless some provision is made in the Budget for meeting the extra expenditure under this head, it will be no use simply putting a Bill on the Statute Book. I do not know whether provision has been made in the Budget for the expenditure that is likely to be incurred in this connection. I do not know also whether this Bill was under the contemplation of Government at the time of the framing of the Budget. A huge staff will actually be required over and above the existing staff of the Veterinary Department. I do not know whether any provision has been made in this year's Budget for that; I do not think any such provision has been made. I may be wrong and I hope I am wrong, but that is one of the things which are worrying me. According to the notification of the Contagious Diseases Act, a person has to notify if a patient is suffering from tuberculosis or from other such diseases. But what is the result? Suppose, I visit a tuberculosis patient in a private house and inform the authorities about the matter. What is the result? The fellow might be poor. There is no provision for isolating him (Khan Bahadur ABDUL MOMIN: Let him die.) He must die, because we cannot segregate him. So, it is no good informing the authorities whatever the disease may be. The same thing exists to a certain extent in England. In England, the number of institutions for isolating and segregating the diseased animals is very great; but in spite of that they cannot enforce it strictly, and in spite of the co-operation of the public who are sufficiently educated to understand preventive measures, they cannot successfully operate the provisions of the Act. But, here the public are uneducated and particularly those villagers and cultivators who maintain cattle do not know anything of the preventive measures. You have to operate this Act by considerable public propaganda, and your Publicity Department will have to play a very large part if you want this Bill to work successfully.

Then, we have to take into consideration the fact that there is only one Veterinary College for the whole of the Province. Do you think that this one college will be able to produce sufficient number of veterinary surgeons? I think that the veterinary course is for three years. What is the number of students that come out from this college anuually? It may not be more than 30 or 40. Do you think that with 30 or 40 recruits from the college annually, you will be able to cope with the requirements which are envisaged in this Bill? I do not blame you for your desire to get this Bill through. I have every sympathy, but I earnestly urge that simultaneously with the enactment of this Bill Government should come forward with a definite scheme and let this House know what they propose to do in regard to making this Bill a live Bill. If you do not do so, I am afraid the Bill will be practically neglected and the operation of this Act will be probably observed more on the oppressive side, as has been suggested by many honourable members than on the beneficial side. I have some experience in this matter. I wanted to have some cattle inoculated against certain epidemic diseases. But I only succeeded in getting it done after making a good deal of correspondence. If this has happened to me who live in this city of Calcutta, I do not know what will be the fate of those who live in

far-off villages if they want preventive inoculation of their cattle against epidemic diseases. Have you got a sufficient number of laboratories to have preventive inoculation? If Government is really serious about this Bill, they should at once set their heart to provide necessary machinery and necessary funds in the budget for this purpose. If there has been no provision for it in the budget which has already been passed, they should come with a supplementary budget before this House for its consideration.

Khan Bahadur M. A. MOMIN: Sir, it is easy to agree with the remarks which have been made by Mr. Nimmo and the honourable member who has just sat down. Nobody claims, and I do not think that the Hon'ble Minister in charge of the Agriculture Department will claim, that the number of veterinary surgeons or other equipments at their disposal are sufficient. We all know that at the present moment there is considerable dearth of veterinary assistants in the province. But that is no reason why we should not make a move for tackling this very serious matter. Does Dr. Ray think that because we have not got sufficient number of veterinary assistants or that we have not got properly-equipped laboratories, therefore, this matter should be left as it is?

Dr. KUMUD SANKAR RAY: On a point of personal explanation, Sir. I never said that because there are no arrangements the Government should not move in the matter. I said that if Government want this Bill to be a live Bill, they should immediately put their heads together to provide the requisite machinery for the purpose.

Khan Bahadur M. A. MOMIN: No doubt, everyone should join in asking the Government to make adequate provision for the proper functioning of this Act and for the appointment of a larger number of veterinary assistants. But this matter should not be allowed to stand in the way of making a move for trying, at least for making an attempt, to prevent the diseases of cattle from spreading and causing a heavy economic loss. The reason why we have not yet got a large number of veterinary surgeons or the reason why in every direction the Agriculture Department of Government is inadequately staffed, is to be found in the fact that the people of Bengal themselves have never cared or agitated for having these facilities supplied to them. Government in the past have, as I have said before, been anxious and solicitous more for the proper administration of Law and Order than the development of the nation-building departments. But times have changed, and now everyone thinks about the development of the nation-building departments as their one point of safety, and every department we now find is trying its best to cater to the welfare of the people. And in keeping with that general trend, this Bill has been brought forward in order to safeguard our cattle from dying of diseases and of bad treatment. Therefore, as I say, we certainly join with Mr. Nimmo and Dr. Ray in their view that Government should, as far as possible, try to improve the teaching of veterinary subjects and increase the number of veterinary assistants. It cannot surely be expected that in course of one day Government will be able to produce about 5,000 veterinary assistants ready to go about the country and treat animals. Just in the same way, the Local Self-Government and Public Health Department are not able

to supply a sufficient number of doctors and the quantity of medicines which are required for the purpose of treatment of diseases in the country. I think we should all welcome the move in this direction, namely, the introduction of this Bill and instead of criticising it on that score we should all join together and try to get adequate money provided for in the Budget which would be required to advance and improve veterinary training in this province.

As regards the remarks made by Mr. Mukherjee, I am very sorry about the expression which he has used with regard to our alleged treatment of the Opposition in not even agreeing to changing a comma or semi-colon when suggested by them. I can assure my friend and I can quote several instances to show that we have accepted the very useful suggestions which have, from time to time, been made by the Opposition. I may refer, in particular, to the Agricultural Land Alienation Bill. Didn't we accept the suggestions made by Mr. Lalit Chandra Das and other members of his Party? It is not a pleasure for anybody to oppose sensible suggestions and we have never done that. However, Sir, I would stop there. But if there is opposition only for the sake of opposition and if whatever comes from the Government side has got perforce to be opposed, then do not put the blame upon us for we may be doing what the Opposition is doing. As for a comma or a semi-colon, if a comma or a semi-colon is misplaced, surely that must be opposed. We cannot allow that to go into our Acts. Mr. Mukherjee has made much of the possibility of this Bill being an engine of oppression. Of course, that expression has become very common with members of the other side. In everything they seem to see either an engine of oppression or a death-knell to our civil life. But we must examine everything properly with a sense of proportion. Drastic steps are necessary in cases where cattle diseases spread in the villages. Now, Sir, strong exception has been taken to the provision in the Bill that on the report of a veterinary surgeon, a sub-inspector of police can arrest any person without warrant and thus put him to trouble. It is known to every one that a sub-inspector of police, without this provision, has already that power to arrest any person without any warrant. So it is not understood how this provision would give him an additional power. On the other hand, here we have additional safeguard against such act of the police that he must have the support of the veterinary surgeon who is a technical man. When two officers of Government take into their heads to do something, there is extra responsibility on their part. The people of the village are not so helpless now-a-days as they used to be before on account of the political upheaval, and they will not hesitate to make an appeal before the higher authority if these officers act with a bad motive. They know now that if these officers act in a wrong way, they are liable to be punished.

Mr. Nimmo has suggested that there should be proper supervision in the districts. I entirely agree with him and I have no doubt that Government will also agree to this. But whether the police officer and the veterinary surgeon are able to oppress the people largely depends on the people themselves. They can only do so when there are party differences in the village. I have on many occasions seen that diseases of cattle were dealt with in such a manner that they became dangerous not only to the neighbour but to the whole village. Almost the entire cattle-stock in the rural areas has

become extinct. This is a matter in which drastic action must be taken. Only last year I myself lost 32 heads of plough cattle on account of epidemics. (Mr. SHRISH CHANDRA CHAKRAVERTI: Then you should have been arrested.) Yes, my manager should have been. So, these officers will not arrest persons for the mere pleasure of arresting them. They will not do so unless there be any reason for it. A sub-inspector, if he wants to arrest any particular person in his locality out of grudge, hundreds and thousands of ways are open to him for doing so. He can do so without the report of the veterinary surgeon and for doing so he does not require the support of another officer. So I think the Opposition has been exaggerating this fear. Of course, there are possibilities of harassment; but we must take things as they should be. Because there is possibility of harassment, we should not take any action, this attitude we should not take up. Mr. Lalit Chandra Das suggested that no arrest should be made without an order of the court. But in that case what would happen? Suppose there is a cattle disease in a particular village and cattle are dying of *rinderpest* or some such disease: the owners were told to take proper action but they refuse to do so. In that case, the veterinary assistant will have to run to the headquarters and report the matter to the authority. He will ask for a report from the veterinary surgeon and the surgeon will have to make a *post-mortem* examination after which he will send that report up and then there will be an order on the sub-inspector to take proper care of the diseased animal and arrest the man. Meanwhile, all the cattle in the village will die. This is not the procedure which anybody should recommend or suggest.

As regards harassing the people, I think in every Act you will find that there are hundreds of ways of harassing the people if the executing authorities want to harass them. For instance, the Government of India's Defence of India Rules, measures regarding food control, Penal Code, the Criminal Procedure Code and so on and so forth. What about the *Sarda* Act? There are officers and officers. The mental condition of all the officers are not wholly vicious.

Then, as regards the criticism regarding compensation. Here again, if a cattle dies of a particular disease and action has to be taken against that cattle by destroying it, then who is going to give compensation? I may say, though that would be blasphemous, it is the Providence who should pay the compensation. If an animal is attacked with a contagious disease, then all the animals in the locality are liable to catch the infection. Now, if that particular animal is not destroyed, it is the people who may claim damage from the owner of that particular diseased animal. (Rai Bahadur KESHAB CHANDRA BANERJEE: That animal might be segregated or be sent to the Pinjrapole.) There is provision for segregation in this Bill also. You can always level criticisms against anything. Sir, there is a Bengali proverb "যারে দেখতে নারি তার চলণ বাঁকা"'! We have to live among people in the villages who have no civic sense at all. Gradually, they will have to be taught this civic sense. Therefore, I say that all these criticisms perhaps may be due to the over-enthusiasm for the safety of the people. I do not attribute any other motive. I also appeal to the members opposite to consider the whole position quietly. If you want to eradicate an evil, you will have to take drastic action. (Rai Bahadur KESHAB CHANDRA

BANERJEE: What about the over-zealous officers?) They should all retire and come to the Council. (Mr. SHRISH CHANDRA CHAKRAVERTI: Like the Khan Bahadur himself.)

Sir, I have nothing more to say. With these few words, I support the motion for the Third Reading of the Bill.

Mr. NUR AHMED: Sir, with your permission I wish to make a few observations on this motion for the Third Reading of this Bill. Sir, at the outset, I congratulate the Hon'ble Minister on the introduction of this Bill and the way in which he has piloted it. Much criticism has been levelled against this Bill on various grounds. Sir, the learned speaker who has just sat down has very ably refuted some of the criticisms.

Sir, the first question is whether this Bill will be effective or workable if it is placed on the Statute Book of this province. I shall presently show by facts and figures the condition of Bengal in 1937.

Sir, from the Royal Commission Report on Agriculture, we find that in Bengal the total number of cattle was 2 crores and 54 lakhs and it was about 54 per cent. to the total population of Bengal at that time. In Assam it was 76·1 per cent., Punjab 73·3 per cent. and U. P. 68 per cent. Sir, according to our Hon'ble Minister in charge of the Bill, the number of cattle has been reduced, and he quoted the figure of 23 millions only as the total cattle population of Bengal, and in reply to my question he stated that the cattle stock remained more or less stationary during the last ten years.

Sir, in 1937, there was one Veterinary Assistant for 29,500 cattle in the North-West Frontier Province and there was one Veterinary Assistant for 36,000 cattle in the Punjab, there was one Veterinary Assistant for 65,500 cattle in Bombay, there was one Veterinary Assistant for 81,500 cattle in the Central Province, there was one Veterinary Assistant for 82,500 cattle in Madras and one Veterinary Assistant for 96,000 cattle in Assam; but what we find so far as Bengal was concerned. In Bengal there was only one Veterinary Assistant to take charge of as many as 1 lakh and 35 thousand cattle.

Then, as regards expenditure under this head, we find that in 1937 while the North-West Frontier Province spent 23·8, the Punjab spent 16·3, Bombay 9·1, the Central Province 6·7, Madras 8·4, Assam 8·2, Bengal spent only 4·1. Sir, taking all these figures into account, it appears that Bengal's figure is the lowest as compared with those of the other provinces. Sir, both from the economic and public health points of view the improvement in the condition of health of cattle should be the vital concern of Bengal at the present moment.

It appears that milk is one of the most important items in the matter of keeping up the health of human beings. It appears also that the *per capita* consumption of milk in Bengal is the lowest as compared with that of the Punjab or Bombay. The Punjab consumes 9·9 ozs. of milk per head of population, Bombay 4 ozs. and Bihar and Orissa 3·2 ozs., the United Provinces 5 ozs., Assam 2·2 ozs. and Bengal only 1·9 ozs. Therefore, from the public health point of view, it is necessary that cattle should be improved and every step should be taken to check the spread of contagion among

them in Bengal. In 1937 the number of gazetted officers and non-gazetted officers in the Veterinary Department in India was as follows: In the Punjab the number of gazetted officers was 36, and non-gazetted officers 406; in Madras, the number of gazetted officers was 23 and that of non-gazetted officers 274; in Bengal the number of both classes of officers was 13 and 174, respectively. Of course, I have not got the latest figures—I do not, therefore, know how many officers have been increased during these 8 years in Bengal. I have quoted figures as they stood in the year 1937. Considering all these points, it is very important that the Bill should be worked properly. But while I fully support the provisions of the Bill, I think there is something wanting in it. There are some provisions in the Bill which bear the impress of the old bureaucratic days. With all respect I must say that Bengal after the introduction of Provincial Autonomy has not changed except in some respects. Its life has not changed and it is still grouping in the old groove of bureaucratic methods of administration. With all respect to our Ministers, again, I must say that old bureaucracy is still holding sway, in the administration of this province, though not to the same extent as before. And that is why every Bill that is being introduced in this House bears some impress of the old days, and the present Bill is not immune from that impress. What I fear and apprehend is that provisions have been embodied in the Bill which will delay necessary action being taken at once. What is the machinery provided in the Bill for treatment of the diseased and infected cattle or of those suspected to be infected with any contagious disease? The machinery is that information has to be sent to the President of the Union Board. From our experience of the working of the Union Boards it can be easily imagined that the President of the Union Board will take some time in the matter. If he is satisfied, then only he may send a report to the Subdivisional Officer who is an over-worked man—pressure of work is too much for him now-a-days—and if after consideration he decides to transmit this information he will send it to the veterinary assistant. When this information is sent to the veterinary assistant, what he will do? He will go to the locality and enquire into the case. Then he will send the report to the Government or to an officer appointed by Government and at the same time a copy of the same to the Subdivisional Officer. This is the scheme. There may be delay in the Union Board; then the order of the Subdivisional Officer has to be awaited and in the meantime, the infection may spread from village to village. I appeal therefore to the Hon'ble Minister to see that there may be officers who should look to the prompt working of this Act, because on the proper working depends the prosperous and economic life of Bengal. There is another thing—there is no provision for animal hospital in this Bill. I find from the Madras Cattle Diseases Act that there is a provision for animal hospital there and as soon as it is suspected that an animal is infected with a contagious disease, the veterinary assistant's duty is to send it to the nearest hospital; but there is no such provision here. Unless there is sufficient provision for proper treatment of the animal it is very difficult to work this Act. What is provided in this Bill is that the man will be compelled to segregate the animal and make necessary arrangement. But where is he to get medicine and other things? I think it is the duty

of the veterinary assistant to make proper arrangement for the treatment of the animal. In the Madras Act it is provided that the veterinary assistant would make all these arrangements and the necessary expenses would be realised from the owner. But it is the duty of the veterinary assistant to make all arrangements. So in this respect this Bill is defective. With these words I support the Third Reading of the Bill. I congratulate the Hon'ble Minister for whom I have got the highest regard. He is a sincere soul and since his appointment as Minister in charge of Agriculture he is trying to introduce beneficial measures for the good of the province. I hope he will do his best to work this Act properly for the good of the people and for the cattle population of Bengal.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, most of the criticisms made by the Opposition have already been met by my friends, Khan Bahadur Momin and Mr. Nur Ahmed. I have very few observations to make. Mr. Mukherji has compared this law with the British law. We have kept the British law as our ideal and we are approaching the ideal. We cannot reach the ideal all at once. In Britain, it is possible to make provision for compensation for all animals to be killed, because there is a State fund there so large that they can afford to pay for this and many other social legislations, such as, Poor Fund, Workers Fund and so on. Can we have all these things at this stage in Bengal in its present economic condition? We are gradually trying to introduce these social legislations one by one; we cannot expect to do everything all at once and it cannot be expected that our legislation should be as perfect as Britain's. We have only made a beginning and I do not claim the Bill to be a perfect piece of legislation. No human law can be perfect and this being a new social legislation must have some defects. From experience we will take lesson and try to make it better and improve upon it and bring it to the standard of Britain. As regards clauses 22 and 23, Mr. Bankim Chandra Mukherji has made a confusion as to what statement I had made regarding them. One of these clauses provides that no compensation should be paid and the other provided that no punishment should be inflicted upon the Crown servants. Clause 22 provides that no compensation should be payable by Government on account of anything done in good faith. Government would not be liable to pay any compensation. Clause 23 refers to Crown servants. It says that Crown servants should not be punished on account of anything done in good faith.

I am grateful to Mr. Nimmo and Dr. Ray for their many useful suggestions. Nobody realises it more than I do the inadequacy of the staff of the Veterinary Department. This department will require strengthening if we want to do any real service to the country in matters veterinary. This Bill will be an incentive towards the strengthening of the veterinary staff. A Bill like this was very necessary. The present staff of the Veterinary Department is unable to do their duty properly in the absence of a Bill like the present one. They cannot segregate or kill the affected animals. This Bill will give them power to do their duty properly.

As regards funds, money will be forthcoming. I may say that this Government has never stopped short to spend money. Whenever money

was needed for any beneficial measure, money was spent. To meet the situation of last year we spent crores and crores of rupees, far beyond our capacity. No one now can say that money is not forthcoming for the nation-building departments.

A suggestion has been made for strengthening and enlarging the present Veterinary College to a very great extent. I may say for the information of the honourable members that we have got a very good college in Bengal, namely, the Bengal Veterinary College. In fact, the other provinces are jealous of our college. We get nearly 25 to 30 students from other provinces. The college has 80 seats and we never get more than 50 students. If we get sufficient number of students, I think our college would be able to accommodate them and would be able to meet the requirements of this province for the next 8 to 10 years. After that it may perhaps be necessary to further enlarge the college. (Dr. KUMUD SANKAR RAY: Start 5 more colleges.) Not at present. Moreover, we cannot afford to start more colleges at once.

As regards the Brahmini bulls, Mr. Bankim Chandra Mukherjee has suggested that those bulls should be specially taken care of. But he neither suggested that in the Select Committee nor did he send any amendment during the consideration of this Bill. We have accepted many suggestions of the members of the Opposition. So, it is not correct to say that we did not accept the amendments because they came from the side of the Opposition. No question was raised and no suggestion made either in the Select Committee or in the House, and no amendment was tabled by the members of the Opposition regarding Brahmini bulls.

Rai Bahadur KESHAB CHANDRA BANERJEE: An amendment was tabled by me——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: But was it moved at all? However, I am grateful to the honourable members of this House because they have supported the principle of the Bill. Of course, there have been some criticisms regarding some particular matters; but as I have said, we cannot expect a perfect legislation all at once. We have made just a beginning, and we hope to improve it by and by as we gain experience. With these words, I commend the Bill for the acceptance of the House.

Mr. PRESIDENT: Order, order. The question before the House is: that the Bengal Diseases of Animals Bill, 1944, as settled in the Council, be passed.

(The motion was agreed to.)

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, there is no official business in the House till the 8th May next, but we can sit for non-official business. But I think it will be inconvenient for the members to come only for non-official business when they will get a chance of non-official business afterwards. Therefore, if the honourable members are agreeable, the House may be adjourned till 8th May.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in this connection I may mention that we have already lost two non-official days, and this will be the third day which we shall lose. I hope the Hon'ble Minister will remember it.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If the honourable members so wish, we are quite willing to sit on Friday next.

Mr. PRESIDENT: I take it that the honourable members are not particularly anxious to sit on Friday next.

(Cries of "No", "No" from many honourable members.)

The House stands adjourned till 1-30 p.m. on Monday, the 8th May.

Adjournment.

The Council then adjourned till 1-30 p.m. on Monday, the 8th May, 1944.

Members Absent.

The following members were absent from the meeting held on the 26th April, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Mr. Kader Baksh.
(4) Mr. Hamidul Huq Chowdhury.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. N. C. Datta.
(7) Mrs. Labanya Probha Dutt.
(8) Mr. K. K. Dutta.
(9) Mr. Mohamed Hossain.
(10) Mr. M. R. Jaipuria.
(11) Maulana Mohd. Akram Khan.
(12) Mr. W. B. G. Laidlaw.
(13) Rai Bahadur B. M. Maitra.
(14) Mr. N. N. Moholanabish.
(15) Mr. N. N. Mookerjee.
(16) Mr. R. S. Purssell.
(17) Khan Bahadur Muklesur Rahman.
(18) Khan Bahadur Kazi Abdur Rashid.
(19) Mr. S. N. Sanyal.
(20) Mr. J. W. R. Steven.
(21) Dr. Kasiruddin Talukdar.

BGP-44/5-2456A-750

First Session, 1944—No. 35.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 8th May, 1944, at 1-30 p.m., being the thirty-fifth day of the First Session of 1944, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Oath.

Mr. PRESIDENT: Any gentleman desiring to take the oath of office may do so now.

Mr. Muhammad Habibullah Chowdhury then took the oath of allegiance to the Crown.

QUESTIONS AND ANSWERS

Price of vegetables.

137. Khan Sahib FARIDUDDIN AHMAD (on behalf of Mr. Nur Ahmed): (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state if it is a fact that the prices of vegetables have shot up abnormally in Bengal to the great suffering of the people here?

(*b*) Is it a fact that the Government of India asked from the Government of Bengal in the early part of 1943 to prepare schemes for cultivation and collection of vegetables with a view to giving them financial assistance from the Central revenues for such scheme?

(*c*) What schemes for cultivation and collection of vegetables have been prepared in Bengal?

(*d*) Has any financial assistance been received from the Central Government for the same? If not, why not?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain: (*a*) Yes.

(*b*) Yes; financial assistance was, however, offered in respect of schemes for cultivation of vegetables for the Defence Services.

(*c*) Apart from schemes for growing vegetables for the Defence Services, the following schemes were sanctioned in 1943:—

(*i*) A scheme for cultivation of more English vegetables in rural areas at a cost of Rs.25,000.

The object was to buy seeds in bulk so that they could be distributed among the growers at cheap rates.

(*ii*) A scheme for the purchase and distribution in urban areas of vegetable seeds, both Indian and English types, at a cost of Rs.2,15,210.

For 1944 a scheme for purchase and distribution of summer vegetables has been sanctioned at a cost of Rs.5,160.

Another scheme for the cultivation of cold weather vegetables is now under consideration of Government.

(*d*) No.

Schemes for cultivation of vegetables for the Defence Services are now being dealt with direct by the Military authorities.

As regards schemes for cultivation of vegetables for the civilian population, financial assistance was asked for but not obtained.

I am not aware of the reasons for this.

"Bhog" ration.

Mr. HARIDAS MAZUMDAR: Sir, may I disturb the tranquillity and peace of mind of the Honourable the Leader of the House by enquiring as to what has happened as regards the decision about the ration of *bhog* for our household deities? This matter has been brought before the House times without number, but the Hon'ble the Minister for Civil Supplies is not always available. A conference was held and the Pundits have already sent their views about this question. This question has been hanging fire for the last two months and we want a definite answer whether they are going to do anything in the matter or not.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I am not aware as to what has taken place in this connection. My honourable friend informs me that there was a conference on this subject. I think it would be better to put this question when the Hon'ble Minister in charge of Civil Supply is present in the Chamber.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the latest information is that the Government have taken the opinion of various persons interested in this matter and now the question is pending before the department for suggesting what steps can be taken in this matter. I hope within seven or ten days we will be able to make a statement.

Committee for amendments to Council Rules.

Mr. PRESIDENT: I am now to announce that as a result of the election held under sub-rule (3) of rule 110 of the Bengal Legislative Council Procedure Rules, the following members have been elected to the committee on the amendments to rules 56, 57 and 58 of the said rules:—

(1) Khan Sahib Nurul Amin,
(2) Mr. Nur Ahmed,
(3) Mr. W. B. G. Laidlaw,
(4) Mr. Shrish Chandra Chakraverti, and
(5) Mr. Amulyadhone Roy.

I fix 10 o'clock on Wednesday, the 10th May, as the time for the meeting of the committee in the ante-room of the President's Chamber.

Mr. BANKIM CHANDRA MUKHERJEE: May I have your permission to put in short-notice amendments on the Bill——

Mr. PRESIDENT: Which Bill?

Mr. BANKIM CHANDRA MUKHERJEE: The Bengal Orphanage Bill. The time for giving notice of amendments has expired. So I ask your permission to accept short-notice under rule 64, so that they may be circulated among the members.

Mr. PRESIDENT: But it is not on the agenda today.

Mr. BANKIM CHANDRA MUKHERJEE: It has got to be done orally on a sitting day.

Mr. PRESIDENT: All right, you may hand it over to the Secretary.

Order, order. The next item today is the laying of the Bengal Agricultural Income-tax Bill, 1944, as passed by the Assembly.

I may inform the House that no Message relating to this Bill has been received from the Assembly. So this item may be treated as withdrawn.

Ruling from Chair.

There is no other business to be transacted today. But I would like to mention another matter. It was suggested to the Chair by some members regarding the practice of placing papers on the Library table that, instead of being placed on the Library table it would be more convenient if they were placed on a table in the Chamber. I have examined this question and as an experimental measure I have decided that there should be a small table placed here on which statements which cannot be incorporated in the questions would be put. But in case of voluminous papers, they should be placed on the Library table. This will be as an experimental measure. If it is not successful, the old practice would be revived.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, with regard to the Bengal Agricultural Income-tax Bill, the date for laying it on the Table of the Council was fixed for today, because we expected that the Message of the Assembly would be sent before this date. The usual time has already expired and we do not yet know when the Message will come. I therefore suggest that the date for the laying of that Message be fixed for the day after tomorrow, because it seems that we cannot proceed until the Message comes. We are very sorry for this delay. There has never been such a long and unprecedented delay in sending Messages from the other House to this House. We could not foresee that the Message will not be in the possession of the House by today.

Mr. PRESIDENT: Then, you suggest that for the present we adjourn the House till day after tomorrow?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. PRESIDENT: The House stands adjourned till 1-30 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1-30 p.m. on Wednesday, the 10th May, 1944.

Members Absent.

The following members were absent from the meeting held on the 8th May, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Khan Sahib Nurul Amin.
(4) Rai Bahadur K. C. Banerjee.
(5) Mr. Humayun Reza Chowdhury.
(6) Khan Bahadur Hamidul Huq Chowdhury.
(7) Mr. B. C. Datta.
(8) Mr. N. C. Datta.
(9) Mrs. Labanyaprobha Dutt.
(10) Khan Bahadur Abdul Gofran.
(11) Mr. M. R. Jaipuria.
(12) Alhadj Khan Bahadur Shaikh Muhammad Jan.
(13) Maulana Mohd. Akram Khan.
(14) Mr. Abdul Latiff.
(15) Mr. N. N. Moholanabish.
(16) Mr. N. N. Mookerji.
(17) Mr. T. B. Nimmo.
(18) Mr. R. S. Purssell.
(19) Khan Bahadur Kazi Abdur Rashid.
(20) Dr. K. S. Ray.
(21) Mr. K. C. Roy Chowdhury.
(22) Mr. J. W. R. Steven.
(23) Dr. Kasiruddin Talukdar.

BGP-44/5-2599A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 36.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 10th May, 1944, at 1-30 p.m., being the thirty-sixth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Expenditure on Muslim Halls and Hostels.

138. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the amount of money the Government has spent since 1st April, 1937, on building Moslem Halls and Hostels in this Province; and

(*b*) the amount of money the Government has spent on building such Hostels and Halls for Hindu students since April, 1937?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Minister in charge of the Education Department, the Hon'ble Mr. Tamizuddin Khan): The figures for the period from 1st April, 1937, to 31st March, 1943, are—

(*a*) Rs.1,79,347.

(*b*) Rs.1,40,592.

Mr. LALIT CHANDRA DAS: Arising out of (*a*), how many Moslem halls and hostels have been erected and where?

Mr. BIREN ROY: Some repair works have been done and actually no halls have been erected. Some extensions to hostels attached to the following colleges have been effected:—Lady Brabourne College, Fazlul Huq College, Rajendra College, Faridpur, P. K. College, Contai, Daulatpore College, etc.

Mr. LALIT CHANDRA DAS: How many Moslem halls have been erected?

Mr. BIREN ROY: You do not want to know about Hindu hostels?

Mr. LALIT CHANDRA DAS: From answer (*a*), it appears that Rs. 1,79,347 have been spent on Moslem halls and hostels. So, I want to know how many hostels and halls have been erected for the Moslems, and where.

Mr. BIREN ROY: Daulatpore college is meant for both Hindus and Moslems. The expenditure under——

Mr. LALIT CHANDRA DAS: I want separately the expenditure incurred for the construction of Moslem halls and Hindu halls.

Mr. BIREN ROY: Actually no halls have been erected but only repair works were carried on and the amount spent is Rs. 1,79,347 in 6 years.

Mr. LALIT CHANDRA DAS: It appears from answer (*b*), that an amount of Rs. 1,40,592 has been spent on Hindu hostels and halls. I want to know where are these hostels.

Mr. BIREN ROY: P. K. College, Contai, Midnapore—Rs. 1,000 for Hindus and Scheduled Caste students, Daulatpore Hindu Academy—Rs. 850; Saadat College, Karatia—Rs. 1,857 for Hindu and Scheduled Caste students; Adamdighi I.P.J. High English, Bogra, for Hindus and Moslems combined —Rs. 967; Dilma R.B.R. High English, Rangpur, for Scheduled Castes— Rs. 704-8; Dalgram Middle English, Rangpur, for Scheduled Castes— Rs. 200; Nautara—Rs. 100; Kaliaganj Middle English, Dinajpur, etc.

Mr. HARIDAS MAZUMDAR: Am I to understand that Government did not spend any money on new construction with regard to Moslem halls and Hindu hostels, etc.?

Mr. BIREN ROY: If additions to existing buildings are considered as new constructions, then certainly Government spent money on new constructions.

Mr. HARIDAS MAZUMDAR: What amount has been spent for extension purposes?

Mr. BIREN ROY: I want notice.

Street Accident.

139. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that since the beginning of the year there has been a large increase in the number of street accidents due to rash and negligent driving within the municipal limits of the city of Calcutta?

(*b*) Will the Hon'ble Minister be pleased to state, showing month by month, the number of all such cases since November last which occurred and will the Hon'ble Minister please state how many of them were serious, how many were slight and how many ended in deaths? How many of these cases were treated in the hospitals of Calcutta?

(*c*) What steps have the Government adopted or intended to adopt to prevent such occurrences?

(*d*) Were there prosecutions during this period for rash or negligent driving causing hurt or death? If so, how many; and how many of them ended in conviction?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) There was an increase in the number of street accidents between November, 1942, and November, 1943. The reasons for it were—

(1) Increase in the military traffic.
(2) Black-out conditions.
(3) Foul weather conditions in May and June, 1943.
(4) Influx of ignorant village people and beggars in Calcutta.

(*b*) A statement is laid on the Table.

(*c*) The gravity of the situation and the need for tightening up control over military vehicles are being constantly impressed on the military authorities and they have already taken measures to improve matters. The number of military traffic police has been substantially increased and military police patrols are now operating in the Calcutta area. Periodical round-ups of traffic offenders are also being made by officer patrols and the first of these led to the institution of charges against over 200 drivers. More military police are still required and this point is again being brought to the notice of the military commander.

(*d*) During the period from 1st November, 1942, to 30th November, 1943, there were 193 prosecutions for rash and negligent driving causing hurt or death out of which 90 resulted in conviction. Other cases were either untraced or handed over to the military authorities.

Statement referred to in reply to question No. 139, of street accidents due to rash and negligent driving from November, 1942, to November, 1943.

Months.	Number of accidents reported.	Number of serious cases.	Number of slight accidents.	Number ended in death.	Number treated in hospital.
1942.					
November ..	310	56	187	12	137
December	383	59	221	11	158
1943.					
January ..	313	45	208	8	147
February	328	64	241	7	150
March ..	400	59	259	10	183
April ..	464	66	314	11	204
May ..	466	74	315	18	221
June ..	519	105	334	20	242
July ..	495	80	415	34	207
August ..	488	79	409	35	208
September ..	531	122	409	26	280
October ..	547	118	429	43	236
November ..	464	72	392	21	178

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state what has been the proportion of deaths of ignorant village people and beggars who come to Calcutta due to these accidents?

Mr. BIREN ROY: I want notice.

Mr. LALIT CHANDRA DAS: Arising out of (*a*)(4), where you have said that influx of ignorant village people and beggars in Calcutta is one of the reasons for the large increase in the number of street accidents, do you mean to say that amongst the persons who were killed in street accidents the proportion of ignorant village people was greater?

Mr. BIREN ROY: I want notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether these street accidents were mostly due to rash and negligent driving?

Mr. BIREN ROY: Not all.

Mr. LALIT CHANDRA DAS: You don't follow my question. My question is: whether these accidents were mostly due to rash and negligent driving.

Mr. BIREN ROY: Unless all the cases are tried out and the persons are convicted, it is not possible to lay the blame either on the drivers or on the village people. I have not got all the figures here.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state whether on the information received by Government, Government have reason to state that most of these cases were due to negligent and rash driving?

Mr. BIREN ROY: Not mostly, because out of 193 cases that were prosecuted, only 90 resulted in conviction. 90 out of 193 cannot be described as "mostly".

Mr. SHRISH CHANDRA CHAKRAVERTY: Will the Hon'ble Minister please state what is the average charge made against these accused? The Parliamentary Secretary says that only in 90 cases were the accused convicted. What is the average charge in these cases?

Mr. PRESIDENT: Mr. Chakraverti, I think you should realise the absurdity of your own question. How can the Parliamentary Secretary give you the "average charges" against the accused?

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I began by saying that there were 90 convictions; and I wanted to know what was the average or the general charge against the accused in most cases.

Mr. BIREN ROY: For breaking the motor vehicle rules.

Security prisoner Srijut Suresh Chandra Majumdar.

140. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Srijut Suresh Chandra Majumdar, of the *Ananda Bazar Patrika*, now a security prisoner, is ailing for a long time? What is the Doctor's report about his health?

(*b*) What was his weight when he entered jail and what is his weight now?

(*c*) Is it a fact that the security prisoners Srijuts Sasanka Shekhar Sanyal, M.L.A., Nishit Nath Kundu, M.L.A., and Dhirendra Nath Mukherjea, M,L.A., ordered to be released were ailing before the order of release was passed on them?

(*d*) What stands in the way of releasing Srijut Suresh Chandra Mazumdar now?

(*e*) Do the Government propose to release him immediately? If not, why not?

Mr. LALIT CHANDRA DAS: With regard to this question, I may say that this question was asked long ago and has now become stale; and accordingly, I would not like to put it because the gentleman is now out of jail. This question was asked when the gentleman was in jail.

Mr. PRESIDENT: So, you are withdrawing the question?

Mr. LALIT CHANDRA DAS: No, but I am protesting that the question should have been answered so late, as I put it when the gentleman was in jail, about nine months ago.

Mr. PRESIDENT: So you have lost all interest in the matter?

Mr. LALIT CHANDRA DAS: Yes.

Mr. PRESIDENT: Very well. Let the Parliamentary Secretary however read out the answer.

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*), (*b*), (*d*), and (*e*) Mr. Mazumdar has long since been released.

(*c*) No.

Mr. LALIT CHANDRA DAS: Supplementary question, Sir.

Mr. PRESIDENT: But you said, Mr. Das, that you had lost all interest in this question.

Mr. LALIT CHANDRA DAS: But as the question has been called after all, I am asking this supplementary question. Will the Parliamentary Secretary please say when this question was put?

Mr. BIREN ROY: Probably eight or nine months ago.

Mr. LALIT CHANDRA DAS: While the gentleman was in jail?

Mr. BIREN ROY: Must be.

Mr. LALIT CHANDRA DAS: What is the reason for such a late answer?

Mr. BIREN ROY: The Hon'ble the Home Minister was busy in releasing.

Mr. LALIT CHANDRA DAS: Releasing the answer or releasing political prisoners?

Mr. PRESIDENT: I do not think the Parliamentary Secretary wants to answer that question, Mr. Das.

Flood in the district of Burdwan.

141. Rai Sahib JOGENDRA NATH RAY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the latest information regarding the recent flood in the district of Burdwan on the points below—

(*a*) probable estimate of the property destroyed;

(*b*) number of families affected;

(*c*) number of deaths;

(*d*) present condition of the flood-affected areas of the district of Burdwan;

(*e*) steps taken by the Government to mitigate the sufferings of the people affected;

(*f*) names of the public associations other than the Government who are working for relieving the distress of the affected people; and

(*g*) if the situation is now under control?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) The extent of damage to properties in the area affected (555 square miles) in the district of Burdwan is estimated as follows:—

Number of huts destroyed—18,000.

Damage to *Aus* crop—5 annas.

Damage to *Aman* seedlings—5 annas.

(*b*) 12,078.

(*c*) About 20.

(*d*) Normal.

(*e*) The following relief measures were taken in the Burdwan district, a considerable portion of which was directed to the flood-affected areas:—

I. Gratuitous relief—

(*a*) Cash or grain doles and through free kitchens—Rs.16,00,000.

(*b*) Free grant for reconstruction of huts (in flood-affected areas only)—Rs.1,00,000.

(*c*) Free distribution of clothes, blankets, etc.—

(*i*) In cash for purchase locally—Rs.17,000.

(*ii*) In kind—

	Bales.	
Cloth	68	By Government.
Cotton blankets ..	100	
Chaddars	55	
Cloth	31	By the Central Relief Fund and His Excellency's Relief Fund.
Cotton blankets ..	17	
Hessian blankets or quilts ..	33	

II. Agricultural loans—

(*a*) For purchase of seeds, etc.—Rs.12,18,000.

(*b*) For house-building—Rs.2,00,000 (in flood-affected areas only).

III. Test Works—

(*a*) Test Works (Ordinary)—Rs.1,10,000 (in flood-affected areas only).

(*b*) Relief through paddy husking—Rs.5,000.

Relief was also given through 98 cheap grain shops and 7 destitutes' hospitals.

(*f*) (1) Burdwan District Flood Relief Committee.

(2) Ghuskara Relief Committee.

(3) Bengal Relief Committee.

(4) Ramkrishna Mission.

(5) Marwari Sahawak Samity, Burdwan.

(6) Burdwan Traders' Association.

(7) Muslim League.

(8) Burdwan Hari Sabha.

(9) Calcutta Marwari Relief Samity.

(10) Hindu Mahasabha.

(11) Punjab Relief Committee.

(*g*) Yes.

Rai Sahib JOGENDRA NATH RAY: Will the Hon'ble Minister be pleased to state what is the measurement of the area affected?

Mr. BIREN ROY: I have already said that: it is 555 square miles.

Damodar flood.

142. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what has been the extent of damage to the properties of the people of the district of Burdwan and neighbouring districts caused by the recent Damodar flood? What steps have the Government taken so far to repair those damages and bring succour to the flood-stricken people of those areas?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Mr. Tarak Nath Mukerjea): Some areas of the districts of Burdwan and Hooghly were affected.

In the district of Hooghly, 11 Unions in the Sadar subdivision were more or less affected by the flood. The extent of damage to properties in the worst affected Unions is estimated as follows:—

Paddy crops—8 annas.
Cattle—6 per cent.
Houses—6 per cent.

In Burdwan, the extent of damage to properties in the area affected (555 square miles) is estimated as follows:—

Aus crops—5 annas.
Aman seedlings—5 annas.
Houses destroyed—18,000.

In the affected areas of the Hooghly district, the following relief measures were taken:—

I. Gratuitous relief—

(*a*) Amount spent on grain doles—Rs.35,000.
(*b*) Amount spent on cash doles—Rs.20,000.
(*c*) Relief through free kitchens.
(*d*) Free distribution of cloth and blankets:—
(*i*) In cash for purchase locally—Rs.15,000 (for the entire district).
(*ii*) In kind—

	Bales.	
Cloth	22	Sent by Government.
Cotton blankets ..	20	
Chaddars	10	
Cloth	15	Sent by Central Relief Fund and His Excellency's Cyclone Relief Fund.
Hessian blankets ..	12	
Cotton blankets ..	8	

II. Agricultural loans—

(*a*) For retransplantation—Rs.80,000.
(*b*) For house-building—Rs.3,490.

III. Test works (for the entire district)—Rs.3,25,000.

The following relief measures were taken in the Burdwan district, a considerable portion of which was directed to the flood-affected areas:—

I. Gratuitous relief—

(*a*) Cash or grain doles and through free kitchens—Rs.16,00,000.

(*b*) Free grant for reconstruction of huts (in flood-affected areas only)—Rs.1,00,000.

(*c*) Free distribution of clothes, blankets, etc.—

(*i*) In cash for purchase locally—Rs.17,000.

(*ii*) In kind—

	Bales.	
Cloth	68	Sent by Government.
Cotton blankets ..	100	
Chaddars	55	
Cloth	31	Sent by Central Relief Fund and His Excellency's Relief Fund.
Cotton blankets ..	71	
Hessian blankets or quilts ..	33	

II. Agricultural loans—

(*a*) For purchase of seeds, etc.—Rs.12,18,000.

(*b*) For house-building—Rs.2,00,000 (in flood-affected areas only).

III. Test works—

(*a*) Test works (Ordinary)—Rs.1,10,000, (in flood-affected areas only).

(*b*) Relief through paddy husking—Rs.5,000.

A number of cheap grain shops and destitutes' hospitals were also opened in the two districts, some of which are still functioning.

Members of the Legislature detained as security prisoners.

143. Mr. HARIDAS MAJUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if it is a fact that ten security prisoners are members of the Bengal Legislature?

(*b*) Do they take part in the debates of the Legislatures as far as practicable through correspondence?

(*c*) Do they draw their monthly allowances for being members of the Legislature?

(*d*) Do the Government propose to allow them to attend the meetings of the Legislature under police custody to discharge their duties as legislators? If not, why not?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) to (*c*) Yes.

(*d*) No.

Mr. HARIDAS MAZUMDAR: Sir, the latter portion of (*d*), namely, "If not, why not" has not been answered. I want to know the reason why they were not allowed to attend meetings?

Mr. BIREN ROY: On the ground that they are security prisoners.

Mr. PRESIDENT: Question No. 144 relates to the Public Accounts Committee. I think this question should be held up. It is better that the Hon'ble Minister should himself reply to it.

Deaths due to starvation.

145. Rai Sahib JOGENDRA NATH ROY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the number of destitutes collected from each district of the Burdwan Division; and

(*b*) if any arrangements have been made by the Government to feed and clothe the destitutes; and if so, what are they?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*)—

District.	Urban areas.	Rural areas.
Midnapore	270	21,497
Burdwan	1,421	11,175
Howrah	1,596	4,332
Bankura	150	nil
Birbhum	nil	nil
Hooghly	nil	nil

(*b*) A large number of poor houses, work-houses, destitute camps and orphanages were opened in the Province of which 220 poor-houses and work-houses and 72 orphanages are still functioning. Arrangement for food and shelter were made in those places. Besides, 6,625 relief kitchens out of which 4,469 were running entirely at Government cost and 1,605 subsidised by Government were functioning when the distress was at its peak, and over 2,500,000 people were fed in them daily. About 38,000 people were getting cash doles and 2,500,000 people were receiving grain doles during that period daily. Over a sum of Rs.3½ crores has been sanctioned by Government for distribution as gratuitous relief. Government have also distributed to the destitutes cloths and blankets worth Rs.40 lakhs.

Rai Sahib JOGENDRA NATH RAY: How many destitute camps and orphanages have been opened in the municipal areas of Burdwan Sadar, Asansol, Kalna and Katwa?

The Hon'ble Mr. TARAK NATH MUKERJEA: I cannot answer the question off-hand.

Rai Sahib JOGENDRA NATH RAY: What arrangements for food and shelter have been made in those camps? The answer has been given in general terms and I want particulars.

The Hon'ble Mr. TARAK NATH MUKERJEA: Arrangements for supplying food and for medical treatment have been made. If the honourable member wants more details, I shall be only too glad to furnish them.

Mr. HUMAYUN KABIR: How many of these relief kitchens are running now out of 6,625?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Destitutes sent to Relief Centres.

146. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the number of destitutes so far collected from the streets of (*i*) Calcutta and its suburbs, (*ii*) Dacca and (*iii*) other mufassal towns and sent to the Relief Centres;

(*b*) how many of them have been repatriated so far, and how many of them died in hospitals or other places since the time they were sent to the Relief Centres with a view to repatriation;

(*c*) what arrangements the Government made for these destitutes to help them (*i*) to establish themselves at their homes where their homes were broken up, (*ii*) *to meet the rigours* of the winter, (*iii*) to get employment at their native places, (*iv*) to get possession of their lands to maintain themselves where their lands passed out of their hands, and (*v*) to get implements of husbandry; and

(*d*) what arrangements the Government made to feed and clothe the destitutes where they were too weak to work?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) (*i*) Calcutta and its suburbs 43,524; (*ii*) Dacca 1,326; and (*iii*) other towns 50,767.

(*b*)	Number of destitutes repatriated.	Number of deaths.
Calcutta and its suburbs ..	33,418	89
Other towns	32,945	4,764

(*c*) (*i*), (*iii*) and (*v*) Before the destitutes were repatriated to their homes necessary steps were taken to see that adequate arrangement existed in their villages for giving them gratuitous relief in the form of cooked food or grain doles till such time as was considered necessary. Test works were opened where necessary to enable the able-bodied destitutes to find employment. Proposals for rehabilitating them are now under the consideration of Government.

(*ii*) Cloths, blankets and garments were distributed free to the destitutes.

(*iv*) The Bengal Alienation of Agricultural Land (Temporary Provisions) Ordinance, 1943, was promulgated to provide for the restoration of agricultural lands sold during 1943 as a result of the prevailing distress. A Bill for enacting a complementary legislation to the said Ordinance has been introduced in the Provincial Legislature.

(*d*) A number of poor houses and destitutes' camps were opened in which free food was given to the destitutes who were too weak to work. Cloths and blankets were distributed free to the destitutes.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to explain the discrepancy between the figures 43,524—number of destitutes collected and 33,418—number of destitutes repatriated? What happened to the other 10,000 destitutes collected?

The Hon'ble Mr. TARAK NATH MUKERJEA: They were released.

Mr. HUMAYUN KABIR: Were they released because they were not destitutes?

The Hon'ble Mr. TARAK NATH MUKERJEA: It was considered that the destitutes were no longer in need of protection.

Mr. HUMAYUN KABIR: Were the destitutes collected on the assumption that they were really destitutes, or rather, Government thought that they were destitutes?

The Hon'ble Mr. TARAK NATH MUKERJEA: Certainly.

Mr. HUMAYUN KABIR: Government arrested 10,000 destitutes and later on found that they were not destitutes and so they were released?

The Hon'ble Mr. TARAK NATH MUKERJEA: Not exactly that. Government released those persons so that they could go back to their own native places and join in the crop-harvesting and other work.

Mr. HUMAYUN KABIR: Are we to understand that 33,418 people who were sent back to their homes were not in a position to earn their livelihood after they were sent home?

The Hon'ble Mr. TARAK NATH MUKERJEA: Naturally; they were physically weak and they had nothing to fall back upon.

Mr. BANKIM CHANDRA MUKHERJEE: Is the Government aware that out of these 33,418 people who were collected most of them protested against being taken in as destitutes?

The Hon'ble Mr. TARAK NATH MUKERJEA: Government are not aware of it.

Mr. BANKIM CHANDRA MUKHERJEE: Is the Government aware that such information was sent to the Government from the Bengal Provincial Hindu Mahasabha camp?

The Hon'ble Mr. TARAK NATH MUKERJEA: Only in a very few cases.

Mr. BANKIM CHANDRA MUKHERJEE: Will you please give us the number of such "few cases"?

The Hon'ble Mr. TARAK NATH MUKERJEA: For the exact number I want notice.

Mr. BANKIM CHANDRA MUKHERJEE: Is the Government aware that a small child was taken away leaving his mother alone?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is extremely difficult to answer it.

Mr. PRESIDENT: I don't think the question does arise, Mr. Mukherjee. This is a general question, whereas you are referring to a particular question.

"Puber Bandh."

147. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that the Magistrate of Howrah, Mr. Stewart, visited the Rashpur Union Board in November, 1940, and requested the board to assess the people of the union and the Circle Officer, Amta, to assess the local zamindars proportionately for the purpose of repairing "Puber Bandh" which had been reached by the flood of August, 1939?

(*b*) Is it a fact that the Union Board concluded assessment as desired by Mr. Stewart?

(*c*) What steps have been taken to assess and realise the contributions from the local zamindars as decided by Mr. Stewart?

(*d*) What steps have been taken regarding reduction of rents as per Revenue Department letter No. 86L.R., dated the 2nd January, 1941?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) Yes.

(*b*) Yes. For 1348 B.S.

(*c*) In spite of repeated demands for payments, the zamindars have not paid anything.

(*d*) The receipt of a representation from the Assistant Secretary, Rashpur Union Palli Samiti, was acknowledged as per Revenue Department letter No. 86L.R., dated the 2nd January, 1941. But as the representation contained a general prayer for reduction of rent merely on the ground of economic crisis no action was taken.

Mr. HUMAYUN KABIR: Will the Government be pleased to state what happened to the funds which were actually paid by the tenants?

The Hon'ble Mr. TARAK NATH MUKERJEA: As the assessment took place long ago, I want notice for answering it.

Mr. HUMAYUN KABIR: Sir, this question was put precisely because it was desired to draw the attention of the Hon'ble Minister to the state of affairs which obtains there.

Mr. PRESIDENT: Now, he wants further notice.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister one of those zemindars who refuse to make payments in spite of repeated demands?

Mr. PRESIDENT: I do not think that question does arise. You can put him questions only in his capacity as a Minister.

Mr. HUMAYUN KABIR: I am sorry, Sir.

Cultivable land in the reserve forests.

148. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state if the Government of Bengal propose to take steps to release the cultivable land within the reserved and protected forest areas for the cultivation of paddy and other suitable crops? If not, why not?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prem Hari Barma): Since the inauguration of the "Grow More Food" campaign, hundreds of permits have been issued to *bona fide* cultivators for growing paddy and other crops in cultivable lands in the reserved and protected forsts. The Forest villagers are also cultivating thousands of acres of forest lands for growing food crops. *Bona fide* cultivators who want cultivable lands in the forests for the cultivation of food crops may get permits for such lands, if available, on applying to the Divisional Forest Officers concerned.

Mr. NUR AHMED: Will the Hon'ble Minister please look to the nature of my question and state if any lands have been released from the reserved and protected forest areas for the purpose of cultivation?

The Hon'ble Mr. PREM HARI BARMA: Yes.

Nomination to the Municipality of Jessore.

149. Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) how many members from Hindu, Muslim, Scheduled Caste and Christian communities respectively were recommended for nomination to the Municipality of Jessore by the District Magistrate of Jessore during the last three financial years;

(*b*) the principle or principles on which nomination of commissioners to the Jessore Municipality has been made in the past; and

(*c*) the principle or principles that has been followed in such nomination during the present year?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Minister in charge of the Public Health and Local Self Government Department, the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) During the last three financial years no nominations were made to the Jessore Municipality as the question of reconstitution did not arise in this period.

(*b*) To adjust any deficiencies in the proper representation of minority communities and to secure the presence on Municipal Boards of persons who are likely and able to assist in implementing the policy of the Provincial Government in municipal administration.

(*c*) No nominations have been made this year: the question does not arise.

Mr. RANAJIT PAL CHOWDHURY: Will the Parliamentary Secretary, who is also a municipal expert, please state when the new nominations will be gazetted?

Mr. BIREN ROY: Within the next month.

Mr. KADER BAKSH: Will the Hon'ble Minister please state when the nominations to the Dinajpur Municipality are likely to be out?

Mr. PRESIDENT: Dinajpur Municipality? How does that question arise? The question relates to the nominations to the Jessore Municipality.

Participation of Government servants in Election.

150. Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if it is a fact that Mr. Ahmed Hosain, Police Magistrate, Sealdah, has proposed one Kazi Ashraf Ali as a candidate for election to the Calcutta Corporation in the present general elections; and

(*b*) if a Government servant is entitled to propose, second or otherwise actively participate in the election?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Minister in charge of the Home Department, the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) Not without the prior consent of Government being obtained.

Mr. HUMAYUN KABIR: Was the prior consent obtained in this case?

Mr. BIREN ROY: No.

Mr. HUMAYUN KABIR: What action does the Government propose to take in this matter?

Mr. BIREN ROY: The officer was probably under a misunderstanding about his right to vote. An almost similar question was previously answered by me to the effect that a Government servant is not entitled at least to give any indication as to how he was going to vote; therefore he is not entitled to propose. The officer has been warned.

Homes for destitute children.

151. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether any home or homes, rescue

centre or orphanages have been specially established and maintained by the Government of Bengal for the large number of destitute children roaming in Calcutta and other towns, such as Chittagong, Noakhali, Dacca and Chandpur?

(*b*) If so, how many have been opened and at what places and for how many destitute children? If not, why not?

(*c*) Has any free milk kitchen been opened by the Government of Bengal for supply of free milk to the infants of the destitute in Bengal?

(*d*) If so, how many have been opened and at what places and for how many infants? If not, why not?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) and (*c*) Government have established a number of homes for the destitutes (including women destitutes) otherwise called poor houses or orphanages and milk canteens in various distressed areas.

(*b*) and (*d*) A statement showing the particulars as far as available is laid on the Table.

Statement referred to in the reply to Council question No. 151.

District.	Number of temporary orphanages set up	Number of orphans in the orphanages.	Number of milk canteens opened.	Number of children, nursing and expectant mothers fed from these canteens.
Burdwan .. .	2	80	89	70,500
Birbhum .. .	Nil	Nil	17	1,430
Bankura	1	40	129	17,450
Midnapore . .	4	378	36	3,075
Hooghly	1	2	99	5,800
Howrah	1	50	69	8,150
24-Parganas	5	197	91	10,590
Nadia	Nil	Nil	50	1,548
Khulna	2	21	77	3,000
Jessore	Nil	Nil	56	4,237
Murshidabad	2	135	72	2,950
Dacca	36	2,034	234	32,800
Mymensingh	3	193	150	10,000
Faridpur	6	425	109	17,729
Bakarganj	4	125	105	11,016
Chittagong	8	397	443	8,590
Tippera	11	669	136	36,475
Noakhali	1	534*	37	10,100
Rajshahi	1	3	..	..
Dinajpur	..	..	7	1,505
Jalpaiguri	..	..	11	..
Rangpur	3	62	8	1,505
Bogra	1	10	19	1,000
Pabna	..	..	68	3,350
Malda	..	..	2	33
Darjeeling	..	..	..	.
Calcutta	3	258	..	..
Total ..	95(*a*)	5,413	2,114(*b*)	262,833

(Based on information received up to 15th April, 1944.)

*500 of these are living in destitute camps.

(*a*) Out of this 7 have since been closed.

(*b*) Out of this 544 have since been closed.

Mr. HUMAYUN KABIR: Can the Hon'ble Minister give the number of these destitutes' homes?

The Hon'ble Mr. TARAK NATH MUKERJEA: It is already given in the statement.

Mr. HUMAYUN KABIR: They refer to the orphanages.

The Hon'ble Mr. TARAK NATH MUKERJEA: I can give you the total, which is 333.

Mr. HUMAYUN KABIR: Why then not give us the whole answer if you know it!

Staff in the office of the Administrator-General and Official Trustee.

152. Khan Sahib ABDUL AZIZ: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Departments be pleased to state what is the total strength of the ministerial staff in the office of the Administrator-General and Official Trustee of Bengal and how many of them are Muslims and how many Hindus?

(*b*) How many posts are in the Upper Grades, namely, 1st, 2nd and 3rd Grades? How many of them are occupied by the Hindus and Muslims respectively?

(*c*) Is it a fact that on various representations from the Muslim community in respect of their grievances, the Government of Bengal some time in July, 1940, directed the Administrator-General and Official Trustee, Bengal, even requested him to recruit the Muslims in Upper Grades from outside if the competent Muslims are not available for promotion to Upper Grades from the Office?

(*d*) Is it a fact that Government desired equal representation of Muslim and non-Muslim in all the graded posts of the office and instructions were issued to Administrator-General and Official Trustee accordingly in July, 1940?

(*e*) If the reply to part (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state how many vacancies occurred in the Upper Grades and how many of them were filled up by the Muslims with effect from the date of the Government order?

(*f*) Is it a fact that non-Matriculates are unfit for recruitment to the ministerial staff according to rules framed by the Government?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) The total strength is 93, out of which 68 posts are held by Hindus, 24 by Muslims and one post is vacant.

(*b*) There are 3 posts in Grade I, 4 in Grade II and 9 in Grade III. Out of the 16 posts, one is held by a Muslim, 14 by Hindus and the remaining one is lying vacant pending decision on the question of absorption of one post in Grade III.

(*c*) Yes. But it has since been held by Government that direct recruitment to the Upper Grades was inadvisable.

(*d*) and (*f*) Yes.

(*e*) Seven vacancies have occurred and one of the same has been filled by the promotion of a Muslim.

Mr. KADER BAKSH: Will the Hon'ble Minister be pleased to state whether he has any hand in the matter of appointment with regard to these posts?

The Hon'ble Nawab MUSHARRUF HOSSAIN, Khan Bahadur: No.

Mr. KADER BAKSH: Has he got any control over appointments to these posts?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: These appointments are made by the Administrator-General himself, but, of course, the papers come to us formally.

Mr. KADER BAKSH: Had the attention of the Hon'ble Minister been drawn to the meagre appointments from the Muslim community and did he propose to take action in this matter so far as the observance of communal ratio is concerned?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: This state of things is continuing for a long time and we cannot all on a sudden appoint a large number of Muslims.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to explain how only one out of seven vacancies went to the Muslim community?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Because, all these promotions are made from lower grade in order of merit and seniority combined; in the present case in order of seniority and merit these appointments went to Hindus except one which went to a Muslim although he had to outstrip several people.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state the reasons which led Government to hold that direct recruitment is inadvisable?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Direct recruitment has not been made anywhere in Bengal, especially for the clerical posts, in the higher grade appointments. If it were practicable it would have been done by this time. But I do not think it is advisable to change the rules all on a sudden and make direct appointments from outside, because it would involve a lot of training before they can do their work properly.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that in the Bengal Secretariat recruitment for upper grade appointments is made directly by examination?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: There are two methods—(1) promotion from lower to upper grade in order of merit and seniority combined; and (2) direct recruitment by examination which require, as I have said, a lot of training. But this principle cannot be followed in subordinate offices.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pelased to consider the desirability of applying the same principle of competitive

examination as followed in the recruitment of clerks in this particular department as well?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I think it would be impracticable.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state why it is not practicable in this department if it is practicable in another department?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: So far as these higher appointments are concerned, they require technical knowledge.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether the Administrator-General is directly appointed or promoted from a senior clerk?

(No reply.)

Mr. HUMAYUN KABIR: Sir, can he remain silent? I think he is bound to give some sort of reply.

Mr. PRESIDENT: He has no reply to give.

Khan Bahadur M. A. MOMIN: Sir, may I ask the Hon'ble Minister whether the aggrieved community can expect any redress of their grievances from the Hon'ble Minister?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Not by dismissing so many other clerks.

Mr. KADER BAKSH: Will the Hon'ble Minister be pleased to state whether the Muslims as a community are not able to learn the techniques required for those posts?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: They are gradually learning them.

Epidemics in Bengal.

153. Mr. MUNGTURAM JAIPURIA: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether the Government are aware that in the wake of famine, malaria and cholera are raging in epidemic form throughout the Province and that a very large number of people are now dying therefrom;

(*b*) whether it is a fact that there is serious shortage of quinine and anti-malaria and anti-cholera vaccine and drugs;

(*c*) what has the Government done so far to meet the situation; and

(*d*) what are, district by district and month by month, the numbers of deaths due to both the causes since September last?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY, (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Neither cholera nor malaria is any longer prevalent in epidemic form in the Province.

(*b*) There has been no shortage of anti-cholera vaccine. Stocks of quinine have not been sufficient to meet all demands in full, but Bengal has received more than her proportionate share of stocks of quinine available for all India.

(*c*) and (*d*) Statements are laid in the Library.

Mr. LALIT CHANDRA DAS: On a point of information, Sir, arising out of this question. Is it a fact that this Hon'ble Minister has made it a point not to appear in this House?

Mr. PRESIDENT: Mr. Das, you may put this question to him when he is here.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state whether cholera is not prevalent in epidemic form in Calcutta?

Mr. BIREN ROY: In Calcutta, it may be; but not within the province.

Mr. HARIDAS MAZUMDAR: But Calcutta is not excluded from the province. In (*a*) the answer is..... "Neither cholera nor malaria is any longer prevalent in epidemic form in the Province".

Mr. PRESIDENT: Cholera may be prevalent in Calcutta but Calcutta is not the whole of Bengal.

Message regarding the Bengal Agricultural Income-tax Bill, 1944.

Mr. PRESIDENT: I understand that the message regarding the Bengal Agricultural Income-tax Bill has not been sent by the other House——

Mr. LALIT CHANDRA DAS: Sir, I protest against this. We are being brought every day to hear that the Message has not been received or that there is no business to transact.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I sent in notice of an adjournment motion with regard to a thing that has appeared in today's paper. I was late by 20 minutes to send in the motion——

Mr. PRESIDENT: The motion was received in the office 20 minutes later than the scheduled time.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I raise this fact because I understand that the House is going to be adjourned for a long time——

Mr. PRESIDENT: I am afraid, it cannot be taken up today. It might be taken up on Friday next.

Khan Bahadur M. A. MOMIN: Sir, when can we expect the Message from the other House? The reason why I ask this question is that if we can know when the Message can be expected we may adjourn the House till then—for a longer time instead of coming here and doing nothing and thus wasting our time and Government money. Therefore, my suggestion is that the House should be adjourned till such time when we might be sure that the Bill would be ready for discussion here and we might sit continuously.

Mr. PRESIDENT: I quite understand you Khan Bahadur Saheb; but the difficulty is that Government fix the business of this House and in this particular case Government thought that the Bill would be ready for

consideration by this House today. However, I would request the Hon'ble the Leader of the House to enlighten us on the subject.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government expected that the Message would be received by the Upper House during this time. So, on the last day of our meeting we fixed today for the laying of the Bill. But due to an unprecedented delay in sending the Message from the Lower House to the Upper House we have no business today. Messages relating to Bills of still more important and voluminous character were received in a shorter period. We never expected this inordinate delay in the Message reaching the Upper House. That was the reason why Government found itself in a very delicate and awkward position. The difficulty is that Government has no control over the Speaker. It has since been ascertained from the Speaker that he will be able to send the Message by next Wednesday

Khan Bahadur M. A. MOMIN: In that case, I think we should adjourn till after a week.

Mr. PRESIDENT: We are meeting day after tomorrow for non-official business.

Khan Bahadur M. A. MOMIN: Non-official business may stand over.

Mr. PRESIDENT: Is that the general desire of the House that we adjourn till after a week or we meet on the next non-official day?

Mr. HUMAYUN KABIR: Sir, we would suggest that after the next non-official day we adjourn for 15 days. The next non-official day should be given to the members, because we have already missed two or three non-official days during this session.

Mr. PRESIDENT: All right. The House stands adjourned till 2-15 p.m. on Friday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 12th May, 1944.

Members Absent.

The following members were absent from the meeting held on the 10th May, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Khan Sahib Nurul Amin.
(4) Rai Bahadur K. C. Banerjee.
(5) Mr. Hamidul Huq Chowdhury.
(6) Mr. Humayun Reza Chowdhury.
(7) Mr. N. C. Datta.
(8) Mrs. Labanya Probha Dutt.
(9) Khan Bahadur Abdul Gofran.
(10) Mr. M. R. Jaipuria.
(11) Alhadj Khan Bahadur Shaikh Mohd. Jan.
(12) Maulana Mohd. Akram Khan.
(13) Mr. W. B. G. Laidlaw.
(14) Mr. Abdul Latiff.
(15) Mr. N. N. Moholanabish.
(16) Mr. N. N. Mookerji.
(17) Mr. T. B. Nimmo.
(18) Mr. R. S. Purssell.
(19) Khan Bahadur Kazi Abdur Rashid.
(20) Dr. K. S. Ray.
(21) Mr. S. N. Sanyal.
(22) Mr. J. W. R. Steven.
(23) Dr. Kasiruddin Talukdar.

BGP-44/5-2747A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 37.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 12th May, 1944, at 2-15 p.m., being the thirty-seventh day of the First Session of 1944, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Kalukhali-Bhatiapara section of Bengal and Assam Railway.

154. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state if he is aware of persistent rumours that the Kalukhali-Bhatiapara section of the Bengal and Assam Railway is to be soon dismantled?

(*b*) Is there any truth in such rumours?

(*c*) Are the Government aware that this Railway is the only means of communication and transport in this deficit area?

(*d*) Do the Government propose to issue a statement clarifying the position of the Government regarding the said railway?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Barada Prasanna Pain): (*a*) A rumour has lately come to my notice.

(*b*) The dismantlement is not contemplated at present.

(*c*) and (*d*) Do not arise.

Mr. HUMAYUN KABIR: May I point out that no answer to (*c*) has been given? Answer has been given to (*d*) but not to (*c*). If the Hon'ble Minister will kindly see the question then he will see the point.

Mr. PRESIDENT: The question in (*c*) is: are the Government aware that this Railway is the only means of communication and transport in this deficit area? To this the answer is that (*c*) and (*d*) do not arise. Obviously, (*c*) has not been answered, for certainly the question arises.

The Hon'ble Mr. BARADA PRASANNA PAIN: In view of the fact that the question of dismantlement is not under contemplation at present, I cannot say anything on the point.

Mr. HUMAYUN KABIR: That does not alter the fact that——

The Hon'ble Mr. BARADA PRASANNA PAIN: Government is of course aware——

Mr. HUMAYUN KABIR: Thank you. The Government is then aware of the position.

Mr. PRESIDENT: Questions over.

Mr. HUMAYUN KABIR: Sir, I have given notice of a short-notice question regarding the serious illness of Mrs. Lila Roy, one of the security prisoners. Has it been admitted?

Mr. PRESIDENT: I have not yet seen the question; I have just received it.

Mr. HUMAYUN KABIR: May I ask through you, Sir, for papers from Government, as you permitted sometimes in an urgent case like this, so that Government may make a statement regarding this short-notice question?

Mr. PRESIDENT: I have not yet seen the question, Mr. Kabir.

Mr. HARIDAS MAZUMDAR: Sir, I find the Hon'ble the Finance Minister is present in the House. May I mention about the Public Accounts Committee and request him to answer my question or make a statement with regard to the decision of Government with regard to the Public Accounts Committee?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: With your permission, Sir, I would suggest to defer answering this question because if the printed answer is given, it will be a formal answer.

Adjournment motions.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, may I move my adjournment motion?

Mr. PRESIDENT: Regarding your motion, Mr. Mukherjee, I have very carefully gone through it but I cannot find from it what is the urgent matter of public importance. Pandit Srijib Nyayatirtha has only threatened a hunger-strike. No situation has as yet arisen. Simply an individual threatens the Government with his intention to resort to hunger-strike. I do not think that for that the business of the Legislature can be suspended. If we do so, it will be an abuse of the right of moving an adjournment motion.

Mr. BANKIM CHANDRA MUKHERJEE: May I explain the matter?

Mr. PRESIDENT: Please do.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, the reason why I move this adjournment motion is that Government decision about the *Bhog*-ration for the Hindu deities has been hanging fire for a long time and there seems no prospect of Government announcing their decision earlier. This matter was raised in this House on the very first day of this session, namely, on the 7th February, 1944. The Hon'ble Minister for Civil Supplies often assured the House that he would decide the matter very soon but to no effect. The Brahmin Sabha, an association of orthodox Hindus, requested the Government to come to a decision on this matter so far back as the 28th April, 1944. You, Sir, yourself, are aware that so far as the Hindus of the rationed areas are concerned, they are feeling very great hardship for the last four months, since the introduction of rationing. Pandit Srijib Nyayatirtha, Principal of the Sanskrit College at Bhatpara,—a place where Pandits of repute who are considered to be the authorities in the Hindu *shastras* reside,—brought it to the notice of the authorities that the

matter should be decided very soon. Pandit Srijib's father, the Late Mahamahopadhyaya Panchanan Tarkaratna of All-India fame, endowed *debuttar* properties for *deva-seva*—

Mr. PRESIDENT: Order, order. Mr Mukherjee, how all these are relevant?

Mr. HAMIDUL HUQ CHOWDHURY: On a point of information, Sir. The other day I saw the reverend Pandit full of health.

Mr. BANKIM CHANDRA MUKHERJEE: I am simply pointing out that he wanted permission from the Hon'ble Minister for Civil Supplies to bring foodstuff from the area where he has got *debuttar* property, if Government could not supply *Bhog*-ration for the deities. But that permission has also been refused. I want to bring all these matters relating to *Bhog*-ration to the notice of the House, because this matter has become very urgent. If the threatened hunger-strike takes place, the situation will be very grave so far as the Hindus are concerned. I say, Sir, that this matter having been kept pending for a long time has seriously affected the rights of the Hindu community. Indeed, the Government is trifling with the Hindu community so far as their religious worship is concerned. The news appeared on the 10th May last in the "Amrita Bazar Patrika" that Pandit Srijib contemplated going on hunger-strike, and I gave notice of the adjournment motion on that very day. I think the Government will not compel him to create a grave situation by delaying a decision on the matter any further. It was with a view to bring this fact to the notice of the Government that I have tabled this adjournment motion. It is a definite matter of public importance. *Bhog* for deities is no doubt a matter of public importance so far as the Hindus are concerned. Hindu deities are *juristic* persons and all the necessary formalities which a human being performs are performed by way of devotion to the respective deities. I think I have given sufficient indication of the importance of my adjournment motion. It is now for you to give your decision.

Mr. PRESIDENT: I am afraid, I am not convinced as regards the urgency of the situation that has arisen. An individual has threatened Government with his intention to go on hunger-strike. He has not yet resorted to it. So I do not think that it is an urgent matter of public importance. We cannot take into account extraneous matters in deciding the admissibility of this motion. This Pandit may be a very learned man and his father might have been a person of great repute. I do not for a moment deny all these facts. But I must go by the terms of your motion and you, as a lawyer, should interpret it according to the rules governing adjournment motions. I refuse my consent to it.

Mr. LALIT CHANDRA DAS: Sir I have got an adjournment motion standing in my name which runs thus:—

That this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, Government's reply in the negative to the question relating to the prevalence of cholera in the province given in this House on the 10th May, 1944, misleading the public when the Hon'ble Minister in charge of the Public Health Department was in possession of facts showing that the districts of Noakhali, Chittagong,

Tippera, Jessore, Khulna, 24-Parganas, Dacca, Faridpur, Bakarganj, Birbhum, Burdwan, Howrah, Bogra, Rangpur and Malda are in the grip of cholera necessitating Government to introduce quarantine regulations for control and prevention of cholera by notification No. 872-P.H. of 25th April, 1944, published in the "Calcutta Gazette" of May 11, 1944.

Sir, question No. 153 referred to in my motion was put by Mr. Mungturam Jaipuria day before yesterday and the answer was given that neither cholera nor malaria was any longer prevalent in an epidemic form in the province. But yesterday we got copies of the "Calcutta Gazette" and as we opened it we read that fourteen districts in Bengal were in the grip of cholera, so much so that Government felt the necessity of making *quarantine* regulations applicable for three months. But the day before yesterday the Minister in charge of the Public Health Department gave us to understand that cholera was not prevalent in an epidemic form in the province. How is it that the real fact was suppressed?

Mr. PRESIDENT: Before I ask Government to state their views, I myself must be convinced as regards the admissibility of your adjournment motion. The question was: whether the Government are aware that in the wake of famine, malaria and cholera are raging in an epidemic form throughout the province- the stress is on the words "raging in epidemic form throughout the province" and the reply is—neither cholera nor malaria is prevalent in epidemic form in the province. Here you refer to a Government notification in the Gazette which says: whereas the Governor is satisfied that the districts of Noakhali, Chittagong, Tippera, Jessore, Khulna, 24-Parganas, Dacca, Faridpur, Bakarganj, Birbhum, Burdwan, Howrah, Bogra, Rangpur and Malda are threatened with an outbreak of cholera, etc. . So it is a measure taken by Government in anticipation of an outbreak of cholera in epidemic form in certain districts. I do not, therefore, think that

Mr. LALIT CHANDRA DAS: May I explain my point?

Mr. PRESIDENT: You have already spoken at length, Mr. Das.

Mr. LALIT CHANDRA DAS: But may I be kindly allowed to give my own interpretation of the notification in the Gazette? I think I am not outraging the commonsense of the honourable members of this House when I say that when a notification of this kind is actually published under section 2 of the Epidemic Diseases Act, it does not merely imply that the said districts are likely to be treatened with an outbreak of cholera, but that cholera is actually raging in an epidemic form in those areas, and that it is for the purpose of preventing and controlling these diseases in those districts that the notification has been issued. Otherwise, if it is merely a case of issuing a notification under section 2 of the Epidemic Diseases Act for the purpose of meeting a future contingency in those districts which have been threatened with an outbreak of cholera, there is absolutely no reason why 14 other districts should have been left out, for almost each and every district is always threatened with some disease or other. Here Government is in possession of certain facts, namely, that cholera is raging in those districts, so much so that it requires a notification to be published under section 2 of the Epidemic Diseases Act. It has been done because actually an epidemic

of cholera has been raging in those districts; it is not merely a question of their being threatened with cholera. Because cholera is already there and threatens to assume a virulent form that this notification has been issued in the language that we see: namely, that those districts have been threatened with an outbreak of cholera. I contend that the disease is there already in an epidemic form, and accordingly, the notice has been issued under section 2 of the Epidemic Diseases Act. The Hon'ble Minister in charge of the Department is present here; he must be in possession of relevant facts and can say whether those districts are already in the grip of cholera or are merely threatened with it. He may be permitted to make a statement on this matter for the information of the House.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Sir, I am thankful to the honourable member for giving me this opportunity of removing the misconception which has arisen in the mind of my friend, Mr. Das, with regard to the question to which a reply was given the day before yesterday by the Parliamentary Secretary, Mr. Biren Roy. As a matter of fact, the notification does not say that all the districts throughout the province are in the grip of cholera but only that they are threatened with an outbreak of cholera Now, with regard to the notification published under the Epidemic Diseases Act, honourable members should remember that notifications were issued for different districts at different times when we wanted to take precautionary measures for compulsory inoculation etc. Honourable members should note that compulsory inoculation cannot be done unless we declare that in those districts there is a likelihood of cholera, etc., breaking out in an epidemic form after the symptoms of cholera and other diseases are visible; but then such notification applied only to some districts in the province. The notification was issued first for the different districts at different times, as necessity arose. As such, my friend's contention is not correct. It might have been, according to him, though we do not agree, a misapplication of the Epidemic Diseases Act; but there is no inconsistency between the replies given and the notification. It might be said that Government are rather too cautious, because they issue notification under the Act. There might be objection on that score but that does not give any handle to say that the reply given on the floor of the House was inconsistent with the notification.

Mr. HARIDAS MAZUMDAR: Sir, may I point out one fact in this connection? In answer to a supplementary question to the question of Mr. Jaipuria regarding cholera epidemic, the Parliamentary Secretary told this House that except Calcutta no other part of the province was affected with cholera.

Mr. PRESIDENT: I am afraid, Mr. Mazumdar, you have not been able to throw any more light in this respect than the mover of the adjournment motion. The point is this: A notification was issued under the Epidemic Diseases Act in anticipation of the situation. Government do not deny that six districts were being threatened with an outbreak of cholera; but actually cholera did not break out there in an epidemic form The question was: whether epidemic of cholera was prevalent throughout the province; and the answer was "No". There was epidemic in Calcutta but not in the

whole of the province. In that view of the matter, I think this adjournment motion is not admissible. I refuse my consent to it.

Tenth Report of the Committee of Privileges.

Khan Bahadur ABDUL HAMID CHOWDHURY: Mr. President, Sir, I beg to present the Tenth Report of the Committee of Privileges which runs as follows:—

"We, the members of the Committee of Privileges of the Bengal Legislative Council, have the honour to present this our report on the matter referred to us on the 3rd March, 1944, regarding the discontinuance of the supply of the Bengal Civil List to the members of the Bengal Legislature.

2. The Committee sat on the 24th March, 1944, and is of opinion that there is no justification for Government to discontinue the free circulation of the Bengal Civil List amongst the members of the Bengal Legislature and resents such a decision by Government without consulting the members of the Bengal Legislature.

3. The Committee recommends that Government be moved to revise their decision and restore the system of free circulation of the Bengal Civil List to members of the Bengal Legislature as before."

Now, Sir, with your kind permission, I move for the adoption of this report of the Committee of Privileges.

Mr. PRESIDENT: The question before the House is: that the report of the Committee of Privileges be adopted.

(The motion was agreed to.)

Complaint regarding absence of facilities about drinking water for M.L.Cs.

Mr. HUMAYUN KABIR: Sir, may I draw your attention to an inconvenience which many honourable members of this House feel with regard to the supply of drinking water and other amenities which should be normally available to the members of the House. Probably you know, Sir, that very often similar grievances had been ventilated on the floor of the House and our former President assured us that he would do his best to remove them; but difficulty arose about the control of the Chamber itself, which was vested more in the Assembly Department than under the control of the President. Therefore, I ask Government, through you, Sir, and especially the Hon'ble the Leader of the House as to what steps Government propose to take in regard to the removal of the grievances of the honourable members. Even today, Sir, an honourable member wanted a glass of water and he was told by an officer of one of the departments that as a matter of courtesy he might be given a glass of water but as a matter of right he could not expect a glass of water when the House was not sitting. If that is the position to which some members are reduced, I think we can surely depend upon you to see that such grievances are redressed.

Mr. PRESIDENT: Regarding the difficulties about supply of drinking water, I am assured by the Secretary that proper arrangements would be made from tomorrow. As regards the other inconveniences, I would suggest that the leaders of different parties should meet me so that I might know what are the actual difficulties.

Mr. LALIT CHANDRA DAS: Sir, may I mention one thing?

Mr. PRESIDENT: Is it necessary, Mr. Das, to mention anything? If you give me a list of your grievances and they are passed on to Government, I am sure the Government will try to remove them as quickly as possible.

Mr. RANOJIT PAL CHOWDHURY: Sir, if leaders of parties meet you in your Chamber today, will you have any objection?

Mr. PRESIDENT: I have no objection.

The Bengal Orphanages and Widows' Homes Bill, 1944.

Mr. PRESIDENT: The next item is the Bengal Orphanages and Widows' Homes Bill, 1944, as passed by the Assembly.

Mr. HARIDAS MAZUMDAR: Sir, with reference to this Bill, I have submitted a formal amendment.

Mr. PRESIDENT: I am prepared to accept it on short notice.

Clause 1.

Mr. PRESIDENT: Clause 1 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in sub-clause (*1*) of clause 1 of the Bill, for the word "widows' " in line 2, the word "women's" be substituted

Sir, my reason for the amendment is that if you look to sub-clause (*6*) of clause 2, you will find that the word "widow" has been defined to include a woman abandoned by her husband. A husband may be leaving his wife but for this reason a wife cannot be called a widow. It is very strange that this absurd thing should appear in the Statute. Therefore, if the word "widow" is substituted by the word "woman", no harm will be done to any of the clauses of the Bill. If we again look to sub-clause (*7*) of clause 2, we will find that "widows' Home" means an institution where widows and other females are intended to be kept. Therefore, if it is intended that in this "Home" women of all classes should be kept, then the nomenclature "widows' Home" is misleading. I think this formal amendment should be accepted by the House, and if this is accepted, the other amendments standing in my name are all consequential. So, I submit that instead of the word "widows' ", the word "women's" be substituted in sub-clause (*1*) of clause 1 of the Bill.

(At this stage, the Hon'ble President vacated the Chair.)

Mr. DEPUTY PRESIDENT: Amendment moved, that in sub-clause (*1*) of clause 1 of the Bill, for the word "widows' " in line 2, the word "women's" be substituted.

Mr. HARIDAS MAZUMDAR: Sir, this is a very reasonable amendment which wants to substitute the word "women's" for the word "widow's" and should, therefore, be accepted.

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, this amendment is not at all necessary. The term "Widows' Home" is a well-known and common term that has been adopted in the Bill. No other defect has been pointed out in the Bill by Mr. Bankim Mukherjee or Mr. Haridas Mazumdar.

The nomenclature would be all right if we retained the words "Widows' Home". I, therefore, oppose the amendment.

Mr. NUR AHMED: Sir, I also oppose the amendment, on the ground that it does not improve the Bill in any way. The substitution is not necessary. The definition of the term "Widows' Home" has been very clearly given in the Bill. "Widow" includes a woman abandoned by her husband. So, it is not confined exclusively to widows only. Again, the term "Widows' Home" has been defined as an institution, by whatever name it may be called, where widows or females of any age are kept or are intended to be kept. So, the framer of the Bill has taken care to define the word "widows' " as well as the term "Widows' Home". In view of this definition, the substitution of the word "women's" for the word "widows' " as suggested in the amendment is unnecessary. I oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 1 of the Bill, for the word "widows' " in line 2, the word "women's" be substituted.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 1 stand part of the Bill.

(The motion was agreed to.)

Clause 2.

Mr. DEPUTY PRESIDENT: Clause 2 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: With regard to clause 2, I do not move my amendments. My first amendment to clause 1 having been negatived, I do not think I should move any of my amendments to clause 2.

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 2 stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. DEPUTY PRESIDENT: Clause 3 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move: that after paragraph (*c*) of clause 3 of the Bill, the following new paragraphs be added, namely:—

"(*d*) Any orphanage or women's home or rescue home or any such *bona fide* institution under non-official management under a properly constituted managing committee consisting of responsible persons resident of the town or district where the said institution is or may in future be located; or

(*e*) any orphanage or women's home or rescue home or any such *bona fide* institution under non-official management which is not in receipt of a Government grant or subventions."

I move these two amendments in order that people who are desirous of starting such Homes with funds provided by them without any Government help should have no restriction placed in starting such institutions if they agree to place them under proper management, as indicated in the

clauses of the Bill. I, therefore, submit that these two clauses which purport to remove the restrictions may be incorporated and accepted by the House.

Mr. DEPUTY PRESIDENT: Amendment moved: that after paragraph (*c*) of clause 3 of the Bill, the following new paragraphs be added, namely:—

"(*d*) Any orphanage or women's home or rescue home or any such *bona fide* institution under non-official management under a properly constituted managing committee consisting of responsible persons resident of the town or district where the said institution is or may in future be located; or

(*e*) any orphanage or women's home or rescue home or any such *bona fide* institution under non-official management which is not in receipt of a Government grant or subventions"

Mr. HARIDAS MAZUMDAR: Sir, I support the amendment

Mr. NUR AHMED: Sir, I oppose the amendment. The very purpose of this Bill is to regulate and control these Widows' Homes, orphanages, etc., and by the present amendment it is proposed that these orphanages and Widow's Homes should be excluded from the scope of this Bill. There is another objection to the acceptance of this amendment. There is the word "genuine" orphanage and as there is no tribunal to decide which is a genuine orphanage and which is not, it will be difficult to decide the matter. So, if the amendment is accepted, the very purpose of this Bill would be frustrated Therefore, I oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that after paragraph (*c*) of clause 3 of the Bill, the following new paragraphs be added, namely:

"(*d*) Any orphanage or women's home or rescue home or any such *bona fide* institution under non-official management under a properly constituted managing committee consisting of responsible persons resident of the town or district where the said institution is or may in future be located; or

(*e*) any orphanage or women's home or rescue home or any such *bona fide* institution under non-official management which is not in receipt of a Government grant or subvention"

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: Sir, I had tabled a short-notice amendment to clause 3.

Mr. DEPUTY PRESIDENT: Is it the pleasure of the House that the amendment be admitted?

Mr. HARIDAS MAZUMDAR: This amendment was admitted by the President a few minutes ago.

Mr. DEPUTY PRESIDENT: All right Then you can move it.

Mr. HARIDAS MAZUMDAR: Sir, I beg to move that at the end of clause 3, the words "in the matter of granting licences" be added.

Sir, with regard to supervision of these institutions, I think there should be no discrimination specially when they are going to be supervised by

Government authorities. In this view of the matter, I want to have these words, namely, "in the matter of granting licences" only added at the end of this clause.

Mr. DEPUTY PRESIDENT: Amendment moved: that the words "in the matter of granting licences" be added at the end of clause 3.

Mr. NUR AHMED: I think the amendment, if accepted, will make the whole clause nugatory. There is no necessity of such an amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that the words "in the matter of granting licences" be added at the end of clause 3.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 3 stand part of the Bill.

(The motion was agreed to.)

Clause 4.

Mr. DEPUTY PRESIDENT: Clause 4 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: I do not move the amendment which stands in my name.

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 4 stand part of the Bill.

(The motion was agreed to.)

Clause 5.

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 5 stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 6 stand part of the Bill.

(The motion was agreed to.)

Clause 7.

Mr. DEPUTY PRESIDENT: Clause 7 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: I move only amendment No. 10B and not 10A. No. 10B runs thus:—

That in clause 7 of the Bill, after the word "night" in line 8, the words "provided an hour's previous notice is given" be inserted.

I submit, Sir, that this is a formal amendment which should be accepted by the House; because it would be a very dangerous thing if the inspector comes all on a sudden at night and wants to enter and inspect any such institution. Some time ought to be given to make arrangements for the inspection, and therefore I suggest that in the case of an inspection which is sought to be made at night, one hour's previous notice should be given. With these words, I move my amendment for the consideration of the House.

Mr. DEPUTY PRESIDENT: Amendment moved: that in clause 7 of the Bill, after the word "night" in line 8, the words "provided one hour's previous notice is given" be inserted.

Mr. NUR AHMED: I am sorry to oppose the amendment. There is no necessity for such an amendment. These institutions will be public institutions and the visiting officers are expected to give reasonable notice before inspecting them or they might go and wait in the office, while arrangements for inspection were being made. I do not think that these responsible officers will misuse their powers in any way. So I do not see any necessity for this amendment. Then, again, surprise visits may also be considered necessary which would not be possible if this amendment were agreed to. I, therefore, oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in clause 7 of the Bill, after the word "night" in line 8, the words "provided one hour's previous notice is given" be inserted.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 7 stand part of the Bill.

(The motion was agreed to.)

Clause 8.

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 8 stand part of the Bill.

(The motion was agreed to.)

Clause 9.

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 9 stand part of the Bill

(The motion was agreed to.)

Clause 10.

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 10 stand part of the Bill.

(The motion was agreed to.)

Clause 11.

Mr. DEPUTY PRESIDENT: The question before the House is: that clause 11 stand part of the Bill.

(The motion was agreed to.)

Preamble and long title.

Mr. DEPUTY PRESIDENT: The question before the House is: that the preamble and long title be added to the Bill.

(The question was agreed to.)

Third Reading.

Mr. NUR AHMED: Sir, I beg to move: that the Bengal Orphanages and Widows' Homes Bill, as settled in the Council, be passed.

Sir, this Bill, as I stated the other day, is a very simple one, the sole object of which is to provide the necessary agencies for the control and supervision of the orphanages, Widows' Homes and marriage bureaus. It is found that in many towns including Calcutta and Dacca, some institutions are run under the garb and pseudonym of Widows' Homes or Orphanage or Marriage Bureau; but really they are houses of ill-fame and their function is to supply women and to traffic in women. Therefore, it is necessary

that for the welfare of the society some sort of control and supervision should be exercised over these institutions, by whatever name they may be called. So, there is necessity for such a Bill and I hope that my motion will be accepted by the House. In this connection, I must congratulate the sponsor of this Bill in the other House. Sir, it is a matter of great pride to us that the first Bill sponsored by a lady member in the Bengal Legislature is going to be placed on the Statute Book in Bengal. So far as I remember, no Bill sponsored by any lady member has been passed by the Bengal Legislature before this. With these words, I move that the Bill be passed.

Mr. DEPUTY PRESIDENT: The question before the House is: that the Bengal Orphanages and Widows' Homes Bill, as settled in the Council, be passed.

(The motion was agreed to.)

The Bengal Court of Wards (Amendment) Bill, 1940.

Mr. NUR AHMED Sir, I beg to move: that the Bengal Court of Wards (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. Tarak Nath Mukerjea, Minister in charge of the Revenue Department,
(2) Mr. Mesbahuddin Ahmed,
(3) Mr. W. B. G. Laidlaw,
(4) Mr. Lalit Chandra Das,
(5) Mr. Shrish Chandra Chakraverti,
(6) Mr. Haridas Mazumdar,
(7) Mr. Altaf Ali,
(8) Mr. Moazzemali Chowdhury,
(9) Khan Bahadur Abdul Hamid Chowdhury,
(10) Mr. Sultanuddin Ahmed, and
(11) the mover,

with instructions to submit their report by the 30th September, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

This, Sir, is a very simple Amending Bill. The purposes of this Bill have been explained by me more than once in this House. The principal provision of this Bill is to provide a definition of the word "estate" so as to include the larger tenures also. The second purpose is to remove the word "disqualified." On sentimental ground, this word "disqualified" is undesirable. In similar Acts of other provinces, there is no such word as "disqualified". Honourable Ministers whose estates were under the Court of Wards have managed the affairs of this province and it is regrettable that they should be styled as "disqualified". This Bill was circulated more than once and weighty opinions were received. As many as 19 Collectors' opinions were received and with very few exceptions they all supported the provisions of this Bill. Therefore, I hope and trust that my motion will be accepted by this House.

Mr. DEPUTY PRESIDENT: Motion moved: that the Bengal Court of Wards (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. Tarak Nath Mukerjea, Minister in charge of the Revenue Department,
(2) Mr. Mesbahuddin Ahmed,
(3) Mr. W. B. G. Laidlaw,
(4) Mr. Lalit Chandra Das,
(5) Mr. Shrish Chandra Chakraverti,
(6) Mr. Haridas Mazumdar,
(7) Mr. Altaf Ali,
(8) Mr. Moazzemali Chowdhury,
(9) Khan Bahadur Abdul Hamid Chowdhury, J.P.,
(10) Mr. Sultanuddin Ahmed, and
(11) the mover,

with instructions to submit their report by the 30th September, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, on behalf of Government, I accept the motion for referring the Bill to a Select Committee. There are some very salutary provisions in this Bill, besides those referred to by the mover himself. For example, possessor of exclusive tenures could be also treated as wards of court and their estates administered as such. This is a very salutary provision because no distinction should be made between holders of estates and holders of tenures. We think that this is a move in the right direction and the Bill should be referred to a Select Committee. Government accept the motion for referring the Bill to a Select Committee.

Khan Bahadur M. A. MOMIN: Sir, I regret that I have to oppose the motion for reference of this Bill to a Select Committee. I was not in the House when the Bill was introduced, and I did not have the benefit of hearing all the arguments in favour of the Bill which were advanced by the mover of the Bill. But the two points which were raised today seem to me to be extremely objectionable. In the first place, what is desired by the mover is that not only estates which pay revenue to Government should be the subject-matter of the charge of the Court of Wards, but also the tenures. At the present moment, only the estates of those proprietors, who own revenue-paying estates, if disqualified, are taken charge of or of those who are orphans, minors, widows or lunatics and so cannot manage their own estates. The principle of the Bill is not only to protect the estates themselves or the interests of the proprietors themselves but also to protect Government's revenue. That is the main principle on which this enactment was made. Subsequent addition to the original Court of Wards Act provided that the estates of those proprietors who are unable to manage their estates themselves or those proprietors who are orphans, widows, women, lunatics or imbeciles should be taken charge of by the Government. Of course, it was the duty of the State as such to protect the interests of such people. Later on, the addition of clause 6 was made in which it was also possible for the Government to take charge of the estates of proprietors other than lunatics,

women, or orphans or on political grounds by declaring them as "disqualified". In the first place, I think this principle of later addition was entirely wrong. But to that subject I shall come later. Speaking about the present amending Bill so far as the estates and tenures are concerned, I think that if the proprietors of the estates or the owners of the tenures come under the same category on the ground that they are either orphans, women or lunatics or both and as such they have a right to protection, then I think that there should be a limit to such protection. The mover of the Bill wants that even the tenure-holders should be protected. But I say that there are many tenure-holders in the Mymensingh district and in North Bengal who are even bigger persons than the proprietors. On principle, there can be no objection. But there is no reason why you should not pursue this principle to its extreme logical sequence. If you want to protect the tenure-holder, then why not protect the *raiyat* who has got into difficulties, by taking his *jote* also under the protection of the Government. In this view of the case, I would suggest that the mover should include the *korfadars* also who are entitled to such protection on similar consideration. I will now come to the other thing where the mover says that he feels pity for the proprietors who are neither lunatics nor orphans and yet are declared as "disqualified". But if they are not "disqualified", what is the reason of their estates being put under the shelter of the Government? If they are qualified to manage their own estates, they ought to manage them themselves. The Government take over charge of the estates simply because the proprietors thereof are disqualified. I would take the view that if the proprietors are not disqualified, they should manage their estates themselves without seeking any protection from the Government. If they are not disqualified, they have no right to the protection of the Government. Therefore, I think the Bill cuts right across the good and sound principles of management by Courts of Wards and I oppose the motion for reference of the Bill to a Select Committee.

(At this stage, the Hon'ble President re-occupied the Chair.)

Mr. PRESIDENT: The question before the House is: that the Bengal Court of Wards (Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) the Hon'ble Mr. Tarak Nath Mukerjea, Minister in charge of the Revenue Department,
(2) Mr. Mesbahuddin Ahmed,
(3) Mr. W. B. G. Laidlaw,
(4) Mr. Lalit Chandra Das,
(5) Mr. Shrish Chandra Chakraverti,
(6) Mr. Haridas Mazumdar,
(7) Mr. Altaf Ali,
(8) Mr. Moazzemali Chowdhury,
(9) Khan Bahadur Abdul Hamid Chowdhury, J.P.,
(10) Mr. Sultanuddin Ahmed, and
(11) the mover,

with instructions to submit their report by the 30th September, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The question being put, a division was challenged and taken with the following result:—

AYES—17.

Khan Sahib Fazluddin Ahmed.	The Hon'ble Khan Bahadur S. M. Hossain.
Mr. Mesbahuddin Ahmed.	Mr. Latafat Hossain.
Mr. Nur Ahmed.	Mr. Mohammed Hossain.
Mr. Kader Baksh	Mr. Abdul Latiff.
Mr. B. L. Saren	Khan Sahib Subidali Mollah.
Mr. Mohammad Habibullah Chowdhury.	Mr. Bizoy Roy.
Mr. Hamidul Huq Chowdhury.	Mr. Yakub M. S. Sattar.
Khan Bahadur A. M. Chowdhury	Khan Bahadur M. Shamsuzzoha.
Mrs. K. D'Rozario	

NOES—8.

Mr. S. C. Chakravorty.	Mr. B. C. Mukherjee.
Mr. L. C. Das.	Mr. R. Pal Chowdhury.
Rai Bahadur B. M. Maitra	Mr. A. D. Roy.
Mr. H. D. Majumder.	Khan Sahib Moulvi Wahiduzzaman.

Mr. PRESIDENT: Order, order The House has divided. Ayes—17; Noes—8.

The motion is therefore, carried

The Bengal Anti-Dowry Bill, 1944.

Mr. PRESIDENT: The next item is the Bengal Anti-Dowry Bill, 1944. Mr Haridas Mazumdar

Mr. HARIDAS MAZUMDAR: Sir, I beg to move: that the Bill be referred to a Select Committee consisting of—

(1) the Hon'ble Nawab Musharruff Hossain, Khan Bahadur, Minister in charge of the Judicial Department,
(2) Mr. Mesbahuddin Ahmed,
(3) Mr. W. B. G. Laidlaw,
(4) Mr. Amulyadhone Roy,
(5) Mr Ranajit Pal Chowdhury,
(6) Rai Bahadur Radhica Bhusan Roy,
(7) Mr. Nur Ahmed,
(8) Mr. Moazzemali Chowdhury,
(9) Mr. Humayun Kabir,
(10) Mr Biren Roy, and
(11) the mover,

with instruction to submit their report by the 30th June, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four

Sir, this is a welfare measure The principle of this Bill was practically accepted in connection with another Bill that was moved by Rai Bahadur S. N. Singh, who was formerly a member of this House. The Select Committee stage was also gone into and certain changes here and there were incorporated This Bill is now presented today only with a new name and I think the House will accept my motion for reference of this Bill to a Select Committee.

Mr. PRESIDENT: Motion moved: that the Bengal Anti-Dowry Bill, 1944, be referred to a Select Committee consisting of—

(1) the Hon'ble Nawab Musharruff Hossain, Khan Bahadur, Minister in charge of the Judicial Department,
(2) Mr. Mesbahuddin Ahmed,

(3) Mr. W. B. G. Laidlaw,
(4) Mr. Amulyadhone Roy,
(5) Mr. Ranajit Pal Chowdhury,
(6) Rai Bahadur Radhica Bhusan Roy,
(7) Mr. Nur Ahmed,
(8) Mr. Moazzemali Chowdhury,
(9) Mr. Humayun Kabir,
(10) Mr. Biren Roy, and
(11) the mover,

with instruction to submit their report by the 30th June, 1944, and th the number of members whose presence shall be necessary to constitute quorum shall be four.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAI I beg to move that the Bill be circulated for the purpose of eliciting opini thereon by the 31st December, 1944.

Sir, my honourable friend who has sponsored this Bill stated that th Bill was previously referred to a Select Committee. But I find, Sir, th four or five years' time has elapsed since then and so it has become necessa that public opinion should be ascertained afresh. I know, Sir, there is section of the Hindu community which feels strongly against the provisio of this Bill and my friend who had introduced this Bill with the best motive no doubt has only looked to one side of the picture. He thinks th the dowry is a sort of extortion and it should be stopped. But there another side of the picture. Hindu daughters do not inherit anything fr their father, and this is the only way in which they can get something of their paternal properties. I think it will not be quite proper to st this system and thereby disinherit the daughters totally. I think there other matters also which should be looked into. The Bill is not, as it see to be, a very beneficial one. It is rather retrograde and also unchivalro inasmuch as it takes away the right of the daughters to dowry from th parents. I think, Sir, that public opinion should be elicited before t principle of the Bill is accepted by the Government. With these wor I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that the Bill be circula for the purpose of eliciting opinion thereon by the 31st December, 1944.

(The motion was agreed to.)

The Bengal Suppression of Immoral Traffic (Amendment) Bill, 1940.

Mr. NUR AHMED: Sir, I beg to move: that the Bengal Suppress of Immoral Traffic (Amendment) Bill, 1940, be referred to a Select Co mittee consisting of—

(1) the Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., Minister in cha of the Home Department,
(2) Mr. Bankim Chandra Dutta,
(3) Mr. Lalit Chandra Das,
(4) Mr. Bankim Chandra Mukherjee,
(5) Mr. W. B. G. Laidlaw,
(6) Mrs. Labanyaprobha Dutt,
(7) Alhadj Khan Bahadur Shaikh Muhammad Jan,

(8) Khan Sahib Nurul Amin,
(9) Mr. Sultanuddin Ahmed,
(10) Mr. Moazzemali Chowdhury, and
(11) the mover,

with instructions to submit their report by the 31st July, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, this amending Bill has come before this House at a very opportune moment so far this province is concerned. This Bill at first sight would appear to contain only three clauses. By clause 1, it wants to add one word to the preamble of the original Act and that word is "brothel". By clause 2, it wants to omit seven words occurring at the end of the definition of brothels, viz., "for the gain of any other persons". There is another clause, a new clause, which wants to add a provision to the Bill in order to give power to the corporate bodies in Bengal to regulate the brothels within their jurisdiction. When the original Act of 1933 was passed into law, there was great agitation over the definition of the word "brothels"; but in spite of that the Bill was passed with the defective definition of the term "brothel". As a result of that, during the last 10 years very little action or practically no action has been taken by the police in enforcing this Act in respect of brothels in this city. In this connection, I must state for the information of the honourable members of this House that there are two Acts now in force in Bengal. One is the Eastern Bengal and Assam Disorderly House Act, 1907, which is in force in almost all the municipal areas of Bengal and other is the present Act, namely, the Bengal Suppression of Immoral Traffic Act, 1933, which is in force in the city of Calcutta and also in one or two places in the suburbs of Calcutta. I have been trying to have the provisions of this Act extended to other municipal areas, but Government's reply has been that it will increase expenditure if that is done. There is some impression in some quarters that because this Act is in force here, so no other Act should be in force in Bengal. Even from the opinions received, we find that there is an impression that there is no necessity for any other Bill.

Sir, if we compare the provisions of the original Bengal Act with the provisions of similar legislations in the other provinces, such as the Madras Suppression of Immoral Traffic Act, 1923, the Punjab Suppression of Immoral Traffic Act, 1935, the North-West Frontier Provinces Anti-brothels and Prostitution Act, 1937, and Bombay Prevention of Prostitution Act, 1923, we find that in the Preambles of those Acts the word "brothel" has been clearly inserted; whereas in the Bengal Act it has not been inserted. In the Bengal Act, we find "Whereas it is expedient to make better provision for the suppression of traffic in women, girls for immoral purposes." Nowhere the word "brothel" occurs. Of course, there was good reason for not doing so. Because at that time the whole purpose was to suppress the traffic in women and girls. In the Madras Act, we find, "Whereas it is expedient to make better provision for the suppression of brothels and traffic in women and girls". Similarly, in the Preamble of the Punjab Act and in other provincial Acts we find the Preamble which includes brothels. The working of the whole Act would depend very much as to how we define the word "brothel". The definition in the Bengal Act is: "a brothel means any

house or part of a house, room or place in which two or more females carr on prostitution for the gain of other persons". If we read side by sid the definition of the Madras Act, we find that "a brothel means any hous or room or place which the occupier or person in charge thereof habituall allows it to be used by any other person for the purpose of prostitution." I the Punjab Act, we find: "a brothel means any place kept or used for prosti tution, but when one woman takes a man or men to her own room for illici intercourse, she shall not be deemed to be keeping or using a brothel." I the Bengal Act we find "a brothel means a place where two or more wome live together for purpose of prostitution for the gain of any other person" Otherwise it will not be a brothel. Sir, "for the gain of any other person" these seven words make the whole Act null and void. No action has bee practically taken by the police for the suppression of brothels up till now In reply to a question of mine Government has replied that the total numbe of brothels all over Bengal has increased. As regards Calcutta, the numbe of brothels has been reduced. It is necessary, therefore, that this Ac should be brought in line with the Madras, the Punjab and Bombay Acts, s that our Act might be effectively enforced in Bengal. Sir, these brothel are black-spots on the fair city of Calcutta.

Sir, the prostitutes are the refuse of human society, and in view of th stringent provisions of the Bombay, Punjab and Madras Acts they tak shelter in Calcutta and carry on their profession here unhampered.

Let me here reproduce in support of my amending Bill the weight remarks from the report of the All-Bengal Women's Union.

"The Act as passed in 1933 makes a brothel a place where two or mor women live together for purposes of prostitution for the gain of othe persons. These seven words make the whole Act null and void, and w believe that in the ten years since this Act became law no prosecution ha been attempted by police except as regards minor girls of whom 8 or 10 ar removed from brothels each year, their places being at once taken by fres victims who are also kidnapped. Madras and Bombay have enacted legis lation which makes it an offence to keep brothel and the law in these citie is being rigorously enforced. Calcutta is therefore the city of refuge fo all brothel-keepers, turned out of the other towns and there are at leas fifteen hundred places spread out in the city."

The Government of Bengal recently opened clinics for free treatment o venereal diseases and statistics from these show that 40 per cent. of the civi population are now seeking treatment, a fact which only tells how widespread is the evil. Sir, with these words, I commend my motion to the acceptanc of the House.

Mr. PRESIDENT: Motion moved: that the Bengal Suppression o Immoral Traffic (Amendment) Bill, 1940, be referred to a Select Committe consisting of—

(1) the Hon'ble Khwaja Sir Nasimuddin, K.C.I.E., Minister in charg of the Home Department,
(2) Mr. Bankim Chandra Dutta,
(3) Mr. Lalit Chandra Das,
(4) Mr. Bankim Chandra Mukherjee,
(5) Mr. W. B. G. Laidlaw.

(6) Mrs. Labanyaprobha Dutt,
(7) Alhadj Khan Bahadur Shaikh Muhammad Jan,
(8) Khan Sahib Nurul Amin,
(9) Mr. Sultanuddin Ahmed,
(10) Mr. Moazzemali Chowdhury, and
(11) the mover,

with instructions to submit their report by the 31st July, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. MESBAHUDDIN AHMED: Sir, I move as a short-notice amendment that the date 31st July may be changed into 18th May, as the Government wants to push this Bill through as quickly as possible.

Mr. PRESIDENT: What is your proposal, Mr. Mesbahuddin?

Mr. MESBAHUDDIN AHMED: That I may be allowed at short notice to move that the date for the submission of the Select Committee report be changed from the 31st July to the 18th May, 1944

Mr. LALIT CHANDRA DAS: I object to this amendment, Sir.

Mr. PRESIDENT: As there has been an objection, I cannot admit your amendment.

The original motion of Mr. Nur Ahmed was then put and agreed to.

Mr. W. B. C. LAIDLAW: Will there be no debate, Sir?

Mr. PRESIDENT: Evidently no honourable member wanted to speak. I waited but no one stood up.

The Bengal Land Revenue Sales and the Bengal Tenancy (Amendment) Bill, 1944.

Mr. NUR AHMED: I beg to move: that the Bengal Land Revenue Sales and the Bengal Tenancy (Amendment) Bill, 1944, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal Land Revenue Sales and the Bengal Tenancy (Amendment) Bill, 1944, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1944.

(The motion was agreed to.)

The Bengal Public Demands Recovery (Amendment) Bill, 1944.

Mr. NUR AHMED: I beg to move: that the Bengal Public Demands Recovery (Amendment) Bill, 1944, be circulated for the purpose of eliciting opinion thereon by the 30th July, 1944.

Mr. PRESIDENT: Motion moved: that the Bengal Public Demands Recovery (Amendment) Bill, 1944, be circulated for the purpose of eliciting opinion thereon by the 30th July, 1944.

(The motion was agreed to.)

The Transfer of Property and the Indian Registration (Bengal Amendment) Bill, 1943.

Mr. NUR AHMED: Sir, I beg to move: that the Transfer of Property and the Indian Registration (Bengal Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1944.

Mr. PRESIDENT: Motion moved: that the Transfer of Property and the Indian Registration (Bengal Amendment) Bill, 1943, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1944.

(The motion was agreed to.)

The Bengal Urban-Area Rent Regulation Bill, 1944.

Mr. PRESIDENT: As regards the last item, namely, the Bengal Urban Area Rent Regulation Bill, 1944, I understand that previous sanction of the Government has not been obtained. Therefore, this Bill cannot be moved.

The House stands adjourned till 1-30 p.m. on Wednesday, the 17th May.

Adjournment.

The Council then adjourned till 1-30 p.m. on Wednesday, the 17th May, 1944.

Members absent.

The following members were absent from the meeting held on the 12th May, 1944:

(1) Khan Bahadur Naziruddin Ahmed
(2) Mr. Sultanuddin Ahmed
(3) Khan Sahib Nurul Amin.
(4) Rai Bahadur K. C. Banerji.
(5) Mr. Humayun Reza Chowdhury
(6) Mr. N. C. Datta.
(7) Mrs. Labanyaprobha Dutt.
(8) Mr. K. K. Dutta.
(9) Khan Bahadur Abdul Gofran.
(10) Mr. M. R. Jaipuria.
(11) Alhadj Khan Bahadur Shaikh Muhammad Jan
(12) Maulana Muhammad Akrum Khan.
(13) Mr. W. B. G. Laidlaw.
(14) Mr. N. N. Moholanabish.
(15) Mr. N. N. Mookerjee.
(16) Mr. T. B. Nimmo.
(17) Mr. R. S. Pursell.
(18) Khan Bahadur Kazi Abdur Rashid
(19) Dr. K. S. Ray.
(20) Mr. S. N. Sanyal.
(21) Mr. J. W. R. Steven.
(22) Dr. Kasiruddin Talukdar.

BGP-44/5-2987A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 38.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 17th May, 1944, at 1-30 p.m., being the thirty-eighth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Malaria in the Purbadhair Union.

155. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Government are aware that there is a severe outbreak of malarial fever in the Purbadhair Union in the district of Tippera, police-station Muradnagar, attended with high mortality?

(*b*) Do Government propose to take immediate steps for the supply of quinine to that locality? If not, why not?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes, there was a severe outbreak.

(*b*) No special measures were necessary as the Union is very close to the Bangora dispensary.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether Bangora is within the Purbadhair Union?

Mr. BIREN ROY: That does not matter, because the place where this outbreak occurred is only one mile and a half from the Bangora dispensary.

Mr. LALIT CHANDRA DAS: But is it within the Purbadhair Union?

Mr. BIREN ROY: No; it is just outside the Union.

Mr. LALIT CHANDRA DAS: Then why does not Government think it necessary to make arrangements for distribution of quinine within the Purbadhair Union?

Mr. BIREN ROY: Actually arrangements for distribution of quinine were made in this dispensary, because distribution could be better controlled from this place which is only 1½ miles from the villages where the outbreak actually took place.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that there are several villages which constitute the Parbadhair Union?

Mr. BIREN ROY: Yes.

Mr. LALIT CHANDRA DAS: Are all of them only 1½ miles from the dispensary?

Mr. BIREN ROY: Yes, the distance is between 1½ miles and 2 miles in all cases.

Mr. LALIT CHANDRA DAS: Ridiculous.

Mr. PRESIDENT: Mr. Das, what did you say?

Mr. LALIT CHANDRA DAS: I said "ridiculous", because I know what the actual distance is.

Mr. PRESIDENT: But, you cannot express an opinion in that way. Mr. Roy never said that the dispensary is equidistant from all the villages.

Mr. LALIT CHANDRA DAS: No, Sir, he did not say that it is equidistant. He said that the distance is only between 1½ miles and 2 miles. That is why I said "ridiculous", because I myself know the distance quite well.

Mr. PRESIDENT: But you cannot express your opinion in that way.

Mr. LALIT CHANDRA DAS: Will the Government please state what is the amount of quinine distributed from this dispensary?

Mr. BIREN ROY: Arrangements for free distribution of 2,340 lbs. quinine and 987 lbs. cinchona febrifuge were made from this dispensary.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state how many Unions this Bangora Dispensary is serving?

Mr. BIREN ROY: All the six villages mentioned by the honourable member.

Mr. LALIT CHANDRA DAS: How many Unions and not villages; for Bangora may serve several unions?

Mr. BIREN ROY: I want notice.

Mr. PRESIDENT: The next one is a question to be answered by the Hon'ble Mr. Suhrawardy, who I find is not present in his seat. Will the Hon'ble Leader of the House please say if anybody is prepared to answer the question on behalf of Mr. Suhrawardy?

Mr. MESBAHUDDIN AHMAD: Sir, this question may be left over for the next day when he will be present.

Mr. PRESIDENT: Yes, but there should have been a request to the Chair beforehand that this question might be held over. However, the question is left over till the next day.

"Grow More Food" campaign.

157. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state whether any advance or grant has been made by the Government of India to finance partly the projects and schemes undertaken by the Government of Bengal in furtherance of the "Grow More Food" campaign?

(*b*) If so, what is the amount of that advance or of the grant?

(*c*) What is the total amount proposed to be spent on the "Grow More Food" campaign in Bengal during the year 1943-44.

(*d*) How much of this sum is proposed to be spent in each district of Bengal and on what projects in each district?

(*e*) What steps have been adopted by the Government of Bengal to compel the zamindars, jotedars and money-lenders to advance money to cultivators for growing more food?

(*f*) How much improved seed and how much ordinary paddy and other seeds have been distributed by the Government of Bengal in 1943 and how much of the same to each district of Bengal?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) Yes.

(*b*) Interest-free loan of Rs.62,15,000 and grant of Rs.3,85,950.

(*c*) Rs.85,77,000 approximately spent during 1943-44.

(*d*) A statement showing the amounts spent during 1943-44 on distribution of seeds of *aus*, *aman*, *rabi*, wheat, castor, *boro* paddy and fodder crops, district by district, is laid on the Table. District figures in respect of other schemes are not yet available.

(*e*) Government have no power to compel anybody to advance money to cultivators, but they have issued an order under the Defence of India Rules under which the owner or occupier of any waste land can be called upon to cultivate it for growing food and fodder crops and in the event of his default, the land can be settled with any other person for the same purpose.

(*f*) A statement showing distribution of seeds, district by district, excluding vegetable seeds is laid on the Table.

Information regarding vegetable seeds is not yet available.

Statement referred to in part (d) of reply to question No. 157.

District.	Aman.	Aus.	Gram.	Lentil.	Mustard.	Wheat.	Castor seed.	Boro paddy.	Fodder seed.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
24-Parganas	2,28,335	3,640	3,839	4,338	1,940	11,800	52	.	165
Nadia	1,15,997	21,600	58,750	27,000	4,514	70,632	162	..	4,510
Murshidabad ..	3,84,747	24,000	59,924	23,400	1,406	67,505	..	..	13,805
Jessore	1,19,919	28,251	7,000	11,527	1,700	11,799	52	..	1,622
Khulna	1,80,127	29,619	12,199	10,820	4,138	5,922	520	..	3,300
Birbhum	2,95,900	3,000	11,157	1,670	417	11,733	260	..	5,307
Burdwan	1,78,791	3,600	5,666	2,038	839	23,685	26	..	3,850
Bankura .. .	1,13,615	23,577	6,796	1,856	1,163	11,830	290	..	4,620
Midnapore	1,56,678	18,119		1,023	1,237	11,670	1,742	4,000	4,345
Hooghly	1,13,245	2,449	.	90	103	11,636	910	..	522
Howrah	1,55,489	4,122	.	5,000	506	..	..	..	825
Rajshahi }	39,825	4,291	13,468	2,361	..	11,419	78	..	248
Naogaon }	79,366	9,351	18,019	8,377	9,232	23,296	1,300	..	..
Dinajpur	2,15,089	6,346	7,138	1,487	7,519	22,922	780	..	1,100
Jalpaiguri	1,82,398	25,785	..	.	16,002	35,267	338	..	2,078
Darjeeling	..	..	..	.	..	..	104	..	..
Rangpur	3,42,422	35,127	..	9,768	15,486	65,549	1,300	..	..
Bogra	4,806	6,167	.	..	..	11,725	26	..	5,308
Pabna	76,000	32,000	24,603	6,685	5,611	39,272	182	..	1,320
Malda	1,07,931	42,047	15,014	3,193	2,302	40,687	..	..	330
Dacca	3,09,075	49,490	District figures are not available.			10,686	130	7,500	2,530
Mymensingh }	3,32,000	76,000	Report is awaited from the Deputy			11,819	520	..	4,125
Jamalpur }	1,03,649	18,973	Director of Agriculture, Eastern			..	650	2,727	..
Faridpur	1,86,189	34,094	Circle.			11,804	208	..	605
Bakarganj	2,51,595	..				..	260	..	2,365
Chittagong	1,69,595	2,781				6,132	26	..	..
Tippera	3,34,064	23,981				5,466	338	..	..
Noakhali	5,71,460	26,114				4,889	130	..	..
	53,48,307	5,54,534	2,43,573	1,20,633	74,115	5,39,145	10,384	14,227	62,880 = 69,67,798

Statement referred to in part (f) of reply to question No. 157.

District.	Aman Departmental.	Local.	Aus Departmental.	Local	Gram.	Lentil.	Mustard	Castor seed.	Sugarcane cuttings.	Wheat.	Fodder seed.	Boro paddy.	Potato.
	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.
24-Parganas ..	2,557	9,539	418	182	111	175	90	1	..	594	15	..	1,456
Nadia ..	74	5,736	8	1,464	1,255	426	35	1	10,000	3,564	388	..	..
Murshidabad ..	1,019	19,740	..	1,718	3,069	1,122	85	..	..	3,446	1,178	..	..
Jessore ..	1,030	5,502	12	1,933	341	613	..	..	800	595	144	..	..
Khulna ..	1,234	7,401	100	1,889	394	469	192	20	..	297	292	..	..
Burdwan ..	1,000	7,988	..	225	264	98	2	..	..	1,199	324	..	841 &
„ (in flood affected areas)	..	..	..	..	& 1,528	& 290	..	..	..	..	..	..	476
Birbhum ..	7,225	10,015	..	223	595	81	19	7	12,057	596	475	..	..
Bankura ..	2,388	3,320	1,788	..	173	43	..	..	580	599	394	..	..
Midnapore ..	3,680	6,134	..	1,468	..	..	9	..	1,927	594	372	250	1,078
Hooghly ..	4,485	1,460	..	149	..	..	5	..	..	594	47	..	3,180
Howrah ..	1,793	5,036	..	258	..	204	19	..	1,200	..	75	..	1,257
Rajshahi } ..	514	1,626	215	238	750	143	..	..	1,852	587	22	..	..
Naogaon } ..	3,607	633	295	323	951	468	335	50	..	1,197	..	..	..
Dinajpur ..	5,960	6,330	73	421	264	70	300	1	3,067	1,173	82	..	..
Jalpaiguri ..	2,117	9,073	319	1,711	..	1	714	12	500	1,790	189	..	..
Rangpur ..	3,317	14,929	6	2,894	..	410	573	9	..	3,341	..	..	..
Darjeeling ..	..	..	..	..	..	..	..	4	..	..	..	..	..
Bogra ..	263	4	10	466	..	..	..	2	1,000	594	455	..	..
Pabna ..	1,032	3,090	65	2,032	1,091	248	274	7	5,000	2,000	118	..	..
Malda ..	2,700	3,500	11	2,921	677	116	130	..	..	2,083	29	..	..
Dacca ..	8,086	4,066	1,542	1,972	591	586	290	5	..	540	215	498	..
Mymensingh } ..	11,769	5,433	228	4,759	75	540	462	..	..	594	365	..	..
Jamalpur } ..	3,379	1,794	56	1,225	384	58	86	..	..	..	..	200	..
Faridpur ..	4,208	2,466	8	2,203	1,243	763	217	2	1,082	600	60	..	..
Bakarganj ..	6,383	6,295	..	..	81	398	99	1	..	..	200	..	..
Chittagong ..	4,237	1,873	..	195	32	110	38	1	..	300	..	..	..
Tippera ..	3,703	9,368	167	1,576	148	176	369	1	..	270	..	..	..
Noakhali ..	5,708	14,423	..	1,420	104	115	63	5	..	240	..	..	..

Cruel kitchens.

158. Rai Sahib JOGENDRA NATH RAY: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state, subdivision by subdivision, including Sadar subdivision of each district—

(*a*) the number of gruel kitchens opened by the Government in the districts of Bengal;

(*b*) the cost incurred in this connection; and

(*c*) the number fed?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): A statement containing the information, district by district, is laid on the Table. The information for each subdivision on all the points is not readily available.

Statement referred to in reply to question No. 158.

District.	Number of free kitchens		Total number of persons fed.	Expenditure incurred by Government.
	Opened by Government.	Subsidised by Government.		
1	2	3	4	5
				Rs.
Bakarganj	371	8	9,279,485	7,67,092
Bankura	200	10	52,500 (daily)	5,09,963
Birbhum	171	Nil	2,712,222	2,89,191
Bogra	19	4	17,000 (daily).	91,000
Burdwan	184	32	8,946,175	8,81,385
Chittagong	643	8	111,882 (daily maximum)	6,53,780
Dacca	257	25	5,409,769	11,46,065
Darjeeling	Nil	Nil	Nil	Nil
Dinajpur	27	Nil	284,699	40,210
Faridpur	228	Nil	19,055,115	7,56,086
Hooghly	247	7	19,251,180	8,24,048
Howrah	97	Nil	8,211,065	4,50,312
Jalpaiguri	11	Nil	56,582	84,841 (including free doles).
Jessore	1	24	118,718	7,366
Khulna	33	80	1,429,600	1,33,480
Malda	Nil	Nil	Nil	Nil
Midnapore	1,318	37	78,403,152	50,31,256

District.	Number of free kitchens.		Total number of persons fed.	Expenditure incurred by Government.
	Opened by Government.	Subsidised by Government.		
1	2	3	4	5
				Rs.
Murshidabad	Nil	204	2,169,000	29,515
Mymensingh	292	28	5,000,000	5,00,000
Nadia .	47	16	1,023,576	89,057
Noakhali	604	2	12,674,210	10,46,606
Pabna	30	43	4,068,000	1,44,718
Rajshahi . .	Nil	15	314,843	9,581
Rangpur ..	114	74	5,555,721	4,69,690
Tippera ..	386	125	2,810,103	4,71,563
24-Parganas	274	42	36,000,000	13,00,000

Rehabilitation of soldiers and sailors, etc.

159. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state what steps have been taken by the Government of Bengal to draw up a post-war reconstruction scheme for the rehabilitation of soldiers, seamen and members of labour corps recruited from Bengal, after the war in agricultural lands in Bengal?

(*b*) Is he aware that the Government of the Punjab have already taken steps to draw up such schemes for the Punjabi soldiers?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. K. Shahabuddin): (*a*) A scheme is under consideration.

(*b*) Yes. The Punjab Government have drawn up a scheme for grant of land to the Punjabi soldiers for gallantry in the field.

Deaths due to starvation.

160. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state how many persons died of starvation in (*a*) Calcutta, (*b*) Chittagong and (*c*) Noakhali during the months of January to October, 1943?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): The honourable member is referred to the answer given on the 25th April 1944, in reply to question No. 124 by Mr. Lalit Chandra Das, M.L.C.

Deaths from malaria, cholera, etc.

161. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be

pleased to state the total number of deaths in all parts of the Province from malaria, cholera, smallpox, dysentery, pneumonia and kala-azar from July to the end of December, 1943?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): A statement is laid in the Library.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state the total number of deaths taken together? From the statement laid on the Table it appears that he has given the number district by district, but I want to get the total number of deaths from all these causes in Bengal from July to the end of December, 1943.

Mr. BIREN ROY: I think I have given a fully detailed statement, Sir.

Mr. PRESIDENT: What is your question, Mr. Das? I could not follow it.

Mr. LALIT CHANDRA DAS: My question is: whether the Department would be pleased to state the total number of deaths in all parts of the province from malaria, cholera, small-pox, dysentery, pneumonia, kala-azar from July to December, 1943. The reply that has been laid on the Table gives this information district by district, but what I want is a comprehensive idea as to the causes of these deaths in the whole province——

Mr. PRESIDENT: Well, that means only totalling up the numbers as given in the list.

Mr. LALIT CHANDRA DAS: Yes, Sir, so that an idea may be had of the whole thing at once.

Mr. PRESIDENT: Mr. Roy, you should ask one of your clerks to total up the figures and hand it over to Mr. Das.

Mr. BIREN ROY: All right, Sir.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state by what percentage these deaths are higher than the deaths in the year 1942?

Mr. BIREN ROY: Unless I get the total it is not possible to give the exact percentage.

Mr. LALIT CHANDRA DAS: You propose to give it on some other day?

Mr. BIREN ROY: To-morrow or on the next sitting day.

Mr. LALIT CHANDRA DAS: In the House?

Mr. PRESIDENT: The question cannot be kept pending, it has been answered. Mr. Roy may hand over the figure to Mr. Das.

Scarcity of drinking water in Contai subdivision.

162. Mr. BANKIM CHANDRA MUKHERJEE: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if his attention has been drawn to the fact that in the Contai subdivision in the coastal belt area there is want of pure water for drinking purposes?

(*b*) If so, does he propose to take steps for sinking sufficient number of tube-wells there to remove the want?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes.

(*b*) Steps have already been taken. Besides 182 tube-wells already existing in the coastal belt area 113 more have been sunk after the cyclone and the work of sinking fresh tube-wells and of resinking derelict tube-wells is going on.

Mr. BANKIM CHANDRA MUKHERJEE: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether any new tube-wells have been sunk this year in 1944?

Mr. BIREN ROY: I want notice. One hundred and thirteen tube-wells have been sunk after the cyclone. But I do not know the exact date.

Mr. BANKIM CHANDRA MUKHERJEE: Does it refer to the cyclone of 1942?

Mr. BIREN ROY: Yes.

Mr. PRESIDENT: Questions over.

Mr. RANAJIT PAL CHOWDHURY: Sir, may I know when my question No. 156, held up today, is going to be answered.

Mr. PRESIDENT: Will Hon'ble Mr. Suhrawardy be here to answer this question next day?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, Sir.

Point of Information.

Mr. HARIDAS MAZUMDAR: With your permission, Sir, I would ask the Leader of the House for certain information about the recent disturbances that took place at Dacca. We have learnt that serious riots broke out at Dacca the other day and also that there is further chance of recurrence. I would request the Hon'ble Leader of the House or the Hon'ble Minister in charge of Law and Order to inform the House the real position there. Also we would like him to make a statement as to what steps have been taken to prevent further recurrence.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The proper procedure in this connection is to put a short-notice question and if that is sent to the Hon'ble Minister in charge, it will be for him to decide whether to make any statement or not.

Mr. HUMAYUN KABIR: Sir, there is an alternative procedure which you have permitted, namely, asking for papers in the House. You have held that Government might take a particular occasion to make a statement with regard to the incident.

Mr. PRESIDENT: Government evidently prefers the first alternative, namely, putting a short-notice question.

Mr. HARIDAS MAJUMDAR: Sir, I have tabled a short-notice question on the subject. I do not know whether it will be consented to, because in

ninety-nine cases out of hundred the Hon'ble Ministers refuse to answer questions at short notice.

Mr. PRESIDENT: You may just wait and see.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I gave notice of a short-notice question on Monday last to the Hon'ble Minister for Agriculture regarding the supply of *aus* seeds in the Contai subdivision of the Midnapore district. This is the season for *aus* crop. It is a matter of very urgent importance. So, may I know whether my question has been admitted or not?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have not got the short-notice question.

Mr. BANKIM CHANDRA MUKHERJEE: I only request the Hon'ble Minister to reply to the short-notice question early.

Mr. PRESIDENT: That short-notice question was received by me this morning and I admitted the question but that has not yet been sent to the Department concerned.

Mr. HUMAYUN KABIR: Sir, may I know what has happened to my short-notice question which I tabled on Friday last regarding the illness of Mrs. Lila Roy, a security prisoner?

Mr. PRESIDENT: That has been admitted by me.

Mr. AMULYADHONE ROY: Sir, may we know what will happen to the year-old questions which have not been answered yet?

Mr. PRESIDENT: I cannot enlighten the House on that point. Only the Hon'ble Ministers can.

Mr. AMULYADHONE ROY: Sir, nearly a month ago, you said that you would look into the matter. The Hon'ble Minister for Civil Supplies gave an assurance that he would reply to his questions earlier.

Mr. PRESIDENT: I have not heard anything more about the matter.

Mr. AMULYADHONE ROY: But, Sir, you also assured us that you would look into the matter.

Mr. PRESIDENT: Yes, I did and the matter rests there.

Mr. LALIT CHANDRA DAS: Sir, may I know what has happened to my question relating to the rise in price of rice at Dacca? I believe I sent in the question about three weeks ago.

Mr. PRESIDENT: What is the number of the question?

Mr. LALIT CHANDRA DAS: How can I know it, Sir?

Mr. PRESIDENT: All right, I shall ask the Secretary to look up and find out whether the Hon'ble Minister in charge of the Department concerned has accepted the question at short notice.

The next item is the Presentation of Bengal Agricultural Income-tax Bill, 1944, as passed by the Assembly.

Presentation of the Bengal Agricultural Income-tax Bill, 1944, as passed by the Assembly.

The Secretary (Dr. S. K. D. GUPTA): Sir, the following message has been received from the Bengal Legislative Assembly:—

"The Bengal Agricultural Income-tax Bill, 1944, as passed by the Bengal Legislative Assembly at its meeting held on April 27, 1944, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested.

SYED NAUSHER ALI,

Speaker,

Bengal Legislative Assembly."

Sir, I herewith lay on the Table the Bengal Agricultural Income-tax Bill, 1944, as passed by the Bengal Legislative Assembly held on the 27th April, 1944.

Mr. LALIT CHANDRA DAS: Sir, may I in this connection draw your attention to the Bill before us and say that full opportunity and full time should be given to us for the submission of amendments to the Bill

Mr. PRESIDENT: Mr. Das, why do you assume that full time will not be given.

Notice given by Hon'ble Finance Minister regarding motion for consideration and passing of the Bengal Agricultural Income-tax Bill.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I propose to move in the current session of the Bengal Legislative Council that the Bengal Agricultural Income-tax Bill, 1944, as passed by the Assembly be taken into consideration and passed——

Mr. HUMAYUN KABIR: On a point of order, Sir——

Mr. PRESIDENT: Let the Hon'ble Minister finish.

Mr. HUMAYUN KABIR: If he is allowed to finish, then my point of order will not arise. Sir, I object to his giving this notice. Under rule 52, he cannot give notice of such a motion unless the Bill has been in the possession of the honourable members for at least 15 days and, Sir, we have received the Bill only this moment. The notice for consideration of the Bill can be moved under the rule only after the Bill has been in possession of the members for 15 days. Therefore, I submit this motion does not arise at this moment unless, of course, you decide, Sir, to waive the rule. You can certainly allow him to give the notice today.

Mr. HARIDAS MAJUMDAR: Sir, this is a very important Bill. Therefore, I think even 15 days' notice is not very sufficient for the purpose.

Mr. PRESIDENT: Mr. Kabir, you are referring to rule 52, but I will draw your attention to rule 77.

Mr. HUMAYUN KABIR: I know, Sir, that that rule provides for 10 days, but that does not improve the Government's position.

Mr. PRESIDENT: Now, look at rule 76 which clearly lays down that "when a Bill originating in the Assembly has been passed by the Assembly

and is sent to the Council, copies of the Bill shall be laid on the Table and made available for the use of members at the next following meeting of the Council or as soon as possible thereafter."

Mr. HUMAYUN KABIR: That has nothing to do with a Bill originating in this House.

Mr. PRESIDENT: The rule you are quoting relates to Bills which are introduced in this House.

Mr. HUMAYUN KABIR: Not necessarily, Sir.

Mr. PRESIDENT: In any case, I give permission to the Hon'ble Minister to make his motion by relaxing the rule, if that rule applies.

Mr. HUMAYUN KABIR: It is certainly within your power to give such permission. But before you give your final ruling on this point, I would request you to see whether the rule that gives an advantage to the members of having notice for 10 days or 15 days as the case may be, does apply in cases of Bills originating in the other House also, and I hope, Sir, you will kindly give a ruling on this point at your leisure.

Mr. PRESIDENT: Yes, I shall do so.

The last date for giving notice of amendments to the substantive motion that the Bill be taken into consideration should be 1 p.m. on Saturday, the 20th May.

Mr. LALIT CHANDRA DAS: Only three days, Sir?

Mr. PRESIDENT: Why, I think the honourable members should not take more than three days. There can be only three classes of amendments, namely, motions for circulation; motions to refer the Bill to a Select Committee; and motions for referring the Bill to a Committee of the whole House.

Mr. SHRISH CHANDRA CHAKRAVERTI: Even in that case, the members will have to study the Bill thoroughly, Sir.

Mr. PRESIDENT: It is a Bill of 65 clauses only, and I think the members can easily read the Bill in three days' time.

Mr. LALIT CHANDRA DAS: It is a taxation measure, Sir. Therefore, full latitude should be given to the members to digest the provisions of the Bill and then come forward with their motions for circulation, etc.

Mr. PRESIDENT: The question of digesting the Bill would arise only when you table amendments to the clauses of the Bill. At present, there can be only three classes of amendments, as I already said. Therefore, I do not think the members should take more than three days.

Mr. LALIT CHANDRA DAS: My request to you is that the time be extended till Monday at least.

Mr. PRESIDENT: I am afraid, I am not inclined to do so, because that will upset the whole time-table with regard to this Bill.

Mr. BANKIM CHANDRA MUKHERJEE: That does not matter, Sir——

Mr. PRESIDENT: Mr. Mukherjee, if you are really serious and if you attach any great importance to this Bill——

Mr. BANKIM CHANDRA MUKHERJEE: I am indeed really serious, Sir, and I attach great importance to the discussion of this Bill——

Mr. PRESIDENT: I am sure you are really serious and attach great importance to the Bill; you must, therefore, know that this Bill has been pending before the public for a long time and I may even assume that you have already studied the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Even assuming that, I must take into consideration the fact that it has been changed in the Lower House.

Mr. SHRISH CHANDRA CHAKRAVERTI: Therefore, Sir, we must be all the more circumspect in this House in regard to this Bill.

Mr. PRESIDENT: Where is the scope for being circumspect at this stage? As I have already said more than once, there are only three types of amendments that may be tabled. As regards giving of notices of amendments to the clauses of the Bill, I am going to give you sufficient time.

Mr. LALIT CHANDRA DAS: Even if looked at purely from the point of view of amendments to the substantive motion for consideration, such as motions for circulation or reference to a select committee, members will have to digest the provisions of the Bill thoroughly and put forth proper arguments in support of them.

Mr. PRESIDENT: Most of the honourable members, Mr. Das, are trained lawyers, and I am sure that you have already given attention to this subject. This matter has been pending before the public for more than six months, and I do not think that any one will find inconvenience in giving notices of amendments within these three days.

Mr. SHRISH CHANDRA CHAKRAVERTI: I think you should give sufficient time to the Opposition as well——

Mr. PRESIDENT: But Mr. Chakraverti, you must know that it is to the Opposition that this time is being given to put in amendments, for I am sure the supporters of Government are not going to put in any such amendments.

Mr. LALIT CHANDRA DAS: They may not give any such notice but they want to rush through the Bill in this way.

Mr. SHRISH CHANDRA CHAKRAVERTI: But who knows, Sir, that some of the members of the Government party may not consider this matter in a different way!

Mr. PRESIDENT: As regards giving notices of amendments to the clauses of the Bill, my suggestion is that they should be sent by 4-30 p.m. on Tuesday, the 23rd May——

Mr. HUMAYUN KABIR: Sir, may I draw your attention to rule 62 of the Rules of this House where it is definitely stated that when a motion has been agreed to by the Council that a Bill be taken into consideration, any

member may propose an amendment to such Bill. That is to say, the question of tabling amendments to the clauses of a Bill only comes in when the motion for consideration has been agreed to.

Mr. PRESIDENT: Yes, go on.

Mr. HUMAYUN KABIR: My contention is that amendments can be given notice of only after the motion for consideration is agreed to.

Mr. PRESIDENT: I suggest that amendments to clauses of the Bill should be sent along with the amendments to the substantive motion that the Bill be taken into consideration.

Mr. HUMAYUN KABIR: In that case, I think we should get the full time—I think it is 10 days—to put in amendments to the clauses of the Bill.

Mr. PRESIDENT: No, six days; and you are getting seven days for this. The House is asked to give notice of amendments to the clauses of the Bill by Tuesday, the 23rd of May.

Mr. HUMAYUN KABIR: That is too short a time. Today is the 17th and from today till the 23rd is seven days, or rather six days only; that is too short a time, Sir. We should have time till at least the 27th—ten clear days. As it is, under the rules the Opposition is entitled to a longer period than that. You have already waived the rule so far as the date of notice of amendments to the motion for consideration of the Bill is concerned. I quite agree that since the Bill has been before the public for some time, I at any rate do not object if three or four days are given us to put in notices of such amendments as the circulation motion or a select committee motion, and in this view I think time up to Saturday is enough for the purpose. But so far as amendments to the clauses of the Bill are concerned, I would submit that we shall have to study each clause separately and also to consider the Agricultural Income-tax Acts which have come into being in the other provinces, since this is a new type of Bill. Therefore, I would urge very strongly that you should relax the rule. Under the rules, it is only after the motion for consideration has been passed that ten days' time should be given for tabling amendments to the clauses of the Bill.

Mr. PRESIDENT: Not ten days' time, but seven days. May I refer you to rule 80 of our Rules?

Mr. HUMAYUN KABIR: But even then, we are not going to have full seven days; therefore the time for these amendments should be extended till the 27th.

Mr. PRESIDENT: But full seven days you are getting as under the rules!

Mr. LALIT CHANDRA DAS: May I point out that what we are considering at the present moment is only the question of fixing the date for amendments to the substantive motion that the Bill be taken into consideration, the possible motions being circulation, sending the Bill to a select committee, or to a committee of the whole House. It is only after that that the question of the time which will be allotted under section 80 comes in. Then, in that view, why are you fixing both the dates at one and the same time? First of all, fix the date for the amendments to the

consideration motion and then fix the date for amendments to the clauses of the Bill, after the consideration motion is passed.

Mr. PRESIDENT: Only to save time I was doing so; for I do not think that this will inconvenience the honourable members in any way.

Mr. LALIT CHANDRA DAS: But, Sir, why should you be in such a hurry?

Mr. PRESIDENT: There is no question of hurry; but why should you waste time for nothing?

Mr. LALIT CHANDRA DAS: Sir, I protest against the word "waste". The question of "waste of time" does not arise now. That may come in only after the motion made under rule 77 that the Bill be taken into consideration is carried. Your discretion will come in after that and then the question of "waste of time" will arise. You may then raise the point if we ask for more time than is required. That question will arise then and not now. Moreover, Sir, it is a taxation measure; a heavy burden is going to be imposed on the people of Bengal and so no question of waste of time arises. We want to put in as many amendments as are required. So, there is no question of hurry or waste of time.

Mr. PRESIDENT: But where is that hurry——

Mr. LALIT CHANDRA DAS: We are practically hurrying through the Bill. The Bill has been presented today only by the Hon'ble Minister and on the same day he is moving for consideration. Although we wanted time, no sufficient time is allowed——

Mr. PRESIDENT: Will you kindly hear me? The Hon'ble Minister has moved that the Bill be taken into consideration and as I explained more than once, there can be only three kinds of amendments at this stage—amendment for circulation, amendment for select committee, and amendment for a committee of the whole House. For that, I think four days are more than enough, namely, 1 p.m. on the 20th May for putting in amendments——

Mr. BANKIM CHANDRA MUKHERJEE: Will you please allow me, Sir, to say a few words——

Mr. PRESIDENT: I hope Mr. Mukherjee you will allow me to go on. Do you realise how many times you rose up to speak? (Mr. BANKIM CHANDRA MUKHERJEE: But without any effect.) As regards putting in amendments my suggestion is that 4-30 p.m.——

Mr. BANKIM CHANDRA MUKHERJEE: I was going to rise on a point of order on this point.

Mr. PRESIDENT: What is it?

Mr. BANKIM CHANDRA MUKHERJEE: Sir, if you look to rule 80, you will find that if the motion made under rule 77 that the Bill be taken into consideration is carried, only then the question of amendments to the clauses will arise. There can be no question of consideration of amendments to the clauses before the consideration motion is passed. Under rule 80 that question will arise only after the consideration motion is passed: that is my point of order.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, that is the practice that has all along been followed.

Mr. PRESIDENT: No. Not all along—that is what I understand. There have been cases when amendments to the clauses were put in along with amendments to the motion that the Bill be taken into consideration. As regards putting in amendments on the clauses of the Bill, I am prepared to accommodate——

Mr. BANKIM CHANDRA MUKHERJEE: I submit, Sir, that the time for amendments to the clauses of the Bill cannot be considered at this stage—before the consideration motion is passed.

Mr. AMULYADHONE ROY: Sir, the suggestion of Mr. Mukherjee is logical. Suppose the Bill is circulated for eliciting public opinion—where will these amendments then go?

Mr. PRESIDENT: All right, Mr. Das, I am prepared to wait for the amendments to the clauses till after the motion that the Bill be taken into consideration is accepted. (Mr. LALIT CHANDRA DAS: Thank you, Sir.)

The House stands adjourned till 2-15 p.m. on Friday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 19th May, 1944.

Members absent.

The following members were absent from the meeting held on the 17th May, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. N. C. Datta.
(6) Mr. K. K. Dutta.
(7) Khan Bahadur Abdul Gofran.
(8) Maulana Muhammad Akrum Khan.
(9) Mr. W. B. G. Laidlaw.
(10) Mr. N. N. Mookerjee.
(11) Mr. T. B. Nimmo.
(12) Mr. R. S. Purssell.
(13) Khan Bahadur Mukhlesur Rahman.
(14) Khan Bahadur Kazi Abdur Rashid.
(15) Dr. K. S. Ray.
(16) Mr. J. W. R. Steven.
(17) Dr. Kasiruddin Talukdar.

BGP-44/5-3988A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 39.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 19th May, 1944, at 2-15 p.m., being the thirty-ninth day of the First Session of 1944, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Communal disturbances at the Chaitra Sankranti Mela at Ghagar.

163. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether serious communal disturbances took place on the 13th April last at the Chaitra Sankranti *mela* at Ghagar in the Kotalipara police-station within the district of Faridpur?

(*b*) How far is Ghagar from the nearest police-station?

(*c*) Did any police force attend the *mela*?

(*d*) Was any person or persons killed in the affray? How many were injured?

(*e*) Is it a fact that some women were missing in course of the communal clash? If so, how many? Have they been traced, recovered and restored to their proper guardians? To which community do the women belong and to which caste?

(*f*) What steps have the Government so far adopted to bring the offenders to book?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY, (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) No. There was a clash between some Home Guards and prostitute mongers but the dispute was quickly settled by the local people themselves.

(*b*) ¼ mile.

(*c*) Yes.

(*d*) No person was killed. Two were slightly injured.

(*e*) No woman was reported missing.

(*f*) Does not arise.

Yield of paddy per acre in Bankura and Birbhum districts.

164. Mr. HARIDAS MAZUMDAR (on behalf of Mr. Bankim Chandra Mukherjee): Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) the method in which the produce of a particular area has been calculated with reference to different classes of lands; and

(*b*) the quantity of produce per acre as estimated (*i*) for *danga* lands, (*ii*) for low lands, and (*iii*) for medium lands in the districts of Bankura and Birbhum?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) The figures of outturn per acre are based on the results of experiments during the last three quinquennial periods ending 1941-42. Experiments are made on different classes of lands and then an average is struck for the district and finally for the Province as a whole.

(*b*) Quantity of produce per acre with regard to the different classes of lands has not been calculated separately.

Air raid shelters in polling booths.

165. Rai Bahadur BROJENDRA MOHON MAITRA (on behalf of Mr. Naresh Nath Mookerjee): (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether sufficient and adequate shelters against air raids will be provided in every polling booth in the city at the ensuing Calcutta Municipal Elections?

(*b*) Is the Hon'ble Minister aware that shelters and adequate water-supply arrangements for at least 2,500 persons should be provided for in every polling booth?

(*c*) Is he aware that the elections will take place on the 29th March? If so, what steps have been taken so far for the protection of both male and female voters in the booths?

(*d*) Is it a fact that even sites for such booths have not yet been selected?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): The elections were held on the 29th March last. Except in three or four cases, *pucca* buildings were selected as polling stations. Arrangements were also made for the supply of filtered water, as usual, in each polling station as well as in the polling booths on the day of the poll. No complaint was received from any quarters regarding insufficiency of water-supply in any case.

Water-supply system at Kurseong.

166. Mr. HARIDAS MAZUMDAR (on behalf of Dr. Kumud Sankar Ray): Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether the present water-supply system at Kurseong (in the Darjeeling district) is divisible into two parts;

(*b*) whether the main part consists of the catchment area near Sepoydhura from which water is brought to the main reservoir at St. Helen's for distribution to those parts of the town which lie below this level;

(*c*) whether the daily inflow into the reservoir mentioned in part (*b*) is about one lakh gallons serving about three-quarters of the population of Kurseong;

(*d*) if the Government are aware that this supply is inadequate and the method of distribution is also defective;

(*e*) if it is a fact that the Public Health Department of the Government of Bengal have prepared a scheme for increasing the supply of water to the population below the level of St. Helen's, the cost of which is estimated at about Rs.20,000;

(*f*) if it is a fact that the population was about 6,000 and has increased considerably at present;

(*g*) if it is a fact that minimum supply available for the Dow Hill and Victoria School areas from different sources roughly amounts to 30,000 gallons daily;

(*h*) if it is a fact that the supply for the abovementioned areas after the last earthquake has been diminished and as a result the supply during the driest season is insufficient which not only affects the Dow Hill, Victoria School, and the Tuberculosis Sanatorium areas but also those above the St. Helen's level;

(*i*) if it is a fact that Mr. Samuel (now deceased), who was Subdivisional Officer of Kurseong, submitted a scheme for the tapping of Babukhal Spring and a survey was made accordingly;

(*j*) if it is a fact that the estimated yield of Babukhal Spring and other *jhoras* nearabout is one lakh gallons per day which would be sufficient to make up the shortage in the water-supply for the Dow Hill area population in Kurseong; and

(*k*) whether Government contemplate giving effect to the scheme suggested by the late Mr. Samuel; if not, have Government any other scheme for the improvement of the water-supply arrangement at Kurseong in contemplation; if the answer is in the affirmative, when such a scheme is likely to be undertaken?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes, the water-supply system is divided into two zones.

(*b*) to (*e*) and (*g*) Yes.

(*f*) The census figures of 1931 and 1941 are 7,451 and 8,497, respectively.

(*h*) the earthquake did not cause much difference in the quantities of water supplied at different periods in that area.

(*i*) No such scheme was submitted to Government by the late Mr. Samuel.

(*j*) Yes, but the cost of tapping and conveying water from those springs would be prohibitive.

(*k*) No scheme suggested by the late Mr. Samuel is before Government. A sketch project of the water-supply improvement scheme submitted by the Kurseong Municipality has been administratively approved recently. It is now for the municipal commissioners to have a detailed scheme prepared and submitted to Government for sanction. The scheme may then be taken up for execution.

Mr. PRESIDENT: It was decided at the last meeting that answer to question No. 156 would be given today by the Hon'ble Mr. H. S. Suhrawardy.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the Hon'ble Minister will be here presently; so the question may be held over for the present.

Mr. PRESIDENT: Can you not answer the question yourself on his behalf?

Mr. RANAJIT PAL CHOUDHURY: Sir, I do not understand why the Hon'ble Minister for Civil Supplies does not make it a point to attend the Council? This is not the first time that the House is being treated in this way by the Government.

Mr. PRESIDENT: Khan Bahadur Saheb, you assured me that the Hon'ble Minister will be present in the House today to answer the question.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the matter was communicated to him, and he sent word that he would attend the Council.

Mr. MESBAHUDDIN AHMED: He said he would come today. Perhaps he is on the way.

Mr. PRESIDENT: So, it should be taken up on the next day. I hope the Hon'ble Minister will make it a point to attend on the next day. That is all that I can suggest.

Mr. HARIDAS MAZUMDAR: Sir, I have tabled a short-notice question and the Leader of the House was good enough to say that he would give us information regarding the Dacca riots.

My question was: whether the Hon'ble Minister is aware that disturbances of the nature of local riots took place at Dacca on Sunday last—

Mr. PRESIDENT: You need not read out the question

Mr. HARIDAS MAZUMDAR: Sir, the Leader of the House told us that he would give us the information as soon as the question was received.

Mr. PRESIDENT: I am not quite sure whether Government have received that question yet; because the question was put to me only this morning and I admitted it for being answered on short-notice.

Mr. BIREN ROY: Sir, the Hon'ble the Home Minister has left for Dacca already. If there is a sitting on Monday, I hope, he will be able to make a statement on the position.

Mr. HARIDAS MAZUMDAR: So I may hope that on Monday we will get a statement from the Hon'ble Minister.

Mr. PRESIDENT: Yes, that is the expectation.

Mr. HARIDAS MAZUMDAR: Sir, regarding my *Bhog*-ration question, the Hon'ble Leader of the House assured that he would see that the Hon'ble Mr. Suhrawardy is present on Monday to reply to it.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: He will be present today, we hope.

Mr. PRESIDENT: If he is present here today, you raise the question again at the end of today's meeting.

Mr. HARIDAS MAZUMDAR: All right, Sir.

Motions under rule 112 of the Bengal Legislative Council Procedure Rules.

Mr. PRESIDENT: Mr. Haridas Mazumdar.

Mr. HARIDAS MAZUMDAR: Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to urge upon the Government of India to allow during the period of war the manufacture of salt even in indigenous methods in cottages in any quantity in any part of Bengal to be transported and sold anywhere within the province to meet the unforeseen emergent situation created by the extreme shortage of the supply of poor man's salt selling at an exorbitant price in the various parts of the province, in the interests of health and nutrition of men and cattle after the devastating famine of 1943.

Sir, the motion speaks for itself. It is a great misfortune that a prime necessity of life like salt cannot be had at a price within easy reach of the poor people of this country. A worse condemnation of the British rule in this country cannot be conceived. India which has got a far-reaching and far-flung sea-coast never suffered for want of salt in the past. দুধ ভাত, না হয় তো নুন ভাত: this was known to everybody. If not rice and milk, at least rice and salt: this ancient proverb in Bengal speaks volumes. The great Emperor Akbar was always anxious that the price of salt must not be high. It is a great anomaly that Bengal which is not an inland province like Bihar and the United Provinces but has a long sea-coast has to go without salt simply because a sufficient number of wagons is not available in war time to transport this article from a long distance. This is an instance of "Water, water, everywhere, but not a drop to drink". Mahatma Gandhi as a result of the "*Dandi March*" wrested for the people of this country the right of manufacturing salt for their own consumption near the sea; but the Government did not allow any one to carry salt thus manufactured beyond a certain distance. The present motion is intended to extend that right of manufacturing salt as an emergency measure for the duration of the war. If this prayer is granted, then people will manufacture salt not only for themselves but also for sale to others in various parts of the province. The quantity thus manufactured will increase by the sheer force of the law of supply and demand and also thousands of persons will find employment in this new avenue of employment. This will also help the reconstruction of rural Bengal after the famine of last year. But the greatest good will be done by way of cheapening the price of salt, so that the poor who sold their all last year may buy as much as they require with their limited incomes. Salt is also a great necessity for the cattle and the recent heavy mortality among them is largely due to the scarcity of salt. As regards the Central Government's dues from the salt duty in Bengal, the amount so collected should be adjusted against this province's share of jute duty and income-tax receipts. If the Provincial Government make a representation to the Government on these lines, they will be successful easily, I think. If we prune our wasteful expenditure, we may not feel this difference but the poor masses will be very much benefited. By this process, of course, I do not say that the necessity of importing salt from outside the province will be removed altogether, but it will no doubt

be lessened. The requirement of military traffic may diminish the number of wagons required for transporting salt by railway. When salt is being privately manufactured to a certain extent and since public opinion supports the extension of this principle, I hope Government will accept this proposal and act according to the need of the hour. Therefore, I think that this motion should be accepted without any dissentient voice and we all should send this prayer to the Central Government that the manufacture of salt should be allowed duty-free at least during this period of war emergency. Bengal which is passing through a very great crisis should be relieved of this difficult position. Salt is now selling at some places at Re. 1-8 per seer. This impossible state of affairs must be put an end to. With these words, I commend my motion to the acceptance of the whole House.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to urge upon the Government of India to allow during the period of war the manufacture of salt even in indigenous methods in cottages in any quantity in any part of Bengal to be transported and sold anywhere within the province to meet the unforeseen emergent situation created by the extreme shortage of the supply of poor man's salt selling at an exorbitant price in the various parts of the province, in the interests of health and nutrition of men and cattle after the devastating famine of 1943.

Mr. NUR AHMED: Sir, I rise to support the motion moved by my friend Mr. Mazumdar. Anything which affects the economic condition of Bengal is of vital importance. Salt is one of the most important articles for human consumption. From history we gather that Bengal was once famous for salt manufacture. It was self-supporting in the matter of salt. Its total production not only met its own requirements but it used to send salt to other provinces of Bengal. When the East India Company came to Bengal, they started factories for the production of salt by indigenous method and used to export it to other countries. But with the advent of fine salt, the salt industry of Bengal was killed. Sir, it is a matter of great shame that Bengal is the only province of all the provinces in India which has to depend on imported salt from other provinces and also from foreign land. At present, India produces 1½ million maunds of salt. It has to import about 5 lakhs maunds of salt from foreign countries. Investigations were made about the possibility of the production of salt in Bengal. The first report was not favourable to Bengal. It was found that Bengal sea-water was not fit for the production of salt. At that time no investigation was made in Chittagong and other sea-coast places. But very recently two of the experts re-examined this question and found that salt could be produced from Bengal sea-water very easily simply by the evaporation method and by boiling in earthen pots, as is done in Madras. As a result of that, some factories on cottage industry basis have been established very recently. The Government of India allotted subsidies from Rs. 14,000 to Rs. 18,000 for this purpose but these factories could not earn these subsidies as they could not produce the required quantity of salt from sea-water. Now, Sir, as a result of the recent famine, Government

have come forward to establish some warehouses in Tamluk and other places in the Midnapore district and there is a proposal to extend the same facilities also to other districts. So, it is the duty of the Government of Bengal to press this matter with the Government of India and allow all possible facilities for production of salt. I find that the sum allotted in the budget is very small for the encouragement of salt production in Bengal. It is the duty of the Government of India to help the Government of Bengal in this matter.

Sir, this resolution very modestly states that manufacture of salt should be allowed in places not covered by the Irwin-Gandhi Pact. According to the terms of the Irwin-Gandhi Pact, production of salt is allowed only on the sea-shore areas by the villagers for their own consumption and for sale within the area. Salt thus produced cannot be sold in any other place. By this motion a prayer is being sent to the Government of India to allow production of salt throughout Bengal and selling of the salt thus produced throughout Bengal. I think this is a very modest prayer. My appeal to the Hon'ble Minister-in-charge of the Commerce and Industries Department would be to see that this industry is revived in Bengal, so that Bengal may get back to her former position so far as the supply of salt is concerned. There is another very cogent reason why this industry should be revived, and that is that it would provide employment for a large number of persons. It would give extra work to the cultivating class during their leisure hours and give them an opportunity to earn extra money. Bengal's cultivators living on the sea-shore areas know very well the simple process of preparing salt. In this connection, I may make one suggestion and that is with regard to the supply of cheap fuel to the salt manufacturers. There was a proposal that forest fuel from the reserved forests should be sold to the villagers who would prepare salt. I appeal to the Hon'ble Minister in charge of the Forest Department to consider this aspect of the question. Salt can also be manufactured by evaporation; but that is costly and salt so manufactured could not compete with the foreign salt.

With these few words, Sir, I support the motion.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, while I do not oppose the motion, I submit that it is absolutely unnecessary. This motion should not have been brought in here in this manner. I submit, Sir, that there is a lot of confusion as far as this problem is concerned. It has been suggested that the Government of India should be approached to abolish the salt excise duty, because this abolition would help to increase the manufacture of salt in the province. I beg to submit, Sir, that the one question is not dependent on the other. As far as the salt excise duty is concerned, it is only Rs. 1-9 per maund. According to the present arrangement with the Government of Bengal, permission has been given for the manufacture of salt on cottage industry basis without any licence, provided the salt so manufactured is brought to the Government warehouse where the salt excise duty is to be levied. Therefore, so far as the production and manufacture of salt is concerned, it has no direct connection with the levy of the salt excise duty, as has been pointed out by the mover of the resolution himself. As I have indicated, people can easily pay the salt excise

duty and manufacture salt. So far as the Government of Bengal is concerned, Sir, we have taken steps to encourage the manufacture of salt. We have already established 7 warehouses throughout the coastal area—5 in Midnapore and 2 in the 24-Parganas; and recently we have established 4 warehouses in Chittagong where the result appears to be very encouraging. In 2 months about 14,000 maunds of salt have been deposited there. The arrangement is that any person who brings the salt there is paid the price: the fixed minimum price being Rs. 2. I want to emphasise the fact that Rs. 2 is the minimum and not the maximum. Then, the person who is in charge of the warehouse exports the salt to various parts of the district and the province, and before allowing the salt to go out of the warehouse the salt excise duty, payable to the Government of India, as well as a small charge for the cost of the warehouse is deducted. I hope four more warehouses will be established during the next session. Speaking about the manufacture of salt through factory on another occasion—I am not sure whether it is in this House or in another place—I explained that I am in full agreement with the suggestion that we ought to try and establish salt factories——

We are anxious to do everything possible to encourage the establishment of such factories. We want to help those private companies which are already in existence with expert advice so that the manufacture of salt in these places may be carried out on commercial basis. The Director of Industries submitted a scheme five or six years ago to establish a model salt factory under the supervision of an expert. This would have encouraged other people to set up similar factories in other parts of Bengal. But unfortunately, the then Government did not consider that it was proper to go on with the scheme, and so it was left without any action. I am not disclosing any confidential matter when I say that I have already taken steps to implement that scheme and I hope that the Government will be able to appoint an expert for setting up a model salt factory——

Mr. SHRISH CHANDRA CHAKRAVERTI: When?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Very soon. Sir, as far as the present scarcity and shortage of salt is concerned, no Government in the world can set up a factory just by waving a magic wand. (Mr. SHRISH CHANDRA CHAKRAVERTI: What about the crude devices?) So far as the crude devices are concerned, I have just said that Government have taken all necessary steps to encourage the manufacture of salt on the cottage industry basis, and in pursuance of that policy we have already established seven warehouses. The man who brings the salt to the warehouse is paid then and there after the salt excise duty is deducted. And not only that, that scheme is going to be extended to all the coastal areas of Bengal. I hope that many warehouses on similar lines will be set up throughout the coastal areas of Bengal. (Mr. BANKIM CHANDRA DUTTA: Why not make them duty-free?)

Mr. PRESIDENT: Mr. Dutta, I hope you will allow the Hon'ble Minister to speak without interruption.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, this is a very helpful interjection, and I am grateful to him for this, because I was trying to impress upon the House that the excise duty was not really very high. As far as the salt excise duty is concerned, I may say in the first place

that it is not the concern of the Provincial Government. In the second place, increased manufacture of salt is not dependent on the abolition of the salt excise duty, because the prevailing high price of salt makes it a paying concern for the poor people to manufacture salt on cottage industry basis in spite of the salt excise duty. (Some honourable members on the other side were shaking their heads in doubt.) Sir, it is no use shaking their heads. The point is this: what is the salt excise duty now? It is only Re. 1-9 per maund, and everybody is aware at what price salt is selling here now-a-days. So far as that question is concerned, therefore, the salt excise duty is not a hindrance to the increased manufacture of salt. I have already said that we have been thinking of appointing an officer to advise the Government to set up model factories as well as laboratories where investigation and research should be made to find out the proper use of the by-products of salt, because on that depends the economic manufacture of salt. This is the position, Sir, and I am grateful to the honourable member for having given me this opportunity by moving this resolution to state the policy of Government in regard to this very important industry. Beyond this I have nothing more to say. As I said in the beginning, I do not oppose the motion.

(Mr. Bankim Chandra Mukherjee rose.)

Mr. PRESIDENT: I am afraid you cannot speak at this stage, Mr. Mukherjee. Do you want to exercise your right of reply, Mr. Majumdar?

Mr. HARIDAS MAZUMDAR: Sir, I do not want to say anything by way of reply except on one point. I have a feeling that the policy outlined by the Hon'ble Minister would be practically taking away by another hand what is being given by one hand. If you permit the poor villagers to manufacture salt and then ask them to go to a factory some 30 miles off with their manufactured products and to wait there for the levy of excise duty, then that will practically make the whole thing a farce. Therefore, I suggested that the Bengal Government should go to the Central Government for permission to manufacture salt free of duty. That is my point and we should see that the Central Government is approached accordingly.

Mr. PRESIDENT: The Hon'ble Minister has got a second right of reply. Does he want to exercise that right?

The Hon'ble Mr. Khwaja SHAHABUDDIN: No, Sir.

Mr. PRESIDENT: The question before the House is: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to urge upon the Government of India to allow during the period of war the manufacture of salt even in indigenous methods in cottages in any quantity in any part of Bengal to be transported and sold anywhere within the province to meet the unforeseen emergent situation created by the extreme shortage of the supply of poor man's salt selling at an exorbitant price in the various parts of the province, in the interests of health and nutrition of men and cattle after the devastating famine of 1943.

(The motion was agreed to.)

Mr. NUR AHMED: I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to communicate to the Government of India the recommendation of this Council to take such immediate steps as the Government of India think proper to secure the withdrawal of regulations restricting the entry of Indian immigrants into Kenya, Tanganyika and Uganda in East Africa.

Sir, with a heavy heart I have brought this motion before this House. It is said that we Indians belong to the British Commonwealth of Nations and that we are equal partners of that great Commonwealth. But is it true? What is our status in that Commonwealth? Where do we stand? We find that everywhere in the Commonwealth we Indians are treated as *pariahs*. The position of Indian emigrants to Kenya, Tanganyika and Uganda is very precarious. When the war broke out in 1939-40, about 10,000 Indians were compelled to leave their hearths and homes. The majority of these men are permanent residents there and carry on business. The Administration all on a sudden asked them either to go into the interior or to return to India. The ground given for this was shortage of food supply and house accommodation. The Indians offered to do war work but still Government compelled them to leave their hearths and homes. As a result of that, they had to return to India leaving their property and business in 1941. With the entry of Japan into the war, the shipping difficulty was intensified and obstacles were placed in the way of Indians returning to that colony. The Colonial Government apparently with the consent of the Government of India recently promulgated some sort of regulation prohibiting the re-entry to these colonies of Indians who had been absent for a certain period. If this regulation is enforced, the result will be that these 10,000 men, the majority of whom are still in India, will be debarred from going back to the Colonies where they have their homes and properties. There was an agitation over this matter and the Government of India approached the Government of these Colonies. As a result of this representation by the Government of India, the Government of these colonies replied that owing to shortage of food supply and household accommodation on account of war emergency they had promulgated this regulation and that this measure would be taken away when the war is over.

That may be so, but what will be the fate of those Indians who have their homes and properties and business there? They will suffer serious losses if they are debarred from going back to their land of adoption. They have now become permanent residents of those places. They have nothing to fall back upon in India except perhaps some relations. If this regulation is strictly enforced, those who are now in India would be for ever debarred from going there. For this reason, I have brought this simple motion to draw the attention of the Government of India with a view to secure redress of these grievances. I hope honourable members will accept my motion. It is a matter of regret that we are treated in this way everywhere, not to speak of this Crown Colony which is directly administered by His Majesty's Government. The reason advanced for not allowing the Indians to go and settle there is that there is no accommodation. But before this the Indians used to live there. What has become of those houses?

This is merely a subterfuge to restrict the Indians from going there. These Indians have added to the prosperity of Colony and naturally they have a right to be there.

With these few words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: That an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to communicate to the Government of India the recommendation of the Council to take such immediate steps as the Government of India think proper to secure the withdrawal of regulations restricting the entry of Indian immigrants into Kenya, Tanganyika and Uganda in East Africa.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I have great pleasure in supporting the motion that has been brought by Mr. Nur Ahmed on the subject of removing the restrictions regarding the entry of Indian immigrants into Kenya, Tanganyika and Uganda in East Africa. At the present time when the Indian soldiers are fighting side by side with the Allied soldiers and we are getting reports that the Indian soldiers are fighting to their credit, it is very painful to learn that these restrictions should be placed upon the Indian immigrants in other parts of the Empire or in East Africa.

As a matter of fact, Sir, when the Pegging Act was passed, we found in the papers notification of the Pegging Act in South Africa side by side with the reports about the achievement of the Indian Army in driving away the enemy from North Africa. It was very painful and we got a resolution carried in this House that the Pegging Act should be immediately repealed. We are grateful to the present Viceroy for having taken steps in that direction as the result of which an assurance has been obtained that the Pegging Act will not be enforced against the Indians.

With these few words, I support the motion that has been moved by Mr. Nur Ahmed.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, as Indians we cannot but have full sympathy with this motion. But, Sir, it is a purely Central subject and the Provincial Government have not the final say in the matter. So, in accordance with the usual practice in such cases, the Government will forward the proceedings of the House to the proper authorities for necessary action.

Mr. PRESIDENT: Does the honourable member want to exercise his right of reply?

Mr. NUR AHMED: No, Sir.

Mr. PRESIDENT: The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to communicate to the Government of India the recommendation of this Council to take such immediate steps as the Government of India think proper to secure the withdrawal of regulations restricting the entry of Indian immigrants into Kenya, Tanganyika and Uganda in East Africa.

(The question was agreed to).

NON-OFFICIAL RESOLUTIONS.

Mr. PRESIDENT: The next item on the agenda is non-official resolutions.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, during the last session this House passed a resolution to the effect that the Government of India be requested that the Hindu Intestate Succession Bill which was pending in the Central Legislature should be postponed till after the war. I would like to know under Rule 95 of the Council Procedure Rules what action has been taken with regard to the resolution that was passed. I may read the Rule which stands thus:

"(1) A copy of every resolution which has been passed by the Council shall be forwarded to Government.

(2) The Minister-in-charge will place before the Council in the next session what action on the resolution passed by the Council during the previous session has been taken by Government."

Now, I would like the Leader of the House to inform us what action has been taken on the resolution with regard to the Hindu Intestate Succession Bill.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I will make an enquiry from the office and then report to the House what action has been taken.

Mr. PRESIDENT: The resolution which had been moved by Rai Bahadur Keshab Chandra Banerjee but which was not disposed of is under discussion. It relates to the Campbell Medical School strike. Here I would just like to mention that this resolution was under discussion but was postponed. This was contrary to the rules and this should not be taken as a precedent.

Would the Hon'ble Minister like to reply?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I am sorry I was not present in the House when this resolution regarding the Campbell Medical School strike was discussed on the last occasion. The mover's main object was to have an enquiry into the causes of the strike with a view to prevent the recurrence of such strikes in future. This resolution had engaged my attention, and I have given it very careful consideration. I would have agreed to an enquiry if it would have served any useful purpose.

A press note was issued when the strike commenced. The real reason why there was this strike consisted in the fact that the Teacher of Materia Medica at the Campbell Medical School had been transferred from Calcutta. The teacher himself went to the Secretariat and wanted to have the transfer cancelled. He was transferred for immediate and urgent administrative necessity to Midnapore. His transfer could not materially affect the teaching or the results of the students either in the final examination or in any other examination. Doctors themselves have reported to me that Materia Medica is a subject taught to be forgotten later on. So his presence at the Institution was not absolutely necessary. Besides, as I have said, his transfer was made on account of urgent administrative reasons. He was not willing to go there and at first he tried to see the officers of my

department in the Secretariat in my absence. After the order of transfer was communicated to him, some students came and saw me. No other grievance was referred to by them excepting that the Teacher of Materia Medica was a very good teacher. The Superintendent of the Institution reported that his popularity with the students was due mainly to the fact that he was very liberal in granting marks. This Superintendent was a reputed surgeon who also was very popular at the Campbell School, having been there for 15 years. He was so very popular that even if he slapped his juniors, they would not take offence; he had very good reputation as a surgeon among his colleagues and he was generally loved. Even in these democratic days there are people who put up with these things. I can recall my old days at the Presidency College, where even if some professors went wrong, the students would still speak well of them. I might recall to mind the name of Mr. Percival in this connection. Thereafter, some students came to me and asked me earnestly not to transfer the said teacher. I said to them, if they complained about improved teaching staff, then I shall certainly look to it; but if they insist that a particular teacher should not be transferred and his transfer should be cancelled, I could not listen to them. His transfer was necessitated for urgent administrative reasons. I could not tolerate the position that the students should intervene in a matter like this and that the teacher should take the help of the students to achieve his object. Two or three days after, the students held a meeting of their Union and there they set the ball of strike rolling and sent in a representation couched in very impertinent language, bolstering up some of the grievances which had been already enquired into by the Surgeon-General. The Surgeon-General asked them to see him and he said to them that if they had any grievances they would be considered if their petition were couched in proper language. In spite of the assurance of the Surgeon-General they went on strike. They had recanted their old grievances, i.e., inefficient teaching, want of hostel accommodation and proper air-raid precaution—these are all old grievances. But this time the old grievances were bolstered up and they adopted coercive measures by trying to force the Government to cancel the order of transfer of the teacher of Materia Medica. Well, I do not think any useful purpose will be served by the appointment of a committee of enquiry. It will be of no help in preventing recurrence of these strikes. Committees of enquiry in other fields were appointed in the past with no good result. They did not prevent recurrence of strikes. I quite realise that students are students, but these strikes are engineered by outsiders who show undue sympathy with the students. In 1938 also the students' strike was engineered, as reported to me. So every time a third party interfered and Government yielded and this has encouraged and emboldened the students to go on strike so frequently and without sufficient reason. I personally went into their grievances later on and have tried to improve their teaching staff. But it is indeed very bad for students to disobey their teachers. Discipline is one of the most important factors in an educational institution and the more so in the case of medical institutions. Every student should observe discipline for his success. For all these reasons, I warned them and told them that if they went back to their school their grievances would be looked into; and if there were genuine grievances, they will certainly be removed. But they

must first give up the strike. Now, Sir, strike on the part of students in an educational institution is very bad. Here, there is no question of dispute or exploitation as between an employer and employees, as in the case of labour or other industrial concerns. I can quite understand a labour strike, I can quite understand an industrial strike, because there we find the question of exploitation and the question of profit and loss. But it cannot bear any analogy in the case of educational institutions. In the case of educational institutions, Government do not get any profit except that the students, when they pass out, will become useful citizens. So, there is no monetary gain on the part of Government.

If there is want of discipline and the students are allowed to disobey their Superintendent and their teachers, the effect will be very bad. The cause of the strike of 1942 was alleged to be due to air-raid difficulties. The students wanted to postpone the examination and the examination was postponed. Then they came again with another demand that those who failed at the examination should be allowed to pass under rule 44. But the Superintendent could not relax this rule and as the request was not complied with the students went on strike. All the strikes from 1938 to 1942 were mostly due to some such reasons. There should be no illusion as to the fact that if the students go on strike, their grievances, however genuine they might be, would not be considered. They should be disillusioned by their guardians or by the public that their strikes would not be supported by them. If they have any real grievance, the students or guardians will represent to the authorities and then to Government. My humble submission to this House through you, Sir, is that if we want to put a stop to this sort of strike, we must not allow the students to disobey their teachers. If we allow them to disobey their teachers, there will be repetition of strikes. You will be surprised to hear, Sir, that one of their grievances was regarding the transfer of staff. Now, that teacher was transferred from the school at his own instance, viz., on account of the death of his only son. As a result of this the students went on strike. Then there was another grievance regarding the deterioration of the teaching of surgery. But that is not the case. There is one surgeon and one honorary surgeon. So there can be no question of deterioration. I.M.S. men have been replaced by non-I.M.S. teachers. There is no complaint on that account. If the students behave unreasonably, that will hamper the administration of the school and that will do no good to them also. If we want to avoid a recurrence of strikes in future, my prayer is that the students should be made to behave as students, they should be obedient to their teachers and authorities.

Sir, I am forced or rather constrained to oppose this resolution. I may mention here also another thing and that is with regard to grievances regarding the nurses. There was one strike regarding the conduct of the Lady Superintendent of that School. I admit that this nurse was somewhat of a tactless nature and over-bearing, as reported to me. However, we have taken up that question and we shall see that proper steps are taken in the matter.

With these few words, Sir, I oppose the resolution.

Khan Bahadur ABDUL HAMID CHOWDHURY: May I have your permission to make a statement explaining the circumstances under which this resolution had to be postponed on the 24th March last?

Mr. PRESIDENT: Yes, please do.

Khan Bahadur ABDUL HAMID CHOWDHURY: The resolution moved by Rai Bahadur Keshab Chandra Banerjee was discussed at great length and towards the close of the discussion it was found that the Hon'ble Minister in charge of Medical and Public Health Department was absent. On enquiry it was found that nobody on behalf of Government was prepared to make any statement meeting all the points raised in the course of the discussion of this resolution. Then, after some discussion it was unanimously decided by the House that consideration of this resolution should be postponed so that the House might have the benefit of hearing the Government point of view from the Hon'ble Minister when he speaks meet the points raised. It was out of respect for the unanimous desire of the House that this resolution was postponed. Now, may I have a ruling from the Chair as to what should be the correct procedure if such circumstances arise in future?

Mr. PRESIDENT: If it is the unanimous desire of the House to take a particular course of action on a particular occasion, nothing can prevent the wishes of the House being fulfilled, but I think that this should not be taken as a precedent for future guidance, because if Government are not prepared or the Ministers are not pleased to reply to the debates, Government case should go in default, and the House should take its decision without listening to the Government point of view. That would be the correct procedure.

Mr. HABIBULLAH CHOWDHURY: Sir, I would like to put some question?

Mr. PRESIDENT: I am already on my legs. You are a new member and, of course, you have got a privilege. But I request you not to press your point. It is not the practice to put questions when a motion is being put by the Chair.

Mr. HABIBULLAH CHOWDHURY: All right, Sir.

Mr. PRESIDENT: The question before the House is: that this Council is of opinion that a committee consisting of officials and non-officials be appointed to enquire into the causes of the recent strike by the students of the Campbell Medical School, Calcutta, and to make recommendations with a view to the prevention of its recurrence in future.

(The resolution was negatived.)

Mr. PRESIDENT: Mr. Nur Ahmed.

Mr. NUR AHMED: As regards my resolution, it was formally moved and then it was postponed for giving opportunity to some of the honourable members who wanted to speak on that day. As far as I remember, Khan Bahadur Abdul Momin expressed a desire to speak on this resolution, and in order to give him an opportunity it was postponed.

Mr. PRESIDENT: Do you propose to continue your speech on this motion, Khan Bahadur Sahib?

Khan Bahadur M. A. MOMIN: I do not propose to say anything after what we have heard just now; but may I have your permission to ventilate a matter which appears to me to be a real point of grievance? Under the

rules it seems to me—I certainly do not challenge the rules—but it seems to me that once a Government member has replied or spoken on a resolution or a motion, no other member has got a right to speak. Whatever be the reason for which this rule has been framed, I felt the inconvenience very strongly when the Commerce Minister was speaking about salt. Before I heard the speech of the mover, my ideas were not very well clarified; but after I heard the Hon'ble Minister's speech I felt that there were lots of objections to what he said; but, of course, my mouth was shut. Similarly, perhaps many members felt likewise and perhaps they too would have liked me wished to have certain points cleared up; but by reason of the rules they could not get any further light on the subject. Therefore, I say that members of this House should have some right to speak not generally but after the Government member has spoken and brought in any new facts to ask him to clarify certain points. After the Hon'ble Minister had spoken about the manufacture of salt, I felt very much depressed. At first I thought that Government had done a lot and were going to do a lot but I found that Government like the *Rishis* of old meditated and meditated and therefore I was going to ask him further questions but I was debarred.

Mr. PRESIDENT: Khan Bahadur, have you risen on a point of order?

Khan Bahadur M. A. MOMIN: Not exactly on a point of order, but I want your guidance as to whether it was possible in future to make a change in the rules so that members of this House might speak after a Government member——

Mr. PRESIDENT: So I take it that it is a point of order.

Khan Bahadur M. A. MOMIN: It may be taken as that. As regards this question of sugar, I think I would leave it at that. I shall not say anything on it today.

Mr. SHRISH CHANDRA CHAKRAVERTI: In this connection, in support of what the Khan Bahadur has just now stated, and just to enlighten the House I may say that during the regime of the previous President, on several occasions he had allowed members of the House to speak or raise questions by way of clarification after the Minister in charge of the Department had given his reply.

Mr. BANKIM CHANDRA MUKHERJEE: There is nothing in the rules, Sir, in support of this procedure.

Mr. PRESIDENT: What is your point, Mr. Mukherjee? Are you speaking on this point of order?

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir. I too was going to seek some information on the new points which the Minister had brought forward by way of opposition to the resolution; but as a matter of fact, I felt simply astonished when I was told that I could not speak after the Hon'ble Minister had spoken, and was ruled out of order. Therefore, I support the point of order raised by the Khan Bahadur and say that after Government have given their views on a resolution, if new matters have been introduced by them, then members of the House should be given an opportunity to seek further information.

Mr. PRESIDENT: New matters introduced by whom?

Mr. BANKIM CHANDRA MUKHERJEE: By the Government.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, hitherto the practice has been to allow those members only to speak after the Government's reply, who have moved resolutions, and not any other member. The mover as well as the Minister in charge of the Department have both a second right of reply. But no other member of the House is allowed to speak after the Minister has spoken. Otherwise, there will be no end to the matter and the discussion will go on *ad-infinitum*.

Mr. PRESIDENT: I would like to enlighten the House regarding the point just now raised by Khan Bahadur Abdul Momin. There is nothing in our rules to prevent other members from speaking after the Minister's reply. The Chair can always permit other members to speak. But there is such a thing as finality in a debate. The mover of a motion and the Hon'ble Minister are the two main parties in the debate. When Government have replied, if other members are allowed to speak they may bring in new points which Government will not be in a position to reply to because Government will not have any right of reply again. So it is only fair that the Minister in charge should have the last say. The mover of a motion is the only person who can speak twice on a motion. If he raises any new point, then the Minister in charge of the Department has a second right of reply. It has been the invariable practice that after the Minister closes the debate, none else but the mover of the motion is allowed to speak if he so desires. I have been associated with the Legislature for the last quarter of a century and that has been my experience—

Mr. HAMIDUL HUQ CHOWDHURY: The old ideas are changing. We have seen that even the rulings of the President and Speakers are being debated for hours now a days —

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, what particular importance is attached —

Mr. HAMIDUL HUQ CHOWDHURY: Sir, in the other House opportunities are —

Mr. PRESIDENT: I do not think I should allow discussion regarding what takes place in the other House. We should follow our own precedents. In the special circumstances of the case, if it is brought to the notice of the Chair that a particular member wants information from the Government member, the Chair may consider the point; but the usual practice of not allowing other members to speak after Government have replied should be adhered to as far as possible.

Khan Bahadur M. A. MOMIN: Sir, in the Central Assembly sometimes Government member in charge does not speak but some other members of Government speak and there is further discussion and after that the Minister in charge winds up the debate. But there is much relaxation of rules there. Since then the rules might have changed. But certainly this practice will lead to poorer debate.

Mr. PRESIDENT: The rules have not changed: they are exactly what they used to be. But here also more than one Government member can sp

speak. Suppose, some Parliamentary Secretary joins in the debate and then it is wound up by the Minister-in-charge, that will enable other members to speak after the line of Government reply is indicated. It is certainly most convenient to allow the Minister to have the last say in the matter and that principle should be adhered to as far as possible. But as I have said, in special circumstances, if a particular member feels any difficulty regarding a particular point, he may mention the point to the Chair and the Chair will decide whether the honourable member should be allowed to raise the point at that stage or not.

Mr. HAMIDUL HUQ CHOWDHURY: Mr. President, Sir, I would like to add a few words to what has already been said by Mr. Nur Ahmed, the mover, on the motion which is now before the House. As far as I remember, Mr. Nur Ahmed gave a very learned discourse in this House regarding the history of the development of the sugar industry. It is a fact, Sir, that sugar industry is more our own than it is of any other province; but unfortunately the growth of this industry in this province has been so organised that it is no longer really the industry of Bengal. There are about 80 mills in the United Provinces and about 37 in Bihar as against 10 in Bengal. From the point of view of economic repercussion of this position, we all know that sugar is now a protected industry. I understand a tax of Rs. 5 per maund is levied on sugar to keep this industry alive in India against the Java and Mauritius sugar. Bengal's consumption of sugar is nearly 50 lakhs of maunds and on the basis of Rs. 5 per maund, it comes to about Rs. 250 lakhs a year. This is Bengal's contribution to the sugar industry. There is also a sugar cess. So, Bengal has to pay about Rs. 3 crores to this industry and this sum goes to the United Provinces and Bihar. Now, the United Provinces and Bihar have become so powerful in this organisation that they are practically dictating the sugar policy of the Government of India. Cultivation of sugarcane is really a problem with which the different research institutions are engaged. Really first class research institutions in the country are to be found in the United Provinces and Bihar. These institutions are very essential for the development of the sugar industry in those two provinces. At one of the conferences in which I was present, it was seriously argued that no further sugar factory should be allowed to grow because there is already a glut of sugar in the country. India was producing more than was required for her consumption with result that the United Provinces and Bihar were not getting the same profit as they used to get. So they wanted to pass resolution that the Government of India should stop the establishment of any further sugar factory. I had to oppose the resolution tooth and nail. Other provinces were overwhelmed by the arguments given by the representatives of Bihar and the United Provinces. They thought the resolution to be a most reasonable proposition, but I had to say, as I have said today, that we were effectively contributing to this sugar industry by taxing our own people to the extent of Rs. 3 crores and therefore this industry should not be allowed to remain as the monopoly of these two provinces. The Imperial Council of Agriculture spends nearly Rs. 9 lakhs to Rs. 13 lakhs towards the improvement and research on sugar and also looks into the problem that is special to Bengal. And

what are the special problems of Bengal which are not the problems of the United Provinces and Bihar? You know, Sir, that the problem of the United Provinces and Bihar are distinct and different and minor as compared with the problem of Bengal. Bengal cannot develop this industry on account of its geographical position and climatic condition. The period of maturity of sugarcane is not the same in Bengal as in the United Provinces and Bihar. In fact, the crushing season is the shortest here, namely, three months and in the United Provinces it is the longest after Mysore.

In fact, the United Provinces' crushing season extends over six months and to that extent the United Provinces sugar mills have the advantage of so ordering and regulating their crushing that the maximum production is always available from the mills But Bengal's position is different in this respect. Here, the quantities of sugarcane which are produced are dumped and rushed into the mills for being crushed within a short space of three months only. Therefore, our problem is how and whether it is possible to grow a particular kind of sugarcane which shall mature in the wet season. This is a problem which has never been investigated upon and on which there has been no research. The reason is that the problem of sugar industry, as I said before, has been all along the problem of the United Provinces and Bihar. Therefore, first of all, Bengal should have more research institutions, and my advice to the Government is to give enough subsidy to the sugarcane-growers and sugar mill-owners. The Government of Bengal have said that they have boldly gone in for encouraging not only the sugar industry itself but have also enormously helped the sugarcane cultivators by giving a subsidy of Rs. 16 lakhs to facilitate their growth at an economic cost. I submit, Sir, that there is a fundamental dispute over this problem as to whether this assistance is really to the capitalists who are organising the sugarcane industry or to the sugarcane-growers. But I am not going into it at this stage, nor shall I try to show that it is really helping the vested interests whereby the mill-owners have really benefited in the name of the growers. What is the position in Bengal today? Bengal sugar industry itself is still in the hands entirely of foreigners, and any extension on these lines is only to extent the privilege to these foreign vested interests which are steadily establishing their strangle-hold on Bengal.

This thing, I submit, should not be allowed to go on in a Province like Bengal. The sugar industry should be an industry of the growers. So my submission to the House and my advice to the Government will be that in order to make it really a growers' industry Government should come forward with financial and technical assistance. They should also come forward with a proposal that they shall organise the sugar mills on stable foundations by contributing up to the extent of 50 per cent. of the total capital, the remaining 50 per cent. being paid up by the growers. The consumers' interests in these concerns will also be protected. Government will fix the maximum profit and thereby protect the consumers. How long can you exploit the consumers for the benefit of the capitalist mill-owners?

I submit that this industry can be made a real national industry and Government could effectively intervene to develop it on those lines.

As for the protection of the interests of the consumers, they must also get relief in the way of Government benefiting by large percentages of profits and the consequent increase in the general revenues of the province, till ultimately the price of sugar is reduced to the same level at which the sugar of Java is dumped on the province of Bengal. Therefore, it is essential that there should be a re-orientation in the policy of Government regarding the sugar industry. This sort of tinkering with this problem is not really one which would be helpful to the development and establishment of a real sugar industry in this province. I am personally wholly opposed to the manner in which the sugar industry is growing in Bengal, namely, by foreign capitalists establishing their organisations and exploiting both the growers and the consumers alike. I support Mr. Nur Ahmed's resolution with these words.

Mr. BANKIM CHANDRA MUKHERJEE: I have great pleasure in supporting the resolution moved by Mr. Nur Ahmed regarding the sugar industry, namely, that the Government of Bengal should be urged upon to adopt all feasible measures to encourage and help the sugar industry, both in cottages and in small factories in Bengal. I do not think there are two opinions that it should be the duty of the Government to help the development of the sugar industry for the benefit of the growers as well as of the consumers. I need not repeat the facts that have been brought to light by the honourable mover and the previous speaker. I would only like to say a few words on the technical side of the question. As a matter of fact, every one is aware that Bengal has taken to producing sugar-cane; but sugar-cane cultivation can be developed and increased to a very large extent only if Government came forward to help the growers of sugar-cane. There is one other thing which should be considered along with this. We all know that cultivators manufacture *gur* directly from sugar. We, therefore, want that Government should immediately start research stations for the purpose of helping those villagers who are converting sugar-cane into *gur*—some process and machinery by which they can convert before *gur* is manufactured. I think that if the technical side of this business is considered, and if Government introduce or bring into being research stations, then *gur* can be manufactured at very little cost with Government's help. It is not possible for any individual grower or for individual efforts to have this organised for the whole of Bengal. If the Government undertake to build research stations on these lines for the purpose of manufacturing sugar directly from the sugar-cane juice by small cottage industry methods, then the grower will be helped and the consumers also will have their *gur* in sufficient quantities, so that it will be possible to make Bengal self-sufficient, so far as both sugar and *gur* are concerned. We need not depend upon the United Provinces or Bihar for the purpose. As a matter of fact, this is a very opportune moment for the Government of Bengal to take recourse to these research methods. We are now in the midst of a war and transport difficulties are increasing every day making it difficult for sugar and *gur* to be brought to the people of Bengal from the other provinces. I think, therefore, that if the Government of Bengal immediately take steps for the purpose of providing measures to convert sugar directly from the sugar-cane juice, it will amply benefit both

the grower and the consumer. In this view, I support the motion of my friend Mr. Nur Ahmed.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, I have already explained the position and no new points have been raised. Mr. Hamidul Huq Chowdhury has repeated the argument of the honourable mover of the motion and Mr. Mukherji has done the same thing. Therefore, I have nothing further to add.

Mr. PRESIDENT: The question before the House is that this Council is of opinion that the Government of Bengal be urged upon to adopt all feasible measures to encourage and help the sugar industry, both in cottages and in small factories, in Bengal.

(The resolution was agreed to.)

Mr. HARIDAS MAZUMDAR: I beg to move that this Council is of opinion that the Government of Bengal should set apart a sum of fifty lakhs of rupees this year for the advancement of education of the Scheduled Caste Hindus of the province.

Sir, of all communities in Bengal scheduled castes with the exception of aboriginal tribes are the most backward. The ratio of literates in respect of all communities is 16 per cent., of Hindus 22, Moslems 16, Christians 43, tribes 3 and others 25.

Scheduled castes are not shown separately; but if that is done, it will give an unsatisfactory figure. It is common knowledge that they are inferior to the Moslems in this respect. The last census shows that the total population of Scheduled castes is 7,378,970 so that in point of magnitude they form a maimed limb of the body politic. I may point out parenthetically that the tribes whose numerical strength is 1,889,389 have been totally neglected. Their interests go unrepresented in all matters. A very serious effort should be made to spread education among them. Reverting to Scheduled castes I should point out that the sum of 50 lakhs is quite inadequate for the purpose and I only hope that when normal conditions are restored, larger sums will be allotted for the purpose. I need hardly describe the advantages of education in this wide-awake world. Expenses of Government amounting to huge sums annually are altogether wasted on account of mass illiteracy. For example, in regard to the jute restriction scheme placards beautifully printed at considerable expenditure are posted in rural areas but are meant for people who have no eyes of literacy to see. Health bulletins, printed instructions regarding crops and treatment of cattle diseases produce no effect on those for whom they are meant. The total amount thus wasted on men and materials will come to a formidable figure. If there be any two communities here which are composed almost entirely of toiling masses attached to land, they are certainly the Scheduled castes and tribes. These are the real creators of the wealth of the nation while our *bhadralogs*, both Hindu and Muhammadan—and the number of Muhammadan *bhadralogs* is increasing by leaps and bounds—are flocking in a large number to cities. So by all canons of fairness and equity Scheduled castes merit special consideration.

To attain the maximum result out of 50 lakhs we have to devise our educational plan correctly. Rabindranath said times without number that

by spending large sums on buildings and on the inspecting staff, the Government failed to obtain the desired result. The poet referred to the famous report of Mr. Adam in the early days of British rule when the province was covered with a network of *pathsalas (i.e.*, the village schools). In spite of all our vaunted talk of progress of education during the British rule—a subject occupying much space in our text books for schools—the ratio has not increased and it will not increase in future until the problem be tackled with new ideas.

I only hope that if my resolution be accepted, the Government will discard the red-tap and take steps so that every rupee in the allotment may produce the maximum result. To do this, the only means is to revive and establish throughout Bengal *pathsalas*. With our vision blurred by the dazzle of the West, we have gone to all countries to seek an education plan like Kindergarten, Montessori, but have neglected the *pathsalas*, a wonderful system well-suited to a poor country. The following lines of Michael Madhusudan Dutt written in connection with the Bengalee language are apposite here:—

"হে বঙ্গ ভাণ্ডারে তব বিবিধ রতন
তা যবে অবোধ আমি অবহেলা করি
পরধন লোভে মত্ত করিনু ভ্রমণ
পরদেশে ভিক্ষাবৃত্তি কুক্ষণে আচরি"

One *Gurumahasay*, *i.e.*, the village teacher on a very small remuneration can manage, according to my experience, 150 boys. Students of the higher classes have to teach the boys of the lower classes in order of priority, while the *Gurumahasay* pays special attention to the advanced boys and general attention to backward boys. The method of working is the chief element and may still be copied as *pathsalas* in their original, unadulterated and most efficacious form still exist. I know of one such flourishing institution at Kadamtala, about 3 miles from the Howrah railway station. The excellence of teaching imparted in these indigenous primary schools is proved by the testimony of no less a personage than the late Sir Rajendra Nath Mukherjee who said times without number that his accuracy of calculation, which stood him in good stead in later life when he became the foremost businessman among the Bengalees and was described eulogistically by the late Lord Inchcape as a Scotsman born by accident in Bengal, was acquired from his *Gurumahasay* for whom he made proper provision. The "*Subhankari*" system, a peculiar product of the soil, imparts quickness and accuracy of calculation in an astonishing degree and to persons with the mental faculties thus sharpened all work of calculation in future life would appear to be comparatively easy. The curriculum of the *pathsala* has the other two items of reading and writing. Simple lessons in Bengali are read and the alphabet is written on the leaves of the village palmyra tree which may be obtained for nothing in these days of high prices of paper. The *pathsala* is held often under the spreading banyan tree or in the *Chandimandap* of the well-to-do man of the village who charges no rent. Sundays are not observed as holidays but classes are not held on the days of festivals and on rainy days so that the total output of work in a year in spite of the inclemencies of the weather is not less than in a school.

It fell to my lot to arrange this open-air method for a high English school at the Narayanpur Colony, Dum Dum, with excellent results. If our aim be—

"এই সব মূঢ় ম্লান মূক মুখে
দিতে হবে ভাষা ;
এই সব শ্রান্ত শুষ্ক ভগ্ন বুকে
ধ্বনিয়া তুলিতে হবে আশা"

to give voice to dumb millions and that within a measurable distance of time, we can achieve our object only through the *pathsala*. To continue the present method is to wait till doomsday. God has given me to do my humble mite for the education of the Scheduled castes.

In order that this resolution of mine may not be taken as a political stunt, I may be permitted to point out that 16 years ago I organised and founded the Pannalal Seal Vidyamandir as a free polytechnic High English School, and in the hostels attached to this institution I have arranged all along free board and lodging for a number of students belonging to the Scheduled castes. I have introduced inter-dining among the students of all castes since the very beginning and this at a time when this was unheard of in Calcutta. I am tempted to recall a state of things portrayed by that immortal story-writer of Bengal, Prabhat Kumar Mukherjee, who in his story প্রত্যাবর্ত্তন or "The Return" showed how a young man, washerman by caste, passed himself off as a Kayestha in a Calcutta students' hostel, was ultimately discovered and had to leave the place. He then went to a Christian missionary who promised him equal treatment in the Christian fold but the young man was discomfited when he discovered that Europeans worshipped in one church and Indians in another and that even after death Europeans were buried in one cemetery and Indian Christians in another: whereas Hindu society at least after death afforded equal treatment to all by allowing the dead body of a *methar* to be burnt on the same spot where a Brahmin had been reduced to ashes only a few minutes ago. The number of students of the Scheduled castes who lived in our Vidyamandir hostels and have passed the Matriculation Examination of the University is not less than 100 and at least 50 of these have ultimately become graduates. During the historic fast of Mahatmaji at Poona, I was present all along and had the honour to be associated with the formation of the Poona Pact which gave to the Scheduled castes 30 seats in the Bengal Legislative Assembly instead of 10 as originally proposed in the Government of India Act, 1935. I mention all these not in self-adulation but only to show that I am not making political use of an important social problem and that long, long ago before I had any idea of entering the Legislature, I worked for the uplift of our backward classes. In so doing I was inspired by the teachings of Swami Vivekananda who said হে ভারত, ভুলিও না, নীচজাতি, মূর্খ, দরিদ্র, অজ্ঞ, মুচি, মেথর, তোমার রক্ত, তোমার ভাই। হে বীর, সাহস অবলম্বন কর। সদর্পে বল মূর্খ ভারতবাসী, দরিদ্র ভারতবাসী, ব্রাহ্মণ ভারতবাসী, চণ্ডাল ভারতবাসী আমার ভাই।

Nearly five hundred years ago Sri Chaitanya, a member of the highest caste, propounded the doctrine of মুচি হয়ে শুচি হয় যদি কৃষ্ণ ভজে Through his preachings untouchability is not a problem of any intensity in Bengal as compared with Madras and some other provinces. Uplift in Hindu society takes place not through individuals but through a whole caste. This all-important fact has to be understood by all who want to study our society properly. A little study of anthropology will convince us that some castes of the Hindu society now occupying a high position were originally aboriginal tribes approximating more and more to the high standards of Hindu conduct and being ultimately admitted to its ranks. Even before our very eyes the *Bagdis* of West Bengal have during the last 30 years made striking progress and monogamy among their women is now the rule and not the exception, as could be seen only three decades ago. If this improvement continue for another decade, we can visualise them taking their place besides the *Nabasakhas* in their own rights and without any opposition from even the most orthodox section. Hindu society has been able to civilise and improve vast masses of humanity in a more effective manner than any other society. The late Sibanath Shastri asked a workman in England if he knew about Christ and the reply came, "What number?": as if Christ was another workman bearing a roll number. The British Medical Journal in a recent issue described how in London grown-up children of labourers eased themselves in the same room in which they lived and there was no cleaning. This is inconceivable among any class of our society. Criminality and drunkenness are the lowest among our lower classes as compared with the corresponding classes of other societies. Hindu society offers an ideal and converts people not by force or even by persuasion but by the silent example of right living. At the Narayanpur Colony near Dum Dum, when we first cleansed jungles 20 years ago there were the original residents the "*Kaoras*", who lived in low-roofed houses by theft and burglary, threw dead bodies away and annulled marriages with utter levity. We had a maidservant *Kaora* by caste who with the sanction of their caste people married one after another three or four husbands. In the space of twenty years a revolution has taken place and monogamy has come into favour and polygamy of the worst character has disappeared. Dead bodies are now being regularly burnt and men earn their bread by the sweat of their brow. I may mention here that life-long monogamy among our Muhammadan sisters in the vast rural areas is increasing by leaps and bounds. This is the result of Hindu influence. The devoted wife of Mr. Hashemali, ex-Minister, said before her death that it filled her with great satisfaction that she had the good fortune of dying before her husband. This is fully a Hindu idea.

Now, Hindu have never shut their doors of culture against anybody, far less their own kith and kin, the Scheduled castes. The ancient methods of spreading education were not through reading and writing alone but through lectures such as কথকতা and dramas depicting the *Ramayana* and the *Mahabharata*. All were admitted to these discourses and performances and the truthfulness of Ramchandra, brotherly affection of Laksman, the steadfast purity of Sita, the devotion to ideals of the Pandava brothers

amidst adversity threw people into raptures and rendered them better citizens. The printing press is a new discovery and a new force working on new methods, as described by Carlyle, the saint of Chelsea. Literacy was not prevalent on such a large scale even in Europe before printed books came into vogue. In making special arrangement for the education of our Scheduled caste brethren, we only do the old thing under a new technique necessitated by the modern age.

In this plan of educating the Scheduled castes as in the general system for all, technical education should occupy a prominent place and the whole thing should be given a rural bias. In the Pannalal Seal Vidyamandir to which I have already referred, we devised 16 years ago that general education should go hand in hand with technical education. Boys after doing their Algebra, Sanskrit, and English composition must work for an hour and a half in one of the 12 departments of carpentry, weaving, smithy, bookbinding, tailoring, etc. It is found that those of our boys who after passing the Matriculation Examination cannot get jobs of clerks earn their livelihood by practising one of these handicrafts in which they have been trained in the school. The products of the Vidyamandir technical department are sold in the market and a share of the proceeds is paid to the students working Thus, the principle of earning while learning was introduced 16 years ago. Six years ago the late lamented Mahadeb Desai, the right-hand man of Mahatmaji, inspected our school and expressed the opinion that it was the forerunner of the Wardha scheme of education which it resembled very closely, though not exactly. Later on, Mahadebji in a signed article devoted one page of the Harijan to our institution. In evolving and carrying into effect this education plan, my humble self and a band of teachers led by the headmaster Kali Pado Gangopadhyaya whose venerable appearance will mark him out as a headmaster in a crowd of ten thousand and who by the way will not have for his newly-born grandson any other name than Shyamaprasad—the name of the saviour of Bengal's millions in last year's famine, had to think hard and work hard from day to day and month to month and year to year. (Khan Sahib FARIDUDDIN AHMED: Where is the relevancy of all this? Mr. AMULYADHONE ROY: Equal treatment after death!) It is one solace in my life that we have been able to find out the correct educational plan for a poor country like India. It is my firm conviction that the whole country must accept sooner or later this plan confirmed by that Socrates of the modern world, Mahatma Gandhi. This is another example of the truth of the statement "what Bengal thinks today, the rest of India thinks tomorrow".

Is it too much to hope that, if this resolution of mine be carried, the Government will accept our scheme of education? Every *pathsala* should have arrangement for teaching the boys at least one handicraft and in the villages should have one plot of ground for teaching boys kitchen-gardening. While our school was removed to Narayanpur, nearly 20 bighas of land were allotted to it and it was a sight for the gods to see how our boys of *bhadrolog* and all classes worked on the ground and reared hundreds of *papya* trees growing monster *papyas* of Madhupur variety, and grew brinjals which were the wonder of the countryside and introduced new cultivation like *ol of*

Santragachi in that area where good *ol* was unknown. My request is that our education should be given a rural and technical bias.

As regards the share of this sum of 50 lakhs to be spent on the higher education of the Scheduled castes, I personally would not go in for a large figure. As I said in my budget speech, we spend a disporportionately large amount on higher education throwing a few crumbs to primary education. Normally, I would spend at least a sum of 40 lakhs on primary education. But I am convinced that the sorry spectacle of many Scheduled caste M.L.A.'s working as weathercock politicians and joining and supporting an unpopular Ministry for the sake of the loaves and fishes of office while their castemen died in the largest number in last year's famine and that as the direct result of knowingly false statements by Ministers that "Bengal was not a deficit province". "Prices of rice will go down in a short time" will not cease unless graduates and under-graduates are produced in such a number that they cannot possibly be employed by the Government, so that for every Scheduled caste member in the legislature drawing a deputy magistrate's salary there are at least 100 Scheduled caste discontented, and hungry graduates outside. Bacon wrote that sedition thrives "where more scholars are bred than preferments can take off". In repeated elections to the Upper House, the 30 Scheduled caste M.L.A.'s have failed to return their quota of Scheduled caste members so that it is established beyond doubt that their demand for a proportionate share in the services is a mere eye-wash.

Britain has infused a virus into our body-politic which can be eradicated by the poison of the same origin. Let a sum of ten lakhs of rupees be set apart for higher education so that every meritorious Scheduled caste boy may go up to the M.A. and M.Sc. standard at State expense.

With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that this Council is of opinion that the Government of Bengal should set apart a sum of fifty lakhs of rupees this year for the advancement of education of the scheduled caste Hindus of the Province.

Mr. NUR AHMED: With your permission , Sir, I wish to make a few observations on the resolution just moved by my friend Mr. Mazumdar——

Mr. PRESIDENT: You had better move your resolution at this stage.

Mr. NUR AHMED: I am not going to move my resolution. But I wish to speak on this resolution.

Sir, at the very beginning I thank the honourable mover of this resolution. I am very glad to find that my friend is taking so much interest for the Scheduled castes. He has spoken about the treatment of the caste Hindus towards the Scheduled castes with great vehemence. We, on this side of the House, stand for equal treatment and equal opportunities for all castes and creeds—whether minority or majority. My friend has referred at some length to the history of the Hindu religion and the treatment of the caste Hindus towards the Scheduled castes in which I find some new theory propounded which real history will belie. Islam enjoins equal

reatment to all communities and to all sections whether high or low cheduled castes or any other castes. That is why Islamic religion is so ttractive to all. If you go into the Islamic history, you will find that herever it went, people welcomed it. It is damned lie to say that Islam oks after the interest of one community and the interest of its own eople and that Islam was propagated by means of the sword. So, aturally we of the Muslim League party have every sympathy with the bject which the present resolution has in view. The Scheduled castes ave been given all sorts of encouragement and all necessary help so that ey may progress in the field of education. There are no two opinions bout it. Government has been rendering all possible help for the ncouragement of education among the Scheduled castes——

Mr. PRESIDENT: Order, order, the time is up and I must adjourn the ouse now. The House stands adjourned till 1-30 p.m. on Tuesday next.

Adjournment.

The Council then adjourned till 1-30 p.m. on Tuesday, the 23rd May, 944.

Members Absent.

The following members were absent from the meeting held on the 19th May, 1944 :—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Rai Bahadur K. C. Banerji.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. N. C. Datta.
(6) Mrs. K. D.'Rozario.
(7) Mr. K. K. Dutta.
(8) Khan Bahadur Abdul Gofran.
(9) Mr. M. R. Jaipuria
(10) Mr. Humayun Z. A. Kabir.
(11) Maulana Mohd. Akrum Khan.
(12) Mr. N. N. Mookerji.
(13) Mr. R. S. Pursell.
(14) Khan Bahadur Muklesur Rahaman.
(15) Khan Bahadur Kazi Abdur Rashid.
(16) Dr. K. S. Ray.
(17) Mr. B. K. Roy Chowdhury.
(18) Mr. S. N. Sanyal.
(19) Mr. J. W. R. Steven.
(20) Dr. Kasiruddin Talukdar.

BGP-44/5-3370A-760

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 40.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 23rd May, 1944, at 1-30 p.m., being the fortieth day of the First Session of 1944, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.), was in the Chair.

QUESTIONS AND ANSWERS

Cyclone over Munshiganj and Madaripur.

167. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that a few days ago a severe tornado passed over Munshiganj and Madaripur, particularly Palong, and that there was a great loss of property and of lives?

(*b*) Will Government be pleased to state how many villages were affected and how many people were injured and how many lost their lives?

(*c*) What would be the approximate loss to property as a result of this tornado?

(*d*) What relief, if any, have the Government so far rendered to the affected persons?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) Yes, a severe hail-storm attended with a violent cyclone passed over certain areas in Munshiganj and Madaripur subdivisions.

	Number of villages affected.	Number of persons killed.	Number of persons injured.
(*b*) Munshiganj	20	Nil	Nil
Madaripur	10	6	109

(*c*) Munshiganj—About Rs.3 lakhs.
Madaripur—About Rs.2 lakhs.

(*d*) Government have sanctioned for each of the subdivisions Rs.50,000 for distribution as gratuitous relief besides a sum of Rs.50,000 for Munshiganj subdivision for distribution as agricultural loans.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether this gratuitous relief of Rs. 50,000 for Munshiganj has been actually distributed?

The Hon'ble Mr. TARAK NATH MUKERJEA: The relief has been sanctioned and the Collector, I am sure, must have distributed it.

Mr. LALIT CHANDRA DAS: That is his opinion; but has the Hon'ble Minister enquired or tried to know whether the gratuitous relief was actually distributed?

The Hon'ble Mr. TARAK NATH MUKERJEA: The amount is being spent and, in fact, the Collector has written to us for more money.

Mr. HARIDAS MAZUMDAR: Has any press-note been published regarding the distribution of this gratuitous relief?

The Hon'ble Mr. TARAK NATH MUKERJEA: There was no need for that. This news was published in the Press.

Point of Privilege.

Mr. HARIDAS MAZUMDAR: On a point of order or of privilege, Sir.

Mr. PRESIDENT: Is it a point of privilege or a point of order?

Mr. HARIDAS MAZUMDAR: Of privilege, Sir. Under rule 24 of the Procedure Rules, we are allotted one hour for questions and answers and this is a very valuable right and privilege of this House. We thereby not only elicit important information but we also suggest action by Government action; and with reference to rule 31——

Mr. PRESIDENT: What is your point?

Mr. HARIDAS MAZUMDAR: The point is that our privilege is being interfered with. Sufficient number of questions are not being answered everyday with the result that the time allotted for questions is being utilised by Government for transacting official business. I want to know whether this is due to the Hon'ble Ministers not caring to answer the questions or whether it is due to the paucity of questions.

Mr. PRESIDENT: The rule does not contemplate that full one hour should be devoted to questions. It only provides that questions will take up to one hour and not beyond that; and it depends upon the number of questions that are ready. Questions are at first dealt with by the Council Department and then sent to the administrative departments concerned which are expected to answer them as quickly as possible. There is a certain amount of accumulation. But that question has been discussed in this House more than once. What is your point of privilege?

Mr. HARIDAS MAZUMDAR: Sir, we are entitled to take up full one hour for questions. But for some reason or other, we cannot utilise this privilege. It might be due to paucity of questions or it might be due to negligence on the part of the Ministers to answer questions. But we are entitled to have one full hour for dealing with questions.

Mr. PRESIDENT: You know, Mr. Mazumdar, that lists of outstanding questions are being circulated from time to time. So from that you can infer that there is accumulation. It is not possible to answer all questions within a limited time.

Mr. HARIDAS MAZUMDAR: There is another point. This is a long session and questions should also be admitted in large numbers.

Mr. PRESIDENT: How can questions be admitted in large numbers. There is a quota fixed for each member. Certainly the Chair has the discretion to admit questions in excess of this quota and this discretion is used with reference to the importance and urgency of the questions. The rule cannot be relaxed as a matter of course. What is your suggestion?

Mr. HARIDAS MAZUMDAR: My suggestion is that sufficient number of questions should come before the House with answers, so that with the supplementaries we can utilise full one hour, as is provided for under the Rules. That is my point.

Mr. PRESIDENT: You mean that Government should try to expedite the answers to questions. That is your suggestion. Is it?

Mr. HARIDAS MAZUMDAR: Yes, Sir, that is the suggestion.

Mr. PRESIDENT: But that question has been discussed more than once in this House. So I do not think that it is a point of privilege.

Mr. HARIDAS MAZUMDAR: My point is that full one hour should be devoted to questions.

Mr. PRESIDENT: I do not agree with you that full one hour must be devoted to questions. You are confusing the issue.

Mr. HARIDAS MAZUMDAR: No, Sir. There is not the least confusion in my mind.

Mr. PRESIDENT: What you mean is this: that the Ministers should be ready with their answers to questions so as to allow this House the privilege of devoting at least one hour to questions. But it depends on the number of questions and it also depends on the capacity of Government to reply to the questions. It may be necessary for them to refer the questions to the District Magistrates and to authorities outside Calcutta. So there cannot be any hard and fast rule on that point. Every day Government cannot be ready with replies to questions which must occupy one full hour. I cannot, therefore, take it as a point of privilege.

Mr. HARIDAS MAZUMDAR: I shall point out on a future occasion and cite instances where outstanding questions can be replied to here and now but they are being put off by the Ministry——

Mr. PRESIDENT: That cannot be a matter for discussion on the floor of the House. It is the privilege of members to put questions and it is the duty of the Government to reply to them. If they do not discharge their duty, then it is for the House to take what action it likes. I, however, cannot regard the question raised by you today as a point of privilege and therefore I am not prepared to give a ruling on it.

Mr. LALIT CHANDRA DAS: At the same time——

Mr. PRESIDENT: Order, order, I am now passing on to the next item.

Mr. BANKIM CHANDRA MUKHERJEE: On a point of information, Sir.

Mr. PRESIDENT: What is it about?

Mr. BANKIM CHANDRA MUKHERJEE: Under rule 95 of the Rules, may I enquire of the Hon'ble the Leader of the House as to what action

was taken on the resolution regarding the Hindu Intestate Succession Bill requesting the Government of India, through this Government, to postpone the consideration of the Bill?

Mr. PRESIDENT: Is it the information that you wanted the other day?

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN: Sir, under rule 95(2) of the Procedure Rules of this House, I beg to reply that a copy of the resolution has been sent to the Government of India for necessary action.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. PRESIDENT: The next item on the agenda is the motion for consideration of the Bengal Agricultural Income-tax Bill, 1944, as passed by the Assembly. Mr. Goswami.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I beg to move that the Bengal Agricultural Income-tax Bill, 1944, as passed by the Bengal Legislative Assembly, be taken into consideration.

The Bill has been in the hands of Honourable Members for some days. The main features of the Bill have been known to the public for some months. I shall at this stage, therefore, refer only to the fundamental principles of the Bill. The basic features of the Bill will be found in clauses 3, 6, 7 and 8 and in the Schedule.

Its first important feature is that it seeks to tax income actually received and not income merely accrued. Rent due to the landlord will be taken into consideration for purposes of taxation, only when it has been actually received by them and not at the stage when it has merely accrued to them. In this respect, the Bill follows the Bihar and Assam Agricultural Income-tax Acts, but differs from the Indian Income-tax Act which goes by the accrual concept of income.

The second important point about the Bill is that it seeks to tax only such agricultural income as is derived from lands situated in Bengal. It does not propose to tax agricultural income received by a resident of the province from lands situated outside the province. Thus, that portion of a landlord's income derived, for instance, from his estates in Orissa, Bihar, or Assam will not be taken into consideration in the computation of his taxable income. In this respect also the Bill has a more restricted scope than the Indian Income-tax Act.

The third important point is that the Bill seeks to tax net incomes only. The net income is arrived at after deducting from the gross receipts such allowances as are admissible under clauses 6 and 7. It is only when a man's net agricultural income, as so computed, exceeds Rs. 3,500 a year, that he becomes taxable according to the rates mentioned in the Schedule. In the case of individuals and Hindu undivided families whose only source of agricultural income is direct cultivation, there is a further exemption limit of one hundred bighas of land. This will operate like a statutory presumption that a person having 100 bighas of land in *khas* possession and

having no other source of agricultural income is always below the exemption limit. It is also to be noted that the agricultural income of Trust properties dedicated to charity, completely or partially, is not taken into consideration in the computation of taxable agricultural income to the extent that such income is actually applied to such charity.

The fourth important point about the Bill is that in respect of agricultural income derived from tea, the computation made by the Central Income-tax Department, according to the Indian Income-tax Act, is to be followed. The Central Department determine the whole of the income of a tea company and levy the Central tax on 40 per cent. only of the income so computed, leaving out 60 per cent. as agricultural income. We propose to levy our tax on the portion so left out. Thus, the computation in this case will practically be made by the Central Department according to the principles of the Indian Income-tax Act. This will be advantageous both to the provincial Government and to the assessees. I may also state that there is no escape in law from this arrangement.

The fifth important point about the Bill is that the shareholders, partners or members, as the case may be, of companies, firms and associations of individuals are taxed at the source. The tax is collected from the latter at the maximum rate, the shareholders, partners or members, as the case may be, being entitled to receive refunds on the basis of their total world income.

The sixth important point to which I would draw the attention of the honourable members is the rate of taxation. The rates follow the *slab* system and are lower than the Assam rates. The rates are, of course, very much lower than the Indian Income-tax rates. Moreover, no super-tax is proposed to be imposed. Our rates, however, are generally higher than the Bihar rates which follow the "*step*" system, though in certain instances the Bengal rates are more favourable than the Bihar rates also. On the whole, it must be admitted that the rates are very fair, if not altogether mild in these days of severe taxation.

The seventh point which must be noted is that, subject to the basic principles I have already indicated, the Bill generally follows the Indian Income-tax Act, though the Assam and the Bihar Acts have also been freely drawn upon.

Lastly, I would draw the attention of the Honourable Members to the repeated findings of expert bodies like the Indian Taxation Enquiry Committee or the Bengal Land Revenue Commission that the Agricultural Income-tax is a very equitable tax. About the equity of the tax, there can now be no doubt. And about the need for additional revenue, I need hardly add anything after what I stated in connection with the Budget.

Sir, this is all that I need say to this House of Elders about the general principles of the Bill. The details will, of course, be gone into when we take up the consideration of the Bill, clause by clause.

Mr. PRESIDENT: Motion moved: that the Bengal Agricultural Income-tax Bill, 1944, as passed by the Bengal Legislative Assembly, be taken into consideration.

Now, there are three classes of amendments, namely, for circulation, for referring the Bill to a Select Committee and for *referring the Bill to* a

Committee of the whole House. What I propose to do is this: there would be discussion on each class of amendments separately and there would be voting on each of the motions moved.

Mr. LALIT CHANDRA DAS: Sir, I want to oppose the consideration of the Bill and I hope you will permit me to do so. I want to speak opposing the motion for consideration of the Bill. I have given notice of an amendment opposing the motion for consideration. I think, Sir, I have a right, an inherent right, to oppose the consideration motion.

Mr. PRESIDENT: It has been the practice always that when a substantive motion is moved and amendments thereto are tabled, then there is a discussion on both together. I see you have given notice of other amendments.

Mr. LALIT CHANDRA DAS: I have given notice of other amendments and I shall move them if the consideration motion is passed.

Mr. PRESIDENT: But as it is a negative motion, it cannot be admitted.

Mr. LALIT CHANDRA DAS: But, Sir, I have an inherent right to move a motion for refusing consideration; and only when that motion fails, the other amendments will come in.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, rule 43(2) states that "An amendment may not be moved which has merely the effect of a negative vote". So, the honourable member will have the right to oppose consideration at the final stage of the Bill.

Mr. LALIT CHANDRA DAS: Yes, but I think, I have got an inherent right to oppose this measure being taken into consideration at all——

Mr. PRESIDENT: I have understood your point——

Mr. LALIT CHANDRA DAS: Let me explain it, Sir.

Mr. PRESIDENT: Please do.

Mr. LALIT CHANDRA DAS: Supposing, I am allowed to speak opposing the consideration of the Bill and I divide the House, then how can the other amendments come in? So I want to speak opposing the consideration motion.

Mr. PRESIDENT: Mr. Das, first let me explain what I think in the matter. The position is: that Mr. Goswami as the Minister in charge of the Bill has moved his substantive motion. Then there are certain amendments which will have to be moved and put to vote first. If the amendments are defeated, then of course finally the substantive motion will have to be put to vote. You can express your own view by speaking on any of the amendments.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, Mr. Das is trying to have the decision of the House first as to whether the Bill is to be taken into consideration. If this is done, then where is the scope for the other amendments? Supposing, his negative amendment is defeated and other positive amendments are passed, then what will happen? That is why there is a rule in every House that amendments must come first.

Mr. LALIT CHANDRA DAS: Sir, there is the substantive motion for taking up this Bill into consideration, and I rise up to speak against it.

Mr. PRESIDENT: Don't you follow what Mr. Choudhury has just now said? Suppose, there is vote on the substantive motion and if your amendment is defeated and Mr. Goswami's motion is carried, then where is the room for amendments?

Mr. LALIT CHANDRA DAS: No, Sir. What I say is——

Mr. PRESIDENT: I am sorry, Mr. Das, I cannot go on arguing. I will now call upon the movers of the circulation motions to move their amendments first, because those amendments are the widest. Mr. Lalit Chandra Das, Mr. Shrish Chandra Chakraverti and Mr. Mungturam Jaipuria and Mr. Bankim Chandra Mukerjee——

Mr. HARIDAS MAZUMDAR: Sir, amendment No. 2 stands in my name.

Mr. PRESIDENT: I am sorry. Amendments Nos. 2-3, 4-6 and 7 are amendments for circulation of the Bill. They have different dates, but dates are immaterial at the present moment. I first call upon Mr. Haridas Mazumdar to move his amendment, so that the other movers can speak without moving their amendments. Mr. Haridas Mazumdar.

Mr. HARIDAS MAZUMDAR: Sir, the amendment that stands in my name proposes that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1944.

Sir, this Bill may be better defined as the Bengal middle-class peasantry-destroying Bill. The present Ministry will go down in history as the most irresponsible body of men that was ever entrusted with the task of administering a vast area. After a terrible famine it makes an attempt at taxing agricultural income which, except for two short periods totalling 9 years, has gone tax-free since 1793 when the great Lord Cornwallis conferred Permanent Settlement on Bengal,—a system of land tenure which according to economists like the late Mr. Ramesh Chandra Dutta was the most beneficial to Indian conditions and worthy of introduction in areas where it was not in vogue. I do not like to go into the merits or demerits of the system at present which has been successfully sabotaged by different amendments of the tenancy law in Bengal. The present Bill lays the axe at the root of the economic structure that has grown up in this province during the long period of 150 years and by taking out large slices of zamindars' income will compel them to sell their estates even at the unjust and inequitable price recommended by the Floud Commission. Sir, the need of the hour is retrenchment, drastic economy in our provincial budget with a view to relieving the heavy burden of taxation borne ultimately by the agriculturists. If any one of the ability of the late Lord Inchcape examine the working of our departments of Agriculture, Industry and Co-operation, Medical Relief and Public Health and Education, he will be convinced that the benefits accruing to the people from them are not at all commensurate with the heavy expenditure incurred and that Bengal will ultimately gain if these departments be altogether abolished and taxation reduced in that proportion. These departments may be compared to the gardens of Calcutta's rich men in the suburbs which only make a weekly present of brinjals or boquet of flowers to the owners and do not cover even the wages of the "*malis*". In the days of the Lieutenant Governors,

Bengal minus Eastern Bengal, Bihar and Orissa was administered at a police expenditure of less than Rs. 85,000 a year, while we are now spending more than 3 lakhs for a police which could not prevent the disappearance of stocks of rice last year from this second City of the Empire after the maximum price of rice was fixed by Government. This costly House of the Legislature and an army of do-nothing Ministers and Parliamentary Secretaries ill suit a poor province which has the greatest density of pupulation in India. It is an irony of fate that successive Ministries elected to the legislatures under the Government of India Act, 1935, instead of pruning wasteful expenditure have gone on increasing the volume of the annual budget till the revenue now reaches a record figure, viz., 21 crores and 97 lakhs. Deducting all expenses necessitated by the war and famine and treating the budget as a normal peace-time one, we find that the expenditure even on the ordinary basis is 18 crores. As recently as 1933-34, it was only 9 crores. The present state of things cannot go on for any length of time and I can visualise the next general election being held on the main issue of a 10-crore budget. The present Ministry and their supporters should remember that the day of reckoning will come and they will have to face their electors with their present record. As soon as taxation is reduced, the countryside will brighten up and money saved will be increasingly spent upon food, clothes and houses, education and medical aid. In the present Bill, income exceeding Rs. 3,500 only is charged. But at this time of high prices when a piece of cloth is selling at 5 times the pre-war price, when corrugated sheets which inadequately roof the huts of the peasants may be weighed in gold, how can the middle-class peasants or *bhadralog* families keep body and soul together on Rs. 300 a month?

The prices of agricultural products have gone up but not in the same proportion as those of industrial goods. Again, the income of rent-receivers is inelastic and these people who chiefly brought succour to poor people in villages during the famine will now be hit hard so that if the situation deteriorate and another famine break out,—the possibility of which is not remote as stated by Dr. Bidhan Chandra Roy in a recent meeting at Bombay where the *ukase* of our Ministers cannot reach,—there will be none to help the poor in the countryside and Bengal will be depopulated. Even now the small rent-receiving landlords are keeping their kith and kin alive with monetary help to buy rice at five times the normal price. The condition of the lower middle-class, consisting of poor *bhadralogs* and artisans and of landless labourers who have managed to survive up till now, is in a sense worse than even during the famine. In those days they sold their gold and silver trinkets and in some cases homesteads and utensils. I know of villages in various districts where *bhadralogs* after selling their *ghati bati* are now taking food on plantain leaves. Last year they bought rice at Rs. 40 per maund and got fuller meal than now when they cannot buy rice at Rs. 16 and have to remain content with half ration. These people depend on the assistance of the more prosperous relatives whom the Finance Minister now wants to bleed.

With the passag. of time and subdivision of property from generation to generation, rich landlords have become handful in number and there has arisen a large middle-class with a secure income, which is the condition

precedent to social, literary and educational advancement of any country. The political importance of such a middle-class cannot be exaggerated. Without it, representative Government cannot be successfully conducted. Every Bengal "squireen" has just enough to educate his sons with, but not enough to induce them to lead an idle life. They, therefore, display something of the proverbial keenness and enterprise of the younger sons of the English aristocracy. The present Bill will supplant this class. Those Muhammadans who are keen on attacking the zemindary system and imposing tax on agricultural income in the belief that by so doing they will weaken the Hindus——

Khan Bahadur M. A. MOMIN: On a point of order, Sir. Is the honourable member in order to say that the Muhammadans are attacking the zemindary system and so on?

Mr. HARIDAS MAZUMDAR: I am showing that the number of rich zemindars being extremely small, the onslaught will come upon that growing class of middle-sized Muhammadan zemindars ——

Mr. PRESIDENT: Will you kindly repeat what you said?

Mr. HARIDAS MAZUMDAR: The number of rich zemindars being extremely small, the onslaught will come upon that growing class of middle-sized Muhammadan zemindars,—a new, salutary factor in Bengal's rural economy, who will at no distant date form a united front with the prosperous Hindus on the economic issue and put up a fight against the foreign exploiter.

If the present tax be not imposed, the number of Moslem zemindars and *jotedars* will increase by leaps and bounds. If, however, the Bill is passed, a great opportunity coming for the first time to my Moslem brethren since the establishment of British rule will be lost.

After the tax is collected, our Muhammadan brethren will see what portion of it comes from their co-religionists. Sir, I have held the view for many years that the only way of safeguarding the Hindu wealth is to create a prosperous Muhammadan class——

Mr. KADER BAKSH: On a point of order, Sir. The honourable member is bringing in the question of the Hindus and the Muhammadans. It is a question of how the Bill would affect the country and not how it would affect a particular community or a particular class but the people at large. That should have been his point and he should have spoken on those lines

Mr. PRESIDENT: What is your point of order? Every member has his own point of view regarding the subject. Perhaps he is approaching the matter from a different angle.

Mr. HAMIDUL HUQ CHOWDHURY: Certainly, the honourable member can incite a section of the Muhammadan community, but the most he can say that——

Mr. HARIDAS MAZUMDAR: As I was saying, Sir, the present Ministry has legalised the tyranny carried on for decades by a small number of jute mills, 90 per cent. under British management, on millions of jute-growers, 90 per cent. Muhammadan, by fixing by Statute the average price

of 35 seers of jute at Rs. 14-8 and that of 100 yards of hessian requiring those 35 seers for manufacture at Rs. 28. It has thus rendered the windfall of 1925 when jute sold at Rs. 25 impossible. A simple working of the Rule of Three will show that the loss of agricultural income to Muhammadan cultivators in respect of the present jute crop is not less than 40 crores of rupees. The salary of 7 Muhammadan Ministers is not more than 3½ lakhs of rupees per year and for this they make a present of 40 crores of rupees to foreign exploiters whose 30 votes are their sheet anchor. Disregarding 40 crores they now want to tax a total taxable income not exceeding 11 crores which is distributed among and enjoyed by thousands of the children of the soil.

A sharp line of distinction has been drawn between agricultural income from rent or revenue and agricultural income from agriculture. The man who cultivates land with the help of hired labourers is under the Bill entitled to more privileges than he who cultivates under the *bhag* system. The result of the Bill will be that the class of landless labourers which is a disquieting feature of modern Bengal will be augmented.

The high rate of taxation specially on larger incomes will have the effect of partitioning estates which all economists condemn. The growing evil in Bengal for the last 50 years has been emigration of men to towns. By taxing the comparatively prosperous agriculturist who stays in the village and the zemindar whose manor consisting of a school, dispensary and temple is an oasis of culture amidst a dead level of ignorance and poverty, the Bill will reduce Bengal to barbarism. The zemindar and the prosperous agriculturist are still the salt of this earth, and if I had the power I would not allow the Finance Minister to touch their income even with a pair of tongs.

Before discussing the exemption of British tea-companies from the tax, I would quote the following remarks made by a notable Indian genlteman in regard to credit granted by the Imperial Bank of India:—

".....I should like to express the common belief—for which there is good foundation in actual facts—that racial and political discrimination is made in the matter of credit, and that Indians usually do not receive in matters of credit the treatment that their assets entitled them to; while, on the other hand, British businessmen have frequently been allowed larger credit than what on ordinary business principles they ought to have got.

"Leases have been granted at ridiculously low rents, which cannot be explained away by the plausible theory of development and of the risks of enterprise. There are cases in Assam, for instance, which require examination. I go further: not only would such an inquiry indicate steps that may be taken in the future to safeguard India's interests, it would perhaps reveal cases where the sanctity of existing contract is frequently vitiated *ab initio* by unconscionable favouritism."

Can anybody say who made these remarks as if bursting with holy rage at undue and unjust advantages taken by foreign capitalists in this country?

It is none other than the gentleman who struts and frets before us as Bengal's Finance Minister and now wants to tax poor Ram, Shyam and Abdul earning less than Rs. 300/ a month but would let the British tea-companies rolling in wealth go scot-free. The remarks which I have just

quoted occur in a note appended to the report of the External Capital Committee which concluded its deliberations in 1925. Regarding this note Sir Basil Blackett, one of India's able Finance Member, had to submit another note which contained the following:—

"At no time during these meetings (*i.e.*, of the External Capital Committee) did he (*i.e.*, Mr. Goswami) make any mention whatsoever of his present allegations regarding racial and political discrimination in the granting of credit and of favouritism in the granting of leases."

What Sir Basil Blackett objected to was an act of bad faith and this illustrates the soundness of Mahatma Gandhi's teaching that we should always prize truth above patriotism; because one possessing a scant regard for honour while playing to the gallery now as a patriot, is very likely to become a turncoat in a few year's time. Commercial discrimination in favour of British tradesmen against which Mir Kasim fought and lost his throne and Bhudeb Mukherjee, Ranade, Ramesh Chandra Dutt, Dadabhoy Nooroji, Gopal Krishna, Gokhale, H. H. Wilson and William Digby wrote and spoke volumes is now being practised by a Ministry responsible to an elected legislature and this fact in itself would at first sight prove the incompetence of Indians or at least of Bengalees for democracy. But such perversity of human nature is unbelievable. Sixty million of creatures whom God created after His own image cannot be so low, cringing and bowing as to lie at the proud feet of a conqueror and consider such a state as bliss and, more than that, give him a *carte blanche* to exploit them to his heart's content without making any compensation whatsoever and all this at a time when famine has carried away 35 lakhs of their brethren. Not to speak of Bengalees, even Zulus and Hottentots would not do so. How is it then that our Legislative Assembly composed of 220 Indians out of a total of 250 has passed what will easily rank as the most servile piece of legislation in history? If by ill luck during the early days of this war Britain which had darkness before and danger's voice behind were conquered by Germany and if a British Legislature set up by the conqueror and composed of 220 Britons and 30 Germans passed a taxation Bill exempting Germans on the ground that German coal companies working in Newcastle had to pay a tax in Germany, what would the world think of those Britons one of whose poets sang:—

> Breathes there a man with soul so dead
> Who never to himself hath said
> This is my own, my native land?

The reason why such a Bill could come up here in this shape is that communal electorates are the negation of democracy, nay of humanity itself. Only the other day I discussed how the Scheduled Caste M.L.A.s failed to return their expected quota of castemen to this House in repeated elections. Let us now turn our eyes to Muhammadans. It is very difficult to find out a communal crop under the sun. But there is one such crop. It is jute, at least 90 per cent. of jute-growers, as already stated, being Muhammadans. What I have said goes to prove conclusively that a man's communal ticket is the very reverse of a safeguard for protection of communal interests.

Communal virus is a poison and cannot do any good to the body politic. As soon as a man becomes communal-minded, he descends to a lower plane——

Mr. KADER BAKSH: On a point of order, Sir——

Mr. PRESIDENT: Mr. Mazumdar, I think you are deviating from the motion before the House.

Mr. HARIDAS MAZUMDAR: I am speaking on the principle of my amendment.

Mr. KADER BAKSH: Sir, the motion before the House is the motion for circulation: how are all these things relevant?

Mr. HARIDAS MAZUMDAR: Sir, I am coming to that; I am simply developing my argument at the present moment.

Mr. PRESIDENT: Please do so.

Mr. HARIDAS MAZUMDAR: All right, Sir. A man fired with patriotism is the saviour of Hindus as well as Mussalmans; but a man fed upon communalism cannot do any good to any community. In guiding the affairs of human society, nothing but the very best has any value. It is true that the Assam Legislature passed an Agricultural Income-tax Act, but in that province the tax is paid by less than 600 persons of whom 500 are proprietors of tea gardens and only 100 are landlords. The yield of the tax in Assam is 27 lakhs. In Bihar, it is 17 lakhs and in Bengal it is not expected to go beyond 30 lakhs. What does this come to in comparison with the province's total revenue of nearly 22 crores? It comes to less than two per cent. And it is for this that the Government is going to tease the peasantry out of existence as was done in the case of the cadastral survey. For, in the case of cadastral survey, the *amins* become practically the terror of the land and so here also the income-tax officers will be the terror of the peasantry in the rural area. You will find that according to the census of 1931 the number of landlords in Bengal is 678,000. Dividing the number of *raiyatwari* rentals of 11 crores by the number of landlords' estates, it appears that the landlords get Rs. 162 on an average only. The electoral roll for the landholders' constituency for the Bengal Legislative Assembly, too, does not come to much. The number of voters does not exceed 400 and the franchise qualification, too, is not high. It is payment of land revenue or rent amounting to Rs. 3,000 in the Burdwan and Presidency Divisions and Rs. 2,000 for the Dacca, Rajshahi and Chittagong Divisions. The number of these landlords being limited, the greater portion of the tax will be collected from the middle-class and the cost will not be commensurate with the resulting income. These are my views on this Bill. So for the sake of justice and for the sake of the fact that the Bill has been passed by the Assembly which has outlived its normal life, I am of opinion that it should be circulated for public opinion particularly——

Mr. PRESIDENT: What did you say about the Assembly, Mr. Mazumdar?

Mr. HARIDAS MAZUMDAR: The Bill has come from the Assembly and therefore we are entitled to say that——

Mr. PRESIDENT: You are not entitled to say all that. There should be no reflection on the other House here——

Mr. HARIDAS MAZUMDAR: Not exactly an observation of any unfavourable nature, Sir.

Mr. PRESIDENT: Yes, I heard you say that the Assembly had outlived its normal life; did you not say so?

Mr. HARIDAS MAZUMDAR: Yes, I said so.

Mr. PRESIDENT: I may tell you that it is not the practice for one House to make any reflection on the other.

Mr. HARIDAS MAZUMDAR: Not an aspersion, Sir, but it is a fact that the Assembly has——

Mr. PRESIDENT: It may be a fact but it is against Parliamentary etiquette to say so.

Mr. HARIDAS MAZUMDAR: I may assure you, Sir, that I am not casting any aspersion on any House.

Mr. LALIT CHANDRA DAS: Is an honourable member not entitled to say that the Bill has been passed by the Assembly which has outlived its life?

Mr. PRESIDENT: Don't you agree with me, Mr. Das, that it is better to avoid such expression of opinion?

Mr. LALIT CHANDRA DAS: But is he not entitled to say that the Assembly has outlived its life? I do not understand how it is unparliamentary.

Mr. PRESIDENT: May not be quite unparliamentary but it has been a well-established convention not to express any opinion regarding the other House.

Mr. LALIT CHANDRA DAS: It is not an expression of opinion, but it is a matter of fact that the Assembly has outlived its normal life.

Mr. PRESIDENT: What Mr. Mazumdar really meant to say is that the Assembly had outlived its normal life and therefore any Bill passed by the Assembly should be circulated for public opinion: that is what he meant to say, and by saying so he has challenged the representative character of the other House, which he should not do.

Mr. HARIDAS MAZUMDAR: I had no intention of challenging the representative character of the other House: that was furthest from my mind.

Mr. PRESIDENT: But that is the inference that the other House would draw.

Mr. HARIDAS MAZUMDAR: I said the Assembly has outlived——

Mr. PRESIDENT: You should withdraw any expression of opinion about the other House.

Mr. LALIT CHANDRA DAS: Sir, I am in some confusion so far as this point is concerned. Is he or is he not entitled to say that the Assembly has outlived its normal life and hence the Bill should be circulated for

public opinion? It may be that at the back of this expression there is an implication that it has outlived its utility—but it may or may not be so. But would he not be within his rights to say that?

Mr. PRESIDENT: If you ask for my opinion Mr. Das, my opinion is this—that by mentioning that the other House has outlived the normal life the honourable member really means that the other House does not represent public opinion, and that is the reason why the Bill should be circulated for public opinion—because the Bill has not the support of the public at large. I would ask Mr. Mazumdar to avoid that sort of observation.

Mr. HARIDAS MAZUMDAR: All right, Sir. As I was going to say, as it is a very important measure affecting the prince and the peasant alike, it should go to the outside public for eliciting opinion thereon so that in the light of public opinion we might be guided. With these words, I commend my amendment to the acceptance of the House.

Mr. LALIT CHANDRA DAS: Sir, I want to speak on this motion.

Mr. PRESIDENT: You may move your amendment at this stage and speak on it.

Mr. LALIT CHANDRA DAS: All right, Sir. I beg to move that the Bengal Agricultural Income-tax Bill, 1944, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1944.

Sir, I would be brief and I would not refer to the whole history behind this Bill. But there are certain points in this Bill which require clarification and for which it is essential that it should be circulated for eliciting the opinion of the public. First of all, I desire to emphasise the fact that the Bill is inopportune and has been brought at a time when it should never have been brought. Sir, there are certain provisions for which the expression of public opinion is greatly needed. The taxable minimum has been fixed at Rs. 3,500. Should it remain so or should it be higher or less—that is a point on which we should like to have public opinion. Another point which is very important in this connection would be: how the public would take to section 46(*a*),—now section 49,—wherein European merchants have been allowed exemption under certain conditions. We should like to have public opinion on this point. Then again——

Mr. W. B. C. LAIDLAW: On a point of information, Sir. I do not follow what the honourable member actually means by the expression "exemption".

Mr. LALIT CHANDRA DAS: Regarding exemption, so far as the European merchants are concerned, if you pay income-tax in England for any income derived in Bengal, you shall not have to pay income-tax here in view of the exemption provided for under section 49.

Mr. W. B. C. LAIDLAW: That is wrong.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: That is absolutely incorrect.

Mr. LALIT CHANDRA DAS: Anyway, there is that provision in section 49 and the public can very well be invited to express their opinion upon it. There is another thing. I want to know whether this tax is going to be imposed from April, 1944, or from a later date. We all know how the people have been very badly and terribly hit by the famine of last

year. The people have been still suffering from the after-effects of that famine. Quite a large number of persons have passed away, several lakhs died of diseases due to starvation. Many lakhs of people have sold their lands and homesteads for the purpose of keeping body and soul together. Government has recognised this and has actually passed a legislation by which all lands whose sale-price does not exceed Rs. 250 would be got back. But, Sir, that Bill does not even touch the fringe of the problem. All these bespeak the condition in the country which do not justify at all the imposition of a measure like this.

Moreover, I desire to point out that Bengal is really in the war zone. It is suffering terribly on all counts. So far as the question of taxing the income from the lands of Bengal is concerned, the reason given in the Statement of Objects and Reasons is not sufficient. It has been stated there that the Government want money; and so the Bill has been brought to add to the revenues of Bengal. I again submit the Bill is not at all justified. Sufficient retrenchment has not been made by the Government. Bengal did its level best to yield as much revenue as it could during the past two years. From Rs. 16½ crores the revenue has gone up to Rs. 23 crores and the expenditure flared up to Rs. 32 crores in 1943-44. What is this excess expenditure due to? I think it is mainly due to famine and extraordinary charges in India. Famine is the off-shoot of war and war being a Central subect the deficit ought to be met by the Government of India. Any money which comes out of the agricultural income-tax should not be spent for the purpose of meeting a deficit like this. There is another point which ought to be remembered in this connection, and that is the recommendation of the Floud Commission. The Report recommended that if it is necessary that the agricultural income should be taxed, care should be taken to see that the money so realised is applied *solely* for the purpose of improving agriculture or other operations connected with agriculture. The Finance Minister has actually said in another place and on another occasion, I will not mention the place, that it is bad finance to ear-mark the proceeds from a certain tax for a particular purpose. If the remark of the Hon'ble the Finance Minister be right, why then the Floud Commission made the above suggestion? As I have already said, the country is passing through a bad time and no undertaking has been given by the Government that the amount thus collected will be ear-marked for the purpose of improving agriculture. So we would like to know what the public want to say in regard to this Bill.

Now, Sir, I do not deny that agricultural income should be one of the principal sources of revenue and that it should be utilised to the fullest extent But the question is: is the time opportune or is it inopportune? Let the public say whether this time is opportune or whether it is inopportune. I say it is inopportune. Then, Sir, so far as this matter of the agricultural income-tax is concerned, even though we say that it ought to be the principal source of revenue, I say, Sir, that public should be asked to express opinion as to whether they should have it now or they should have it after the cessation of the war. Bengal cannot return to normal condition till the war is at an end. Bengal is passing through extraordinary times. Under these circumstances, it should not be asked to yield revenue out of its agricultural income, particularly when the same is proposed to be utilised

for purposes other than that on which the Floud Commission insisted. This money, Sir, if placed at the hands of the present Ministry, I have no doubt, will be misspent—or spent for purposes for which it ought not to be spent. For all these reasons, I urge that this Bill should be circulated for the purpose of eliciting public opinion.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that the Agricultural Income-tax Bill, 1944, be circulated for the purpose of eliciting public opinion by the 30th June, 1944.

It may be asked why I move for circulation of the Bill when the question of assessing income-tax on agricultural income is pending for a long time before the public, having been published in the *Calcutta Gazette* on the 26th August, 1944. I would like to amplify my reasons one by one. In the first instance, I would like to point out that the raising of tax on agricultural income is a novel method which has been resorted to by some of the provinces in India. The general income-tax being a Central subject, the provinces have, no doubt, been authorised under the Constitution Act to raise tax on agricultural income only. If we look to the history of the introduction of income-tax in detail, we find that the income-tax was introduced in England for the first time in the year 1799 and again in the year 1803. The tax at varying rates continued to be in force until the year 1815 when it was dropped for good. It was again imposed in 1842, after 27 years, by Sir Robert Peel and has thenceforth continued down to the present time. Since 1860 the tax has been imposed for a single financial year only and is, therefore, an annual tax. As an matter of fact, the tax is revised every year. Here, we are going to place the tax as a permanent measure on the Statute Book. I think the Hon'ble the Finance Minister should consider whether in view of the emergency that has arisen on account of the deficit in the Budget of the present year, this tax could not have been imposed temporarily for one year only.

I would now refer to the various considerations which the British Exchequer took into account when imposing the income-tax on the inhabitants of Britain. If we look to the Income-tax Act for the year 1918, we will find that there are various schedules for charging the income-tax. Schedule A charges the profits derived from property or ownership in lands, tenements and hereditaments, corporeal and incorporeal. Schedule B charges the profits from the income on lands, but not on dwelling house other than farm house nor from incorporeal hereditaments. The British Exchequer is careful enough to avoid imposing any tax on dwelling houses on the basis of its letting value, as is the case with the Indian Income-tax Act. Schedule C charges interests, annuities, and dividends payable by British, foreign or Colonial Governments. Schedule D charges (*a*) profits arising from professions, trades, employments or vocations, (*b*) profits derived from foreign property, and (*c*) interest on money, annuities and such other annual profits and gains as are not charged under any of the other schedules. Schedule E charges profits arising from public offices or employments of profit and from annuities, pensions or stipends payable by His Majesty out of the public revenues of the United Kingdom except those charged under Schedule C. There is also a super-tax imposed. Now, the Indian Income-tax Act assesses income-tax on almost all these items except

incomes on agricultural land. The reason why income-tax from agricultural land was excluded is apparent, because excepting revenue-free properties all agricultural lands are subject to the payment of revenue to the Government for general administration. Agricultural lands being subject to certain payments to the Government of the country towards defraying the expenses of general administration, no income-tax was imposed. As a matter of fact, that is the whole object of taxing individuals in that they are to contribute towards the expenses of general administration of the country from the income which they derive. The tax or the revenue which Government derives here from agricultural lands in the shape of revenue comes to about 3 crores of rupees. If we look to the report of the Floud Commission, we will find that the total rent derived from agricultural lands in the province amounts to about 13 crores. If we consider the entire amount determined by the Floud Commission as the income from agricultural lands I may say in passing that it will be found that the Floud Commission Report states that after deducting the expenses the net income would be 8 crores - if we consider the entire amount calculated by the Commission as the income from agricultural lands, and consider the revenue that is derived by Government from the same, we will have an idea of the rate at which agricultural lands contribute towards Government expense. If we take the total income at 13 crores, the revenue actually paid here being three crores, it comes to about 25 per cent. of the income of the landlords contributed by agricultural lands for the expenses of the general administration of the country. As a matter of fact,

As a matter of fact it is much more. It really is a double taxation so far as the imposition of a fresh tax on agricultural income is concerned. Now, Sir, in order to consider the justification for an imposition of this kind by the Government, we have to consider various factors. We know for certain that Bengal has passed through a time which is unprecedented in its history, nay, of the whole of India. The distress that prevailed during the last year is well-known to every one of us. It is hardly possible to imagine that the present Government is not aware of the distressed condition of the people of Bengal during the last year and of the fact that they have not yet been able to recover from the effects of the famine of last year. The Hon'ble the Finance Minister stated in his Statement of Objects and Reasons to the Bill, as originally published, that the tax is being imposed because additional revenue is urgently needed and because they consider that it is equitable to impose such a tax. I wonder on what basis the Hon'ble the Finance Minister states that it is equitable to impose such a tax in the present year. In his budget statement the Hon'ble the Finance Minister disclosed in this House that there was a deficit of over 14 crores of rupees and that he proposed to raise a portion of the deficit by additional taxation and for that purpose the sale tax was doubled and the present Bill is another. If we look to the budget statement of the Hon'ble the Finance Minister, we would find that he stated that he wanted to realise tax on agricultural income, in order that a part of the benefits of inflation which the cultivators are reaping should come to the Government.

Let me take up the question as to whether really the people of Bengal generally have benefited by the so-called inflation. I would like to ask the

Hon'ble the Finance Minister, how many cultivators out of the six crores of the inhabitants of Bengal have benefited by the so-called inflation; and I would like, in the second instance, to ask the Hon'ble the Finance Minister as to how many of the cultivators, from whom he wants to raise the proposed agricultural income-tax, have benefited by the so-called inflation? It would, I believe, be admitted that only a few persons who are engaged in war contracts have got an inflated income; but that income is subject to a very heavy income-tax. So far as the cultivators and landlords who would be hit by the present Bill is concerned, I may say with confidence that very few have been benefited by the present inflation. It may be suggested that the agrreculturists are selling their produce at an exorbitantly high rate and as such they have been benefited by the inflation as well. Now, let us look to this aspect of the question a little more closely. There is no doubt that the price of rice, the staple produce in Bengal, has increased considerably; but may I ask the Hon'ble the Finance Minister to consider how many of those cultivators, whom he proposes to tax, have got any surplus after meeting their own requirements to be sold to the public so as to enjoy the benefits of the inflation? I have no doubt the Hon'ble the Finance Minister will find that their number would be very few In the next place, I would ask the Hon'ble the Finance Minister to consider the question as to what these unfortunate cultivators, who are going to be hit, require to meet the bare necessities of life after paying various other taxes to the Government on account of their lands. The Hon'ble the Finance Minister should consider that they have to pay the Education tax for the primary education of their children. They have to pay Road cess and Public Work cess for the construction of roads and public works in the province. They have to pay the Union Board tax for payment to the "chowkidars" whose ostensible duty is to guard the villages during the night, but who really serve the President of the Union Board, the Police Sub-Inspector and all other subordinate police officers, the Circle Officer, dance attendance on the District Officers when they come on inspection, and guard the passages when a high official like His Excellency the Governor or the Viceroy is on tour.

In this connection, I may mention that I have been informed that a circular has been issued,—this I say on my personal knowledge with reference to the district of Birbhum,—that the Union Board rate should be doubled for payment of increased salary to the "chowkidars". They have to pay, besides these taxes, amounts by way of subscription to the various funds which the District Authorities think fit to impose upon them for charitable, war and entertainment purposes. These constitute practically permanent charges which the unfortunate cultivators and landlords have to pay if they want to live in peace, unmolested by the District Authorities. Over and above these, I have been informed a new kind of *abwab* has been imposed upon the cultivators who have been asked to pay a certain quantity of paddy per acre for starting *dharmagollas* in villages. I have been informed that the Jute Regulation Officers are insisting upon payment of these as compulsory dues. After meeting all these charges which may be said to be charges payable to the government, the unfortunate cultivators and landlords have to think of their own requirements, and

there they will find that they have to purchase every article of necessity at an enormously high price. I have no doubt the Hon'ble the Finance Minister will find that after meeting all these charges, 90 per cent. of the people who are hit by the present bill would have no surplus to pay to the government by way of taxes. I would request the Hon'ble the Finance Minister to consider whether he has taken all these factors into account when he proposed to levy the tax on agricultural income. The limit proposed under the bill, as passed by the Lower House, is Rs. 1,500 in the case of an individual, and Rs. 3,500 in the case of a joint family. I would take up these two limits.

I would like the Hon'ble the Finance Minister to consider whether he has appreciated that the majority of the people who are going to be hit by the proposed tax have to depend entirely on their income from agricultural land and have no other source of income from which they can hope to raise the amount necessary for paying the tax. Now, has the Hon'ble the Finance Minister considered what are the requirements of an individual who is going to be hit by the present tax? If we consider the provisions of the English Act, I am referring to the Income-tax Act of the year 1918, Chapter 40, we will find provisions regarding the principles on which tax is payable by an assessee. With regard to the question of reliefs which a British tax-payer is entitled to obtain, provisions will be found in Part III of the Act under heading "Exemption, Abetment and Relief". Here we find provisions for granting relief to a person whose total income is assessed.

Under section 10, when the income does not exceed £130, the claimant is entitled to exemption from income-tax. Under section 11, when the income exceeds £130 but does not exceed £700, the claimant is entitled to an abetment. When the income does not exceed £400, relief from tax is granted upon £120. If the income exceeds £400 and does not exceed £600, relief from tax is granted upon £100. If the income exceeds £600 and does not exceed £700, relief from tax is granted upon £70.

Now, that is the provision with regard to the tax which is to be raised. Then, we have got a provision with regard to relief in cases of individuals who have got members to maintain. Under section 12, we find that where the income does not exceed £800 and the claimant proves that he has a child or children living under the age of 16 years at the commencement of the year of assessment, he shall be entitled in respect of every such child to relief of a tax amounting to £25. Here, we find a very beneficial provision which the British authorities have incorporated. The assessee under the same is entitled to relief if he has got a child to maintain to the extent of £25 which would be about Rs. 400 per year in India. Under section 13 again, we find that in case when the income does not exceed £800 although exceeding £130 and the claimant proves that he has a wife living with him or in the case where the claimant is a widower, a person being a family relative of his or of his deceased wife is resident with him for the purpose of having the charge and care of any child of his or that he maintains at his own expense any person being a relative of his or wife who is incapacitated by old age or infirmity from maintaining himself and whose income from all sources does not exceed £25 a year, he shall be entitled, in respect of his wife or any such family relative and in respect of each

person whom he maintains, to relief from tax upon £25. Under section 14 again, other relief which is to be granted in addition to reliefs mentioned above are provided for. In cases where the claimant is liable to payment of super-tax, the rate of exemption is larger. In the Act of 1920 there are more liberal provisions. I would like the Hon'ble the Finance Minister to consider whether he has considered this aspect of the matter. It seems to me that he proposes to raise the tax upon all people irrespective of their individual requirements which would cause a great hardship upon people having a large family to maintain. The principle on which income is levied under the British Act seems to be that they want to touch only that portion of the income which comes to him as a surplus after meeting all his requirements from his income. This principle seems to be altogether absent in the proposed Agricultural Income-tax Bill. When we consider that this is really double taxation which can only be levied in case of extreme and unavoidable necessity, he must at the same time consider that he ought not to touch any portion of the income which the assessee will require for the maintenance of himself and his dependents. Sir, it is this principle which I request the Hon'ble the Finance Minister to consider and I want that this Bill should be circulated for the purpose of eliciting public opinion on the question as to whether, having regard to the present time and the provisions generally of the Bill, the public has got anything to say. While we find, Sir, that the Hon'ble the Finance Minister has not taken into consideration the above aspect of the matter, we find in the original Bill, as circulated in the *Calcutta Gazette*, provisions for relief practically for the European community under clauses 47 and 48. The Select Committee of the Lower House omitted these clauses but when it came to the Lower House the European group sought to re-insert these provisions and although the Opposition pointed out that the re-insertion of these provisions would be detrimental to the interest of the Bengal tax-payer, the Government had to accept the amendment. I reserve my opinion on the clauses themselves but I refer this matter at this stage for the purpose of impressing upon the Hon'ble the Finance Minister to consider whether or not it was only fair and equitable that while considering the claim of European tax-payers to relief (I may say at once that they need not have claimed this relief), he should not have given the same consideration for granting relief to the unfortunate cultivators and landlords who are going to be taxed by this Bill. Should he not consider that the people of the country are entitled to live fairly and comfortably on the income which they have earned after hard labour and that they should be asked to pay income-tax only out of the surplus as in the case of the British tax-payer? As a matter of fact, the European group claims relief on the principles of the provisions contained in the British Act. If the European members are entitled to relief on the principle set out in the British Act, I fail to see why the Indian tax-payer should not be given relief which is to be found in the other parts of the same Act. I would like to impress upon the members of the House that we represent constituencies consisting of electorates which would be hard hit by the provisions of this Bill, excepting only a very few people. The fact that the Bill has come out of the Lower House does not relieve us of our responsibility. We, the members of this House, have to explain to our constituencies whether we have placed their grievances with regard to this

particular Bill before this House. As a matter of fact, I would like to impress upon the honourable members who are supporting Government today that in allowing this Bill to be sent out for the purpose of circulation and for eliciting public opinion thereon they are not going against the Government; they would only be voting for a demand which allows the constituencies which they represent to express their views on the provisions of the Bill. I submit that the request which I make should be considered reasonable and this Bill should be sent out for circulation.

Mr. PRESIDENT: Order, order. Three amendments have been moved. One has been moved by Mr. Haridas Mazumdar that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1944; another by Mr. Lalit Chandra Das that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1944, and yet another by Mr. Bankim Chandra Mukherjee that the Bill be circulated for the purpose of eliciting public opinion by the 30th June, 1944.

The amendments are now open to discussion.

(After a pause.)

I take it that there is no speaker. I shall, therefore, call upon the Hon'ble Minister in charge to reply to the various amendments that have been moved.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, Sir, I shall be very brief in opposing the three motions for circulation of the Bill. I do not think any case has been made out for circulating the Bill for eliciting opinion thereon. As I stated at the outset, the main features of the Bill have been before the public for several months and it was carefully considered in one Select Committee somewhere.

As regards the accusation that the Bill, as settled in another place, seeks to exempt the European tea-garden owners from this tax, I wish to say emphatically that not only have we not given any exemption in favour of European interests, but that we have netted in their entire income within the purview of this taxation. I do not blame some honourable members of the House for having misunderstood what was provided in clause 46(*a*) in another place. This is a very technical Bill and this clause raises a particularly technical point. It was pointed out by Mr. Bankim Chandra Mukherjee that clauses 47 and 48 of the original Bill, as published in the *Calcutta Gazette*, were omitted by the Select Committee. The original clause 48 was not restored and that clause was one which I could not conscientiously accept. Clause 46(*a*), - -(Mr. BANKIM CHANDRA MUKHERJEE: There is no clause 46(*a*) in the Bill as passed by the Assembly.) Yes, I know, but it was 46(*a*) as it was actually passed in the other House. It is a replica of the original clause 47. Honourable members will forgive me if I do not —

Mr. BANKIM CHANDRA MUKHERJEE: Sir, there is no clause 46(*a*) in the Bill as we have got now.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Yes, I know and I am sorry; but it was referred to in several speeches as clause 46(*a*) today —

Mr. BANKIM CHANDRA MUKHERJEE: *Possibly it is clause 49.*

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is 49, as it appears in the Bill before the House; I know that very well. But I mentioned it as 46(*a*), as several honourable members had been referring to it as 46(*a*), as originally passed in another place. I hope honourable members will forgive me if I do not take up their time at this stage in explaining the provision of what is now clause 49 of the Bill and which, as I have said, was passed as clause 46(*a*) in another place. It is a question relating to double taxation and reciprocal relief, and I claim that no European interest has been specially favoured.

Then, there is another point which was raised, namely, that the Bill does not "ear-mark" the proceeds of the tax for a particular purpose. My answer was anticipated by some honourable members, namely, that it is bad finance. Sir, after all what is the purpose of public finance? Public finance is the proceeds of the whole income. You have to take the entire income of the State for its application to different purposes and I do maintain that it is bad finance to ear-mark the proceeds of this income-tax for a particular purpose. Further, Sir, if the honourable members carefully examine the budget, they would find that an enormous sum has been allotted for the improvement of agriculture. It is true that in the past agriculture had been a neglected subject; but we have made enormous provision and have undertaken schemes of irrigation which will involve large sums of money which will be ancillary to agricultural schemes. The proceeds of this tax will be a small fraction of the amount that Government will spend this year and in the succeeding years on the improvement of agriculture. Besides, I want to correct another misconception. The words of the Floud Commission on the subject are not before me but the meaning and purpose of those words are quite clear to me. The authors of the Floud Commission were men of intelligence and it cannot be said of them that they would suggest that the proceeds of this tax should be ear-marked for agricultural development. Sir, the proceeds of this tax would be available to Government for the improvement of agriculture.

Mr. LALIT CHANDRA DAS: That comes to the same thing.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I may say here, Sir, that we shall utilise every penny of the proceeds of this tax towards the improvement of agriculture, may very much more. I have not the Report of the Floud Commission with me here——

Mr. BANKIM CHANDRA MUKHERJEE: On a point of information, Sir, I may give the Hon'ble Minister the exact wording of the Floud Commission in this respect. It says this: "We are strongly of opinion that if the agricultural income-tax is imposed, it should be applied solely for the improvement of agriculture or for projects connected with agricultural matters."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is exactly what I was saying.

Then, as regards the question as to whether this is the proper time to impose a tax on agricultural income. I will submit, Sir, cruel though the words may sound, that this is the appropriate time for inaugurating taxation of agricultural incomes. I would request the honourable members not to forget that we are taxing not the poor man but a person whose net

income from this source is not less than Rs. 3,500. And a net income of Rs. 3,500 means a gross income of Rs. 7,000 to Rs. 10,000. Such people are getting very high price for their agricultural produce.

I do not think that any other serious points have been put forward and at this stage I shall not say anything more except that I oppose the motions.

Mr. PRESIDENT: I propose, at first, to put to vote the amendment of Mr. Haridas Mazumdar that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1944. If that is defeated, Mr. Lalit Chandra Das's amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1944; if that also is defeated, then the amendment of Mr. Bankim Chandra Mukherjee to circulate the Bill for the purpose of eliciting public opinion by the 30th June, 1944.

The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st December, 1944.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1944.

(The motion was negatived.)

Mr. PRESIDENT: The question before the House is that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1944.

(The motion was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: Mr. President, Sir, I beg to move that the Bill be referred to a committee of the whole Chamber for consideration of the provisions of the Bill.

I think, Sir, that I have to explain why I move my motion for referring the Bill to a committee of the whole Chamber after my motion for circulation has been lost. If we look to the provisions of the Bill, we find that the Bill consists of 66 sections and a Schedule, spreading over 28 closely printed foolscap pages and some of the sections covering in print 2 pages, 1 page and 3 pages. It is necessary that the members of this House should be given an opportunity to examine the provisions of the Bill and to express their opinion with reference to the provisions in the Bill and to consider whether any of the provisions should be altered or amended in the light of their own individual opinion. Sir, we in this House represent constituencies which, with few honourable exceptions, will all be hit by the provisions of the Bill. We would like, therefore, in the committee to have an opinion of the honourable members of the House as to how constituencies whom they represent would be hit by this Act. The Hon'ble the Finance Minister has just now stated that he wants to tax the inflated incomes of those people who have got incomes of Rs. 7,000 to Rs. 10,000. I think I heard him correctly, but if I am wrong the Hon'ble Finance Minister will correct me——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Gross income.

Mr. BANKIM CHANDRA MUKHERJEE: I am sorry to say, Sir, that when the Hon'ble Finance Minister spoke that he wanted to touch the gross income of Rs. 7,000 to Rs. 10,000, he should have considered that he was going beside the Bill and was speaking on a point which was not relevant. What he has said was the net income. After all, what is gross

income? Out of a gross income of Rs. 7,000, Rs. 3,500 goes out from the pocket of the assessee for the purpose of collecting that income. That is the basis how a gross income is calculated. From a man's gross income, *i.e.*, from his entire proceeds of the cultivation he has to pay out the cost of cultivation and he has to meet other expenses. I am sorry to say that the Hon'ble the Finance Minister in speaking that he was going to touch the people whose gross income was Rs. 7,000 tried to give an impression that he was not hitting those people who have got less income.

I submit that it was not appropriate for the Hon'ble Finance Minister to refer to gross income of Rs. 7,000. He ought to have referred to the provisions of the Bill which say that he is going to tax individuals whose income is Rs. 5,000 only. What I am going to submit is: has he taken into consideration the expenses of those people who have a total income of Rs. 5,000? As a matter of fact, we have got in the sister province of Bihar an Agricultural Income-tax Act where no tax is levied up to an income of Rs. 5,000; but we know that the people of Bihar so far as agriculture is concerned are much better off than the people of Bengal. Therefore, when he places the lowest limit at Rs. 1,500, he should have considered the various provisions with regard to relief referred to in my previous motion for circulation, as provided in the English Act. Suppose, a man's income is Rs. 3,500 and he has got only himself and his wife to maintain; then he will have to pay one tax. But if an individual with a family of ten or twelve, as very often happens, has got to pay an income-tax from an income of Rs. 3,500, he will then be hard hit. So that in the end it will be found that either his movables will be attached or he will be sent to jail and a warrant will have to be issued for realising his tax. As a matter of fact, that is found to be the case very often when income-tax under the Indian Income-tax Act is realised. Therefore, I say that when you are going to put a tax on a man's agricultural income including the amount that he needs for his sustenance, then you will have to consider his requirements also. If the Bill, therefore, is referred to a Committee of the whole House, then the members will have an opportunity of expressing their opinion as to whether people having a net income of over Rs. 1,500 should be taxed indiscriminately irrespective of the number of members whom they have to maintain, irrespective of their own requirements, and irrespective of other considerations, as I have quoted from the English Act. If, as a matter of fact, we are following the true principles of taxation and are raising taxation for the purpose of the general administration of the country, we ought to see that the people who are earning this income are allowed to live fairly and comfortably and without any want. It is only out of the surplus income that they may be asked to give a part as income-tax. If, therefore, the Bill be referred to a committee of the whole House, then the Hon'ble Finance Minister will have an opportunity of having opinions of members from different parts of the Province. As a matter of fact, I think it will be admitted on all hands that in a Hindu family we have got, every one of us, to maintain a large number of members, almost all the types of persons who are referred to in the provisions of the English Act. It is for that purpose that I have tabled this motion to refer this Bill to a Committee of the whole Chamber. If the Hon'ble Minister consider that

this Bill should be placed permanently on the Statute Book, it is necessary that we should not be hasty or go on hurriedly with this piece of legislation and impose this burden upon the people of this province, particularly when it is admitted that their taxable limit has been reached and when they are unable to bear the burden of any new taxation any further.

Sir, I do not agree with the Hon'ble the Finance Minister when he says that these landlords—it may be that there are some landlords who have been able to collect their full rents this year—are able to collect their rents as a general rule. The Hon'ble the Finance Minister has not considered the requirements of the people whom he wants to tax. As a matter of fact, if we refer the Bill for the consideration of the members of the whole House, we would get the assistance of the members of the House for consideration of the various provisions of the Bill. Take for instance, the provision with regard to section 49, as passed by the Assembly. What is the provision? The provision is, "the Provincial Government may, by notification in the Official Gazette, make provision for the granting of relief in respect of agricultural income on which both agricultural income-tax under this Act and other income-tax have been paid:

(2) for the purpose of this section 'other income-tax' means any income-tax, super-tax or sur-tax charged under

(*a*) any law of a province other than Bengal in force in that province, or—this clause is very important -

(*b*) any law in force in any Indian State, or any part of His Majesty's dominions, or in the United Kingdom.

Where the laws of such province, State or part of His Majesty's Dominions, or of the United Kingdom, as the case may be, provide for relief in respect of tax charged on income both in such province, State or part of His Majesty's Dominions, or in the United Kingdom, as the case may be, and in Bengal, which appears to the Provincial Government to correspond to the relief which may be granted under this section."

Now, Sir, here is a provision which refers to a provision of a Statute which is in force in the United Kingdom. But may I refer to section 27 of the Finance Act of 1920 referred to in the Bill as published in the *Calcutta Gazette* but which has been omitted from the Bill as passed by the Lower House? The special significance of the section which occurs in the English Act may not be understood, as the Finance Minister himself has admitted. May I refer to section 27 of the English Act which provides for relief in respect of the Dominion Income-tax Act? I am reading from section 27, of 10-11 George V, Chapter 18, which says, "If any person who has paid, by deduction or otherwise, or is liable to pay, United Kingdom income-tax for any year of assessment on any part of his income proves to the satisfaction of the Special Commissioners that he has paid Dominion income-tax for that year in respect of the same part of his income, he shall be entitled to relief from United Kingdom income-tax paid or payable by him on that part of his income at a rate thereon to be determined as follows:—

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The relief will be from the British Treasury up to a certain stage.

Mr. BANKIM CHANDRA MUKHERJEE: The Hon'ble Minister need not be in a hurry. I was going to say that. What is really the provision

here? Not from the tax that the European tax-payer has to pay here. But he will get suitable relief in respect of the tax payable in the United Kingdom. Now, Sir, let us look to clause (*a*) of section 27 which says, "if the Dominion rate of tax does not exceed one-half of the appropriate rate of United Kingdom tax, the rate at which relief is to be given shall be the Dominion rate of tax:". But if we look to the provision of section 49 of the present Bill, as passed in the Assembly, we find a provision like this— "* * * may by notification in the Official Gazette, make provision for the granting of relief in respect of agrioultural income on which both agricultural income-tax have been paid."

What is the meaning of the words "granting of relief". What relief the Bengal Government is going to provide —

Mr. PRESIDENT: Mr. Mukherjee, how long will you take to finish your speech?

Mr. BANKIM CHANDRA MUKHERJEE: Sir, this is a very important Bill. I shall take some more time to finish.

Mr. PRESIDENT: I then adjourn the House till 1-30 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1-30 p.m. on Wednesday, the 24th May, 1944.

Members Absent.

The following members were absent from the meeting held on the 23rd May, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Nurul Amin.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. S. C. Chakraverti.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. N. C. Datta.
(7) Mrs. K. D'Rozario.
(8) Mr. K. K. Dutta.
(9) Khan Bahadur Abdul Gofran
(10) Mr. M. R. Jaipuria.
(11) Mr. Humayun Z. A. Kabir.
(12) Maulana Muhammad Akrum Khan.
(13) Mr. Abdul Latiff.
(14) Mr. N. N. Moholanabish.
(15) Mr. N. N. Mookerjee.
(16) Mr. R. S. Purssell.
(17) Khan Bahadur Muklesur Rahaman.
(18) Khan Bahadur Kazi Abdur Rashid.
(19) Dr. K. S. Ray.
(20) Mr. B. K. Roy Chowdhury.
(21) Mr. S. N. Sanyal.
(22) Khan Bahadur M. Shamsuzzoha.
(23) Mr. J. W. R. Steven.

BGP-44/5-3500A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 41.

THE COUNCIL met in the Legislative Council of the Legislative Building, Calcutta, on Wednesday, the 24th May, 1944, at 1-30 p.m., being the forty-first day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Detenu Srijut Amulya Mukherjee.

168. Mr. LALIT CHANDRA DAS (on behalf of Mr. Kamini Kumar Dutta): Will the Hon'ble Minister in charge of the Home Department be pleased to state——

(*a*) if Srijut Amulya Mukherjee, formerly a resident of Comilla, is a detenu; if so, how long he has been under detention;

(*b*) if the Government are aware that in his family he has aged parents, an unmarried sister and another helpless widowed sister with a child;

(*c*) if the Government are aware that these members of his family have no means of subsistence and are practically living on charity from the public; and

(*d*) if the Government have sanctioned any allowance for the family, if not, whether he proposes to consider the question of sanctioning a suitable allowance and give direction in this matter?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes. Since September, 1940.

(*b*) Yes.

(*c*) I have no such information.

(*d*) I instituted an enquiry on the financial position of Mr. Mukherjee's family and am satisfied that this is not a fit case for financial help.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state what was the agency through which that enquiry was held?

Mr. BIREN ROY: As usual, through the District authority.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state when this enquiry was instituted and when it came to an end?

Mr. BIREN ROY: This enquiry was instituted nearly one year ago.

Mr. HARIDAS MAZUMDAR: What was the result of that enquiry?

Mr. BIREN ROY: It transpired as a result of the enquiry that Rs. 140 was the income of the family per month, and that the prisoner was not an earning member of the family.

Mr. LALIT CHANDRA DAS: The family consisted of how many members?

Mr. BIREN ROY: That is already noted in the question.

Mr. LALIT CHANDRA DAS: Is that all?

Mr. BIREN ROY: Yes.

Scarcity of X-ray films.

169. Rai Bahadur BROJENDRA MOHAN MAITRA (on behalf of Dr. Kumud Sankar Ray): (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether Government are aware of the great difficulty experienced by the different hospitals and private radiologists of Bengal in securing X-ray films without which it is not possible to carry on the treatment of many cases?

(*b*) Do the Government contemplate arranging for an adequate supply of X-ray films in the immediate future?

(*c*) Do the Government propose to request the military authorities to release immediately at least some films for use for the civil population until adequate supply is arranged for by this Government from abroad?

(*d*) Are the Government aware that a stock of X-ray films intended for Bengal has arrived at Bombay and that owing to railway booking restrictions the despatch of the same to Bengal is being delayed? If so, will Government take necessary steps to arrange with proper authorities for the priority for despatch of the films by passenger train to make the stock available for use in Bengal with least possible delay?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes.

(*b*) Under instructions of the Director-General, Indian Medical Service, orders for requirements of State hospitals were placed with importing firms but they were unable to supply them for want of stock

(*c*) The military authorities were requested but they have regretted their inability to release X-ray films.

(*d*) Yes, the Regional Controllers of Railway Priorities of Bombay and Calcutta have already been moved in the matter

Mr. RANAJIT PAL CHOWDHURY: Sir, what about my question No. 156? I have been asking this question for some time past but I have got no answer What is the reason? Is it because the Supply Minister is trying to avoid this question or is it that certain portion of his portfolio has been relinquished?

Mr. MESBAHUDDIN AHMED: The Hon'ble Minister has sent the file to the Parliamentary Secretary, Mr. Biren Roy, for answering the question. I presume, Mr. Roy probably has not received the file as yet. So I think the question may be answered on the next day.

Mr. LALIT CHANDRA DAS: Sir, I had tabled a short-notice question of which also I have got no reply.

Mr. PRESIDENT: Which question is that?

Mr. LALIT CHANDRA DAS: It is about the price of rice at Dacca.

Mr. MESBAHUDDIN AHMED: That question also will be answered by Mr. Biren Roy together with the other one.

Mr. LALIT CHANDRA DAS: When?

Mr. MESBAHUDDIN AHMED: On the next sitting day.

Points of Information.

Mr. HARIDAS MAZUMDAR: Sir, I had asked a question about the Dacca riots. The Parliamentary Secretary told us the other day that as soon as Sir Nazimuddin returned from Dacca he would make a statement or give a reply to my question. May I know what has happened to that question, Sir?

Mr. BIREN ROY: I am very sorry that it escaped us; it will be answered on the next sitting day

Mr. HARIDAS MAZUMDAR: I have still another point to raise, Sir, and that is about *Bhog*-ration to the Hindu deities. Sir Nazimuddin told us in your presence the other day that within the next 7 or 10 days a statement would be made on the subject and the decision of Government announced. May I know what has happened to this matter also?

Mr. MESBAHUDDIN AHMED: Perhaps the House is aware that the Hon'ble the Chief Minister was away at Dacca for some days

Mr. HARIDAS MAZUMDAR: No, no. The statement would be made not by the Chief Minister but by the Hon'ble Minister for Civil Supplies.

Mr. MESBAHUDDIN AHMED: The question will be answered on the next sitting day, Sir

Mr. HARIDAS MAZUMDAR: The Chief Minister promised to announce a decision on this matter today.

Mr. PRESIDENT: I had an informal talk with the Hon'ble Minister for Civil Supplies and he casually mentioned to me that he was dealing with the matter. That is all I can say. It is for the Government to inform when the statement will be made in the House.

Mr. MESBAHUDDIN AHMED: We shall try to answer it on the next day.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. PRESIDENT: The House will now resume discussion of the motion to take the Bengal Agricultural Income-tax Bill into consideration. Mr. Bankim Chandra Mukherjee.

Mr. BANKIM CHANDRA MUKHERJEE: Mr. President, Sir, yesterday I was referring to section 27 of the English Finance Act of the year 1920, Act 10 & 11, George V, Chapter 18. Fortunately, Sir, while I was reading sub-section (*1*), the Hon'ble the Finance Minister suddenly got up and stated that that relief would be obtained from the United Kingdom and not here. I would like to know what exactly induced the Hon'ble Minister to agree to the incorporation of section 49 in the Lower House. Is it the case that the assessee under section 49 will not be given any relief with regard to any amount which he has to pay to the Bengal Government, or that all this relief will be obtained from the United Kingdom—or whether it is the case that while he is entitled to some relief from

the United Kingdom, he is also entitled to some relief from the Provincial Government here? It is necessary that this matter should be clarified and not left vague. The Hon'ble Finance Minister in the course of his reply to the motion for circulation of the Bill stated that this section was a very technical one, I mean section 49.

I admit, Sir, that the section is a technical one and that there is room for misapprehension. But I think it will be admitted on all hands that if there is any room for misapprehension, the Hon'ble the Finance Minister should have cleared it up and stated exactly what the implication of clause 49 is. It would not be fair to ask the House to pass this measure without knowing clearly what he intended by the incorporation of clause 49. As a matter of fact, we find nothing clearly stated in clause 49. Sir, the number 49 is a peculiar number to us and I hope that had nothing to do with the incorporation of the provision of the Bill itself. It says, "The Provincial Government may by notification in the Official Gazette make provision" and so on. But what the provision is, that is not clearly stated in the clause and he has not cleared it up in the course of his speech either, beyond stating that there is room for misapprehension. I submit, Sir, that he should have taken the House into confidence and stated clearly what he meant by this clause. This matter was specifically referred to by me in the course of my speech on the motion for circulation; but he did not care to reply to it. It was being claimed by the Government side and also by the European group that the Bengal Exchequer will not suffer a pice on account of this clause being incorporated in the Bill and that, as a matter of fact, relief will be given by the United Kingdom and not by the Bengal Exchequer. If that is so, then I submit the insertion of clause 49 is meaningless and redundant as this relief is already provided for in section 27 of the English Act. But if it is intended that relief is to be given beyond what is afforded under section 27 of the English Act, then the Hon'ble the Finance Minister should have had the courage to state plainly before the House that the Government of Bengal wants to give to them the relief indicated in clause 49. I submit, Sir, that this matter ought not to have been left vague by the Hon'ble the Finance Minister. If we compare the two sections—section 27 of the English Finance Act and clause 49 of the present Bill and examine the provisions a little more closely, we will find that there is a good deal of substance in what the Opposition says, namely, that some relief is proposed to be given and that the Bengal Exchequer is going to lose some revenue by reason of the operation of clause 49. As a matter of fact, I am now speaking in connection with my motion for referring the Bill to the Committee of the whole Chamber, so that this matter may be discussed before that committee and we may know what exactly the position on both sides is.

Now, Sir, if we look to section 27 of the English Finance Act,—I will read once again this section, because it is rather a technical subject and I should clear up the matter as far as possible,—we find: "If any person who has paid by deduction or otherwise or is liable to pay to United Kingdom income-tax for income or an assessment of any part of his income, proves to the satisfaction of the Special Commissioners that he has paid Dominion

income-tax" (Dominion tax is like the Agricultural income-tax which w are now considering) "for that year in respect of the same part of h income, he shall be entitled to relief from the United Kingdom income-t paid or payable by him on that part of his income at a rate to be determin as follows". As a matter of fact, it has been held that Dominion Ac include the Indian Acts by reason of certain courts holding that view, thou technically India has not received the Dominion Status. If the Dominic income-tax does not exceed half of the rate of the United Kingdom incom tax, the rate at which relief is to be given shall be the Dominion rate tax. Therefore, the relief which the assessee will get from the Unite Kingdom would be the tax payable under the Dominion Act, if t Dominion tax does not exceed half of the United Kingdom tax. Now, we look to the rates, we will find that so far as the United Kingdom rat are concerned, they vary from year to year and we do not know exact what would be the rate when this Act comes into force, that is one ye from the 1st April, 1944; but the tax which an assessee has to pay und the Bengal Act has been provided in the Schedule and there we have maximum rate of 2 annas 6 pies in the rupee when the income is more th Rs. 1,500. Then, the extent of relief which they will get from the Unit Kingdom would be half of the Dominion rate. If we take the rate as it w in 1920,—the rate in that year was, I believe, 6 shillings in the pound, half of that would be 3 shillings and that would be about roughly one-sixt so far as the United Kingdom tax is concerned. Now, the Bengal Act al provides for one-sixth and therefore the tax is almost equal and so the reli which the assessee would get from the United Kingdom would be half t tax, that is, 1 anna 3 pies and not the entire tax. That being so, wh would happen to the remaining 1 anna 3 pies? Under section 49 wh happens is this: he would get 1 anna 3 pies relief from the United Kingdo You will have to pay 2 annas 6 pies. Under the provision of this se tion he is entitled to a relief. Under section 49 the Provincial Governme may by notification in the Official Gazette make provision for the grantin of relief in respect of agricultural income on which both the agricultur income-tax under this Act and other income-tax have been paid for t purpose of this section. Other income-tax means any income-tax, super-t or sur-tax charged under any law of a province other than Bengal. Her Sir, I would submit that there is a lacuna in the provision of the Ac There is no other income-tax in the province. Possibly in Assam there a tax but that is not payable in Bengal. There is one tax that is payab under the Central Act. There is no provision for that in the Bill itsel That is a lacuna. Some provision ought to be there. But apart from tha what I was going to point out was that clause (2)(*b*) of section 49 sa that—

"(2) For the purposes of this section 'other income-tax' means a income-tax, super-tax or sur-tax charged under-

(*b*) any law in force in any Indian State, or in any part of His Majesty Dominions, or in the United Kingdom where the laws of a Province, State or part of His Majesty's Dominions, or of United Kingdom, as the case may be, provide for relief respect of tax charged on income both in such Province, S

or part of His Majesty's Dominions, or in the United Kingdom, as the case may be, and in Bengal, which appears to the Provincial Government to correspond to the relief which may be granted under this section."

Now, Sir, there is no doubt that the section is vague and the intention has not been clearly expressed. It has been left to be cleared up by notification in the Gazette by the Provincial Government. Is it the intention of the Government to grant the relief in respect of 1 anna and 3 pies which the assessee will not be entitled to under the English Finance Act? In the English Act that point has been made clear. Now, if we look to another section, viz., section 8, we will find that here mixed income has been defined. The reason, Sir, why I am taking the time of the House is to show that it is essentially necessary that the matter should be considered by a committee of the whole Chamber. Under section 8 provision is made for computation of tax on mixed income. Now, clause (2) of section 8 says that-

"(2) Notwithstanding anything contained in this Act, in the case of tea [the plant *Camellia Thea* (Linn.)] grown in Bengal and sold by the grower himself or his agent after manufacture, the agricultural income derived therefrom shall, as long as for the purposes of assessment of income-tax under the Indian Income-tax Act, 1922, the income derived therefrom is computed under that Act in such manner as to include agricultural income, be deemed to be that portion of such income as so computed on which income-tax is not payable under that Act, and agricultural income-tax at the rates specified in the Schedule shall be payable on the whole of such agricultural income as so computed."

I may mention that under the Income-tax Act there is a provision whereby 40 per cent. of the entire income is charged, and 60 per cent. is left as an agricultural income. I think I am right. Now, Sir, looking back to section 8 again, we find that this 60 per cent. which remains has got to be taxed under the Agricultural Income-tax Act, and the extent of relief which is to be given under section 40 has not been cleared up in the provision of the section but has got to be cleared up by notification. We do not know how the Government proposes to apply the provisions in order to grant the necessary relief. In any event, I say that these points have got to be considered.

Now, what is the object of this enactment? The whole object and the reason why this has been enacted is that these tax-payers should be relieved from the burden of paying a tax over the same income twice—that is what is called double taxation. Now, if we agree to that principle, viz., to relieve these people from the payment of double taxation, let us now consider whether the same consideration has been shown in assessing Indian tax-payers or Bengal tax-payers under the main Act, I mean the Bengal Agricultural Income-tax Act. What is the principle? The principle is that an assessee should be relieved from paying a tax twice on the same income, if he has paid a tax in the United Kingdom and also under the Indian Income-tax Act. Therefore, they should be relieved from paying the tax over again by notification, because that would be double charge on income. Now, let us consider whether the same consideration has been shown to the

Bengal tax-payers under this Act. Here we are taxing the zamindars who are paying land revenue to the Government, and we are charging income-tax from the tenants who are paying rent to their superior landlords. Now, I think it would not be out of place to refer here to a paragraph from the Flood Commission's Report. The Commission devoted a good deal of time in considering the history of taxation in India from the period of the Hindu Kings down to the present time and they had the whole picture before them. I am reading only one paragraph from their report. It is paragraph 15 where they say "there are many theories about the nature of rent to which reference will be made in connection with the third term of reference, viz., what is the soundest principle for fixing a fair rent? It is sufficient to note here that though land revenue may be described as a tax" what is after all land revenue? If we look to the history of fixing land revenue, we will find that prior to the Permanent Settlement Government was realising from the zemindar a certain amount of money as its share of the produce of land which the ruling power was entitled to. Government found it difficult to realise this directly and, therefore, they farmed out the land and these farmers were no better than rent-collectors who were collecting these rents on behalf of the British Government and paying the revenue to the Indian exchequer and they were entitled to a certain commission on this account. Permanent Settlement only permanently assessed the amount of Government's share which Government was going to realise from these farmers and they gave these farmers, who were subsequently known as zemindars, the right to pay that amount for ever. After all, the zemindars were collecting the entire sum on behalf of Government and they were paying a portion of their collection to the Government as the tax which Government was entitled to, for the purpose of the administration of the country. That is how the Floud Commission has described it; they go on to say: "it may be described as a tax whatever its actual incidence may be on any particular land."

It is theoretically a share of the products of the land. Now, Sir, if this is a tax—if the revenue that is paid is a tax would it not be fair if we want to give the same relief which the tea-growers are entitled to on account of having paid tax to another Exchequer, to assess the tax on the entire income of these people and deduct the amount of revenue that is paid by them to the Government Treasury on fixed dates? I believe that is a consideration which has not at all been given by the Finance Minister when this Bill was drafted and I submit if we are going to be fair to all parties concerned we ought to consider this aspect of the matter. (Khan Bahadur M. A. Momin: It is a wrong analogy.) I hear Khan Bahadur Momin saying that it is entirely a wrong analogy. If I have given a wrong analogy, I am in good company, because I am supported by the report of the Floud Commission which devoted much valuable time and had expert evidence before them and had literature from the ancient Hindu Kings down to the present time on the subject of taxation. I may tell the Khan Bahadur that I am not in favour of the Permanent Settlement. I am against it. As a matter of fact, my personal view is that the Permanent Settlement in Bengal is a source of permanent wastage of the manhood of Bengal. Had there not been Permanent Settlement in Bengal, Bengal

would have prospered today like Bombay and other provinces where the Indian merchants are thriving by practically driving out the European merchants from those places. It is the Permanent Settlement which is standing in the way of Bengal progressing in industrial and other spheres of life. As a matter of fact, the Floud Commission report says that the abolition of the Permanent Settlement would involve Bengal in the loss of three crores of rupees in the shape of court-fees to the rate-payers of Bengal. I may specially inform the European members—possibly they do not know this. The report says that by the abolition of Permanent Settlement you will no doubt gain six crores of rupees, but there will be a loss of 3 crores which now comes to the coffers of the Bengal Exchequer under the Permanent Settlement of Bengal on account of court-fees and stamps for land registration. Therefore, I may assure the members of the House who are supporting the Government and specially those who are against the Permanent Settlement of Bengal that I am also against the Permanent Settlement and the sooner it is done away with the better for Bengal. Now, Sir, to revert to the subject under discussion—I went away from it on account of Khan Bahadur's interruption—I say that they are entitled to relief. But if you want to bring in the provision of the English Act in the shape of revenue what is done in the Act is that they take the revenue as an item of expenditure in calculating the income from the tenants. That is not exactly what happens. If we look to the history of the thing, it is merely as if Government have employed the zemindars on a certain pay, the pay being what they are getting and the tax is the tax paid on account of land from which he realises rent from the tenants. That is how the supporters of the Bill argue in its favour.

Now let us look at the case of the tenants. I was referring to the case of the zemindars but what is the case of the tenants, I mean the tenure-holders and actual cultivators? It is not right, as the Hon'ble the Finance Minister has said, that he has touched only the landlords and not the cultivators. Big cultivators would be affected by this measure. As I said earlier, no relief has been granted to the person who has got to maintain his wife, children, mother and other dependent relatives. No consideration has been shown to these people. It may be stated in reply, "Oh, we have made allowance for the first Rs. 1,500." In the Schedule we find that the first Rs. 1,500 out of the agricultural income has not been assessed. Therefore, *prima facie*, Rs. 1,500 is not touched but that is the extent of relief which has been given to all tax-payers irrespective of the question as to what are his own requirements with regard to the members of his family whom he has got to maintain. The answer would be that there is the same provision in the English Act. But in the English Act, we have, in the first instance, got the basic deduction which is provided in the Act of 1918 and I referred to it in the course of my speech yesterday. It is provided there that £130 which comes to about Rs. 1,800 or Rs. 2,000 should not be touched at all. I would like the Hon'ble Minister to consider this and give relief, as has been granted by the English Act, for the maintenance of wife, children and other relations. These two considerations ought to be shown and if we meet in a committee of the whole Chamber we would be able to discuss these things. I may tell the Hon'ble the Finance Minister that if 13

Hon'ble Ministers and the 17 Parliamentary Secretaries meet together, I think he will find among them people representing all shades of income from Rs. 3,500 upward to the income of a Maharaja. I say Maharaja, because I include the Hon'ble the Finance Minister in the category of a Maharaja. He has immense income of his own so far as this tax is concerned. So, I say that if he goes to find out the income of the different Parliamentary Secretaries, he would find that many have not the income of Rs. 3,500 besides the salary here. I hope he will then realise that the Bengali tax-payers are entitled to get the same consideration as the assessees under the English income-tax get under that Act

There are one or two other small matters. As a matter of fact, I would have spoken on each of the sections in order to justify my intention to refer the Bill to a committee of the whole House, but as the time would be very short I cannot do that Again I request the Hon'ble Minister to see that the assessees may not be left to the whims and caprices of the Assessment Officers who would be sent out for the purpose of assessing the income.

Take for instance, the method in which the amount of produce is to be determined with regard to a particular land The other day, Sir, I got an answer with reference to my question which I put to the Hon'ble Minister for Agriculture as to the method which he employed in determining the amount of produce with reference to particular areas in the four districts, namely, Bankura, Birbhum, Midnapore and Burdwan with which I am closely connected. The answer which I got was disappointing, and I think it was disappointing to the members of the House also He said that with reference to particular classes of lands he cannot say what the produce is estimated to be The produce is estimated by ascertaining roughly two or three fields and by striking out an average. That is taken as the average of the whole district or the whole area Now, Sir, I say from my personal experience in the district of Birbhum that they have ascertained 15 maunds per acre as the produce of all classes of land within the district. I enquired from the cultivators and other persons and came to know and I also know from my own personal experience that this is too high an estimate which Government have made with regard to agricultural produce. If this is one when you go to ascertain the produce of an assessee, what will happen? You should imagine the difficulties of the assessee as to how he will prove that the produce is so much. This matter has got to be considered and provided for somewhere in the Act, so that rules may be made accordingly The Hon'ble the Finance Minister has stated that it is equitable to impose a tax on the agriculturists. If he wants to do equity, let him treat all individuals as equals Let him give equal treatment to all and the same kind of relief to everyone especially in a fiscal legislation like this, and not tax people who are already over-burdened and who cannot bear any further burden of tax. With these few words, I move my motion for reference of the Bill to a committee of the whole Chamber

Mr. PRESIDENT: Amendment moved: that the Bengal Agricultural Income-tax Bill, 1944, be referred to a committee of the whole Chamber.

Mr. W. B. C. LAIDLAW: Sir, we on this side of the House are supporting the Bengal Agricultural Income-tax Bill as a necessary and, subject to one or two points, equitable measure. Necessary, because it

gives Government some share in improvements which Government are able to make by means of capital works, such as irrigation, improved transports and markets; and equitable, subject to one or two points, because it has been drawn up on the lines of the Indian Income-tax Act and other similar taxation measures. The points which we regard as somewhat inequitable are: firstly, the method of calculating refunds to shareholders and to partners of firms and members of Associations. In such cases, the refund is based on the total world income of the individual so that whereas in general the assessees under this Act are only liable to pay a rate which is laid down in the Schedule, persons who derive their income from the medium of firms and other association of individuals suffer tax by reference to their total world income.

There is to my mind clearly inequity there, and the Finance Minister will have to consider whether it is not an inequity which will involve avoidance of the tax—an inequity which will involve people in taking steps to see that they do not have to pay the tax at a higher rate than is intended to be assessed. The second point is one which has caused a good deal of discussion and that is section 49. Section 49 is only permissive and we would like to have seen it made incumbent on the Government to give relief in all the cases where there is double taxation. I would have preferred to defer my remarks on the detailed working of this section, because the subject is exceedingly complicated, until we come to take up the clause-by-clause consideration. But so much has been said about this, and as doubtless the Opposition at least will have amendments to consider, that I feel that I shall have to say a word or two. In the first place, it is not correct to say that this section exempts anybody from the tax, least of all the European tea companies. The allegation that the European tea companies are exempted under this section was made by two Opposition members yesterday and refuted by a third Opposition member today. Mr. Mukherjee very carefully explained just how the European tea companies have not been exempted at all -and not only that, Mr. Mukherjee also explained that no European company would get any benefit from the Bengal Government at all unless the rate of tax in the United Kingdom went down to as low a level as six shillings in the £. Now, six shillings in the £, as far as I remember, was the maximum to which the income-tax rose in England during the last war, and to the best of my recollection six shillings remained the rate for a good number of years after it. This war is not finished yet and the rate is now 10s. in the £ and how much longer this rate is going to remain at its present incidence, namely, 10s. in the £, one cannot say. And I submit that the possibility of this rate of tax coming down to a level where in respect of European tea companies this section would have effect is very remote indeed on Mr Mukherjee's own showing. Let me repeat that I was glad to have Mr. Mukherjee's very lucid explanation of the way the section works and how the European tea companies are not exempted from this Bengal Agricultural Income-tax under that section. I might say that this section does not only mention the United Kingdom but it also mentions other territories as well, namely, provinces and Indian States. In point of fact, I have not studied the laws of all the Indian States, but I do know the laws of some of them and it comes to my mind that Cochin where the

rate of tax is 24 pies per rupee and super-tax also 12 pies per rupee, that is 36 pies per rupee, is a state which will be affected rightaway by the provisions of this section. A resident in Cochin, if he has land in Bengal, will be taxed in Cochin on his world income. He will also have to pay the tax in respect of land in Bengal under the new Bill and he will have occasion, not a European tea company, to ask for other relief under this Act. In fact, if I may say so, owing to the fact that the rates of tax generally are not so high in this part of the world, the section is really more liberal to Indians and residents of India than to the people living in the United Kingdom. It is a point which perhaps the Opposition have overlooked. Sir, we will go into greater detail when the time comes. Another point raised by Mr. Mukherjee is very interesting, namely, when he drew an analogy between the income of landlords and that of other industrial concerns; but I submit there is no analogy at all here. Double income-tax relief only arises in connection with taxes on income which are levied by the country where the income accrues and also in some other country. Land revenue is not of that nature and land revenue is paid once and that is all You cannot pay your land revenue twice because the United Kingdom Government cannot realise land revenue from you for land in Bengal. In that respect, if I may respectfully say so, the analogy is entirely ill-drawn. We consider that the measure had obviously been well-considered before it came to this House. We have gone through it and it seems to us that, subject to certain inequities that I have mentioned, there is nothing in the measure which calls for consideration by a Select Committee and I submit that this House in the capacity of a revisionary body may take the Bill into consideration right away.

Mr. K. C. ROY CHOWDHURY: Sir, Mr. Laidlaw has called this Bill inequitable from the point of view of the shareholders of Tea Companies. I say this Bill is four times more inequitable from the point of view of the middle-class landholders. It is too late in the day to lay before the House facts and figures relating to the precarious position of the middle-class people who own and depend on land for living. It is too late because it has been discussed in the Lower House from many points of view and my pleading will be of little avail. But I may say this that thousands of families in the mofussil will be hard hit as a result of this measure. Revenue Enquiry Committees including the Floud Commission have given facts about land-owners of this class and we do know that a large number of families in Bengal whose estates include small *taluks* and *gantis* -they will be the biggest sufferers. The Hon'ble the Finance Minister in his Statement of Objects and Reasons has said that the measure is equitable. It would have been certainly an equitable business if the small land-holders affected by this measure had increased incomes as a result of the war condition But it is not so. On the contrary, the small land-owning classes of Bngal, the middle-class *bhadralogs*, and their joint families have had no increase of their income from rental on account of the war. They have to depend on fixed land income. It is true that some of the arrears of rent are being collected from *raiyats* owing to high prices of grain but these arrears are being spent for payment of debts incurred for meeting the high cost of living during the war period. Their expenditures on account of war have shot up.

Sir, the high prices of foodstuffs, cloths, articles for daily use have affected them to the extent, according to the "cost of living index," of 250 per cent.; but I should say at least to 200 per cent. or twice the pre-war levels and the Hon'ble the Finance Minister says, "Oh, this is a most equitable measure because it touches that class of people who will not feel the burden of this tax." I say that thousands of families will be victims of this tax as they will not be able to pay 1 anna to 2 annas in the rupee on Rs. 3,500 to Rs. 5,000 or more of agricultural income. Most of the tax, I fear, would be spent in meeting salaries, allowances and travelling expenses of new sets of Government servants. I know of Government servants getting a salary of Rs. 100 spending as much as Rs. 10 on cigarettes alone. They will have nothing to do with this tax. What class is most seriously affected by this measure? It is the small land-owning class, viz., *gantidar*, *pattanidar*, *talukdar*, and *bargadar*. Mr. Laidlaw was pleading for the tea companies. But what is the financial position of the tea companies? If we watch the share-market, we will find that tea shares are booming. Original shares of Rs. 100 are being sold for Rs. 600 and even Rs. 800, because there is a tremendous demand for tea for military consumption. Many tea companies in the Dooars with capital of over Rs. 2 lakhs were able to declare dividend at the rate of 50, 60 and even 75 per cent. Our colleague, Mr. Nimmo, a Tea Magnate, sitting on my left, should confirm my statement. There is a big rush for tea shares ignoring enemy penetration in Assam. It is not so with the jute mill and the shares of other industrial concerns hard hit by shortage of coal.

There has been a big demand for tea for the last 3 or 4 years. I had been to the Jhariah Coalfields last week and there I found that even the aboriginals were taking tea in gruelling hot weather. I may say that in ten years from now the whole of Indian population will be tea-drinkers and Soviet Russia will resume tea drinking. So this pleading of Mr Laidlaw for concession to tea companies on the plea of double tax or so does not cut much ice. I say that, if this Bill is referred to a committee of the whole Chamber, there would be fresh reflections, there would be fresh figures and facts before us and then we would be able to ascertain how many thousands of families with fixed incomes of Rs. 3,500 and above from agriculture would be affected by this Bill and what concessions can we afford because they are to bear the burden of land revenue as well as this income-tax. It is a real double tax.

It is true, as Mr. Bankim Chandra Mukherjee has said, that there are some zemindars who are extravagant living very luxurious lives. We all know that. We also know that it is due to these much-maligned zamindars that there are so many schools in the villages in the mufassil and so many stipends and scholarships. We all know that it is the zemindars who have established many charitable dispensaries. It is due to them that there are so many temples and places of worship. It is the zemindars again who financed and even pioneered the national movement, the Swadeshi agitation since the days of the Bengal partition, just as the Bombay mill-owners financed the Gandhi liberation movement. I do not know the number of zemindars whose income is more than Rs. 5,000, but I know that there are many big zamindars who are heavily indebted. But, of late,

they have become prudent and have seen their follies and before long they would be able to adjust themselves to the condition created by the world war. To them this new income-tax will be a fresh burden but they can bear it to some extent but not so their brethren -the small land-holders.

It is, therefore, no use abusing the zemindars or denouncing the Permanent Settlement. Then again, the question is that Government want this money for its rehabilitation and reconstruction programme. The tax will be spent on Government establishment, on salaries, on emoluments and on allowances of Government servants, some of whom can afford to buy petrol for their motor cars at the rate of Rs. 6 a gallon from the black market. If you happen to go to the Lake, you will find that nine out of ten people who park their cars are either war-profiteers or Central and Provincial Government Officers. Therefore, I hope that if this Bill is referred to a committee of the whole Chamber, fresh facts and figures will be forthcoming for the modification of the Bill, which is going to affect thousands of families who constitute the backbone of the patriotic middle-class of our society, ready and willing to suffer any hardships for the benefit of the rising Indian Nationhood.

Khan Bahadur M. A. MOMIN: Sir, it is difficult to conceive of any taxation measure, however just and fair it may be, which would not evoke protests from certain classes. But so far as this particular measure is concerned, I think that the objections raised have not much force. Perhaps, it will be interesting for the House to know that the first Income-tax Act was introduced in India after the Sepoy Mutiny of 1857-58, i.e., in the year 1860. The income-tax is perhaps the most equitable taxation, because it is a tax on the profits, and a tax which a man is able to pay. In the beginning, taxes were imposed on everybody and did not exclude the agriculturists. Some people may think that the Agricultural Income-tax Bill is entirely a new measure. But as I have just said that it is not so, because the first Income-tax Act did not exclude the agricultural income from the operation of its provision. That Act lasted for 4 or 5 years and was abolished in the year 1865. The next Act was introduced in the year 1869 which also lasted for 5 years. This Act also did not exclude the agricultural income. Then came the Bill of 1886 which has become a permanent measure and for the first time that year the agricultural income was excluded from the operation of the Act. All these years the zemindars have enjoyed freedom from taxation on their income. As I submitted before, the income-tax is a taxation on the income. There seems to be no justification why every other trade or business should be taxed, while a man who receives unearned profit, namely, a zemindar, should be excluded from taxation. I believe in 1886 also the objection was raised, just as Mr. Mukherjee has made today, that income-tax cannot be imposed because under the Permanent Settlement Regulations the zemindars are not to have any taxation imposed upon their income ——

Mr. BANKIM CHANDRA MUKHERJEE: I did not say that income-tax cannot be imposed on the zemindars.

But the landlords of that time had more influence in the Council and, therefore, their objection prevailed. Since then all these years the zemindars have been enjoying their rents without any further taxation and are not

paying to the exchequer of the State anything except Government revenue which was assessed under the Permanent Settlement of 1793. Mr. Mukherjee has said that clause 49 of this Bill should also apply to them, and they should not be required to pay double tax. While he was saying so, I said that it was wrong analogy and I still hold to my view that land revenue is no tax at all. As any student of the revenue system of the country knows that the zemindars did not purchase the lands; they were simply *tahsildars* who were given certain allowances for collecting revenue from *raiyats* and paying them into the public Exchequer at a remuneration of ten or fifteen per cent., or rather 10 per cent. Since then this ten per cent. has increased by 400 times while the Government revenue that was settled during the time of the Permanent Settlement remains the same, namely, about 3 crores. The total collections realised by the zemindars from the tenants now amount to 13 crores, so that all these 10 crores are appropriated by the zemindars without paying any other tax to the Exchequer at all. Therefore, it is not right to say that if tea companies or tea-planters or other companies are assessed twice, the zemindars should also be exempted from payment of this tax. The analogy does not hold at all. As a matter of fact, the main recommendation of the Floud Commission was not the introduction of an agricultural income-tax, but that all this unearned income should go to the State by the purchase of zemindaries But since -as the report says -this will take at least 30 years to accomplish, —and the rate at which our Government is going on in this matter, which I say does not satisfy us at all, they will probably take centuries,—the recommendation was to have some income out of it in the shape of agricultural income-tax Yesterday I think a reference was made by Mr. Mukherjee to the recommendation made by the Floud Commission that the income from this tax should be ear-marked solely for the improvement of agriculture. I know that because I was a signatory to that Report. That recommendation came at a time when the present situation in the country did not arise. This income——

Mr. LALIT CHANDRA DAS: Why not express all these views before a committee of the whole Chamber?

Mr. PRESIDENT: There should not be any direct conversation, Mr. Das.

Khan Bahadur M. A. MOMIN: This income should now go to the Government, to the country. I may explain why this agricultural income-tax need not be entirely applied to the improvement of agriculture at this stage. That point has lost its importance. After all, what are we going to get as a result of this measure? Bihar, as you know, has got Rs. 17 lakhs and Assam Rs. 27 lakhs from similar tax. The most you can expect to get is Rs. 50 lakhs (MR. LALIT CHANDRA DAS: It is much more than that. We expect about a crore.) Whatever it may be, it would be from 50 to 80 lakhs. But the Agriculture Minister has got in his pockets two crores of rupees for the improvement of agriculture. Of course, in normal times if this income-tax still exists after the war, then this amount should certainly be ear-marked for agriculture. Now, Sir, coming to section 49 which it was difficult for me to understand until I heard the explanation from Mr. Mukherjee for which I am grateful, it seems to me that the real objection

is on the other side. It is not fair that the tea garden or any other firm should be exempted. All incomes derived in Bengal should be taxed and the proceeds should remain in Bengal. Why should there be double payment? If the income of the tea garden is derived here, the income-tax should also be paid here and in no other place. So it is not the question of double payment but it is the question of single payment in the province itself. There is another criticism with regard to the assessment of tea gardens. There is a provision in the Bill that the valuation for the purpose of agricultural income should be taken to be the valuation which has been made by the Central Income-tax Officer. There are two stages one is growing of tea leaves and another is the manufacture of tea. Formerly the tea gardens claimed exemption from the payment of the Central income-tax, because they contended that their income was derived from the cultivation of tea. Subsequently, there was a sort of compromise, I believe, but I am not quite sure. 40 per cent. of the total income was taken for the manufacture of tea and assessed to income-tax and 60 per cent. was exempted as Agricultural income. And the remaining 60 per cent. we are now proposing to assess as agricultural income-tax. My suggestion is that the method of assessment as is provided in the Act is not fair to Bengal, because the income-tax officer will naturally be more anxious for the Central revenue and reduce the proportion of profit from the growth of leaf and increase that from the manufacture of tea. For instance, if a tea garden's profit is Rs. 4 lakhs, Rs. 2½ lakhs is from the growing of leaves and Rs. 1½ lakhs from the manufacture of tea. But the income-tax officer will reverse the profit and say that profit from leaves is Rs. 1 lakh and profit from manufacture of tea is Rs. 3 lakhs. So, Bengal will lose.

As regards the motion that the Bill should be sent to a Select Committee, we oppose it. After all, these are minor matters and can be considered by the Hon'ble Minister himself. We do not want that this measure should be delayed any longer.

As for Mr. K. C. Roy Chowdhury's complaint, it is very difficult to keep one's temper in trying to answer his objection. I will better leave it at that. These points have been discussed threadbare on many occasions. If he reads the Floud Commission's Report, he will find the answer. Mr. Das has said that the middle-class people have been hard hit. There also I cannot agree with him. After all, as the Hon'ble the Finance Minister has pointed out, men whose gross income is Rs. 7,000 have not been touched. I ask Mr. Das how many of the middle-class people have got an income of Rs. 7,500. I have not got that income. As regards people with higher income, I think they have been hit very lightly. If I had power, I would enhance the rate of assessment a little more. In this connection, I may submit to the Hon'ble the Finance Minister that the definition of agricultural income, as has been given in clause 2, is rather vague and complicated. The reasons for these complications are probably due to an attempt to bring this Bill into line with the Income-tax Bill. Agricultural income has been defined as: (*a*) any rent or revenue derived from land which is used for agricultural purposes, (*b*) agricultural income by actual cultivation, (*c*) selling the produce in the market, and (*d*) the income of a man who sells the produce in the market. All these are complications simply to

harass the people without any benefit to Government. Take the example of sugar-cane. The man who grows sugar-cane is a separate class by himself. If he crushes the cane and converts it into *gur*, and in most cases the same man does grow cane and crush it into *gur*, then he is liable to pay tax separately. Then he takes *gur* to the market. All these are complications and if possible should be removed from the Bill. This not only applies to sugar-cane but it also applies to the threshing of paddy. Mr. Lalit Chandra Das may have a threshing floor and I may take my paddy there for threshing. Any one who has got experience of village life knows that there is no income from threshing floor.

Then there is another item, viz., income from buildings of a person who owns lands or who has got agricultural lands round about. As for myself, in my village home I have got a house where I live and where I have got *barga* lands round about. But is it possible to have income from that house? All these are unnecessary details. With these few words, I support the Bill and I do not support the reference of it to a committee of the whole Chamber.

Mr. HAMIDUL HUQ CHOUDHURY: Sir, first I must say that I am opposed to the motion of Mr. Mukherjee, principally because this measure has received sufficient consideration in its progress in the Lower House, and from our point of view no improvement seems to be necessary in the Bill except that certain rates of taxation might possibly be increased and the exemption level might be lowered. But it is not possible for the time being. In the first instance, the principle of imposing a tax on agricultural income should be accepted and the legislative measure dealing with it should be passed through this House. For any alterations in its provisions we should wait till the next year. Therefore, at this stage, I would have preferred making the Schedule an annual affair, so that every year while the operative part of it would remain as a permanent statutory provision the rates should be annually fixed according to the needs of the province as well as of the revenue position. The objection that is being raised and has been raised by Mr. Mukherjee is to the effect that the particular tax recommended by the Floud Commission should be devoted to the improvement of agriculture and that the Government will always see how far and to what extent the revenue derived from agricultural income-tax has been devoted to the general improvement of the agriculturists. Therefore, Sir, I would be personally very much in favour of making the Schedule an annual affair for the purpose of increasing and decreasing the rates of tax received from this source. But this can be done in the House by amendments. Khan Bahadur Sahib has already answered to a great extent the contention of Mr. Mukherji that there is going to be double taxation on the same income in the case of the zemindars. In 1886, an amendment income-tax bill was passed whereby an express provision was made to exclude agricultural income; but that was the sequel to a judicial decision. The Permanent Settlement having fixed the liability of a landlord towards the State, it could not, according to that decision, be increased or affected in any way. But it is a moot question as to whether this view would hold good today having regard to the fact that the Provincial Legislature has now been empowered to impose tax in respect of what has been dealt with in the Permanent Settlement Regulations.

The history of the land revenue settlement in India has been examined by different interested parties threadbare for this purpose, but certain facts cannot be got over. We have to go back to the practice which obtained during the time of the Moghul Emperors and even during the regime of the Hindu Kings before them. Whenever they had granted any right to a particular person to collect rent, they had always reserved to themselves the right to grant permits or *sanads*, as they used to be called. These *sanads* used to give particular persons the right to collect rent on behalf of the Crown from the tillers of the soil. Therefore, the very fact that permisison had to be granted or lease or settlements had to be taken from a person higher in authority for collecting rent showed that the ownership was never recognised as being vested in the person in whose favour the *sanad* was granted. Therefore, the highest that was ever said on behalf of the landlords was that they had a certain interest in the land: that is not denied; but they had not the whole of the interest in the land. It was divided, strictly speaking, into three parts. The supreme authority in the State, had a share in the land and this share was taken by both the Hindu Kings and the Moghul Emperors as a portion varying from four annas in the rupee to three annas in the rupee, from the cultivators' produce. This share was finally fixed by Raja Todar Mall under Emperor Akbar. The Moghul Emperors, the Moghul State, accepted that rate as their share of the profits in the land and the other share was given to the man who used to collect the amount on behalf of the Crown. Therefore, if anybody had primarily a share in the profits from the land, it was the Emperor, because he could in the last resort over-ride everybody's share in it and the whole land could be transferred to another party if a person did not pay up his stipulated share. That is to say, if X did not pay to the Emperor his share in the profits from the land, the land given to X could be transferred to Y. Therefore, primarily the State claimed to be the supreme owner of land, subject to certain conditions. And the land revenue is only a share of the interest which the State has in the land and not a tax upon income. This income is an individual's own property, which he has earned by his own exertions alone. Let us, first of all, conceive that income as the man's own income and that nobody has got a share in it and that he is the rightful and legitimate owner of it. But as ordered progress in a State demands funds, therefore the State has got the right to demand some portion of this man's income for the maintenance of the State's functions. That is a tax. But here the State says: here is my property; whoever likes may come forward and collect rents from it and give me a certain share of the profits from this land. That is not a tax but land revenue. I may sum up by saying that where the paramount authority in the State farms out certain lands in consideration of a certain share of the collections, that is land revenue; but tax is a charge on income which belongs to an individual wholly and solely and that is reflected only in the contribution of the individual to the State for the purpose of carrying on its own functions.

Therefore, there is no double taxation here and no complaint can be made that because some other interests which are paying income-tax—tax to other bodies will be given some relief on certain calculations, therefore no relief is being given to the landlords who thus are being made to pay a double tax.

I am afraid, I have not been able to finish the point regarding the sum to be ear-marked for a particular purpose. It has been said that the Floud Commission recommended the ear-marking of the sum for agriculture. The Hon'ble the Finance Minister has said that it is bad finance. Well, bad finance in the sense that it is bad accounting, because it presupposes that a particular amount of money has to be kept for a particular item of expenditure. That will be a complicated work for those who will deal with the finances. The other way is there that you can create a special fund. You can create a Statutory fund by this very Act the proceeds of which shall go to a particular fund,—fund which could be spent for a particular purpose, as you have got in the Famine Relief Act. There, you cannot spend the fund for any other purpose, you cannot touch that fund for any other item of expenditure except for famine relief But the question is: once you start ear-marking funds in this way, where do you stop? Taxes may have to be imposed on different interests; but if every such tax has to be ear-marked for being spent for that very interest from which the tax is realised, it will greatly complicate matters This sort of compartments, if created in the general system of taxation, will be detrimental to the interest of the Province as a whole. So long as the popular Government or in other words the Government of the people is working; that sort of suspicion or demand is wholly uncalled for. The Ministry which does not carry popular support cannot assume office. Therefore, the Ministry which has the popular support behind it must look to the interest of the Province generally. The mere fact that Mr. Lalit Chandra Das is opposing the measure——

Mr. LALIT CHANDRA DAS: Don't assume argument where there is no argument, only for your own delectation.

Mr. HAMIDUL HUQ CHOWDHURY: I do not say that there should not be opposition. There should always be Opposition, because Opposition keeps the Ministry on the right track. So long as minority and majority parties subsist and so long as there is healthy criticism, it will be greatly beneficial to the country and no one should have any objection to that. I should say that the Opposition is entitled to make criticisms and even if there is unreasonable criticism, I do not object to it. But the Opposition should always carry in their mind that they are the alternative Government—that whatsoever they say today they will have to fulfil tomorrow. So long as they have that sense of responsibility in their mind, their utterances cannot go out of reasonable bounds.

Sir, Mr. Majumdar has already said that the bulk of this tax will come from the pockets of the Muhammadans. It is true that a large section of the Muhammadan cultivators in certain areas are very well-to-do and they will come within the ambit of this tax. But fortunately the representatives of our community are in a position to induce their constituencies to sacrifice some portion of their income. Therefore, we on this side of the House will not approach the question from merely a sectional or communal stand-point when the nation demands sacrifice from us. It is a happy sign that Muhammadan zemindars, however much in high position they might be, always support such measures. Some of the hardest hit Muhammadan zemindars may come forward to oppose this measure but that is purely on political grounds. Mr. Majumdar's arguments, I shall not impute any

other motive, are illegitimate. However, we are confident and we are proud of the position that the Muhammadan zemindars have come forward to make sacrifice. (Mr. HARIDAS MAJUMDAR: Wait one year and let the tax-collector collect rents on this account.)

As regards the question whether this is an unfair tax, I may say that it is not; and as for the time whether this is the opportune moment for imposing this tax, I would say that this is the opportune moment. On account of this war a very rich class has been created. (Mr. LALIT CHANDRA DAS: But they will not be touched.) Now, Sir, side by side with the rich people, the poor people are dying for want of food. As regards the capacity of the cultivators to pay the tax, I may submit that their capacity has increased four times than what it was before the war and we have spread the net to catch a big portion of what he has derived from his income. I may again say that really needy classes have not been hard hit. We are going to tax the people who have done their very best during the crisis.

Secondly, Sir, on the question of inflation also, the surplus money is there in the hands of the cultivators and persons other than cultivators. No way has been found as to how this surplus money may be tapped to augment the revenues of the State. The only way was to tax or borrow. Borrowing is going on. This war is one in which, contrary to what happened during the last war, the war finances have been organised entirely by inflation. The Government of India has not borrowed extensively in the manner in which it ought to have borrowed. Therefore, they have accepted the policy of inflation. This has created a very serious situation, and everyone, rich and poor, is being hard hit. This measure, if it does affect even in a small way this inflation problem, will be beneficial ultimately for the whole of the Province. Sir, the receipts from this tax, as has been shown, will not be large. According to certain calculation it will not be above 30 lakhs of rupees or it may be 70 lakhs of rupees at the highest. But I am not particularly concerned with what it will be this year. What I am concerned with is the acceptance of this principle of taxation which is a right beginning. Once we have had it accepted, it will not be difficult for us to see that the proper rate and proper level are fixed from the next financial year, so that we can have at least one crore of rupees out of this tax. The Province has got a huge deficit and is faced with a tremendous problem. But what are our financial possibilities? Our source of taxation is very limited and one of the big resources for taxation is the agricultural income-tax; the other one has already been passed, viz., the Sales Tax. The next is the tax on buildings, because the urban people have not been touched at all, and they are the people who can pay most and who have also benefited most during this war. Tax upon buildings will give rise to a certain amount of opposition, because the well-to-do classes among the Hindus have always raised a hue and cry whenever they are called upon to contribute towards social reform.

So far as jute is concerned, there is a tax and that tax is entirely being devoted towards the improvement of agriculture. With these few words, Sir, I oppose the motion of Mr. Mukherjee and support the motion for consideration of this Bill.

Mr. NUR AHMED: Sir, with your permission, I rise to oppose the motion of Mr. Mukherjee for referring the Bill to a committee of the whole

Chamber. Firstly, I find that the motion is incomplete. In this motion there is no date by which that committee has to submit its report. This is a most important thing which has been omitted. Also there is no provision in the motion as regards how many members will be required to form a quorum. I find that the honourable mover has laid stress in his speech on section 49, but it appeared that he groped in the dark. He has made a good deal of confusion as regards the implication of the section. But, Sir, on going through that section I find that it is as clear as anything.

On these grounds, this Bill should not be referred to a committee of the whole House. There is another reason why this motion should be opposed. Now that this Bill has been brought before the House for consideration, every member of the House has got his right to suggest any amendment and those amendments can be considered. So there is no necessity of referring the Bill to a committee of the whole House, and I support the motion for consideration of the Bill on the floor of the House. Sir, various objections have been raised by members on the other side. The honourable member who has just sat down and Khan Bahadur Abdul Momin, who is an expert in this matter and was a member of the Floud Commission, have ably refuted those charges. I would like only very briefly to refer to some of those charges; firstly, as regards the inequity of the tax. Much has been written and much valuable literature has grown up as regards the efficacy and wisdom of the Permanent Settlement introduced by Lord Cornwallis in 1793. There are two different views. One view is that Lord Cornwallis by this Permanent Settlement created a new class of zemindars having some sort of proprietory right in the land which was unique in the history of India, against the considered opinion of Sir John Shore and Sir Thomas Monroe who were of the opinion that by Permanent Settlement not only would the interests of the *raiyats* be sacrificed but the interests of the province also would be sacrificed. But Lord Cornwallis with his one predilection for the English system of landlordism introduced that system here. There were other reasons which induced him to make this Settlement. At that time under section 39 of the Act of 1784, a survey was made of the total land area in Bengal The total land area in Bengal was then estimated to be 56,700,000 acres, of which 53,000,000 acres were liable to assessment Out of this, only 11,500,000 acres produced paddy at the time. The produce of paddy per acre was estimated to be 13 maunds and the price of the produce at the rate of eight annas per maund was estimated to be Rs. 6-8 per acre. The price of the total outturn was estimated to be Rs. 7,48,00,000.

As the *raiyats* used to pay one-third, the zemindars' income was estimated to be Rs. 2,49 lakhs a year. 10/11ths of this 2 lakhs used to be Government revenue. At that time, Sylhet was included in *subah* Bengal. The first assessment of cess was made in 1871. Assessment made for it showed that the income of 2,48 lakhs was increased to 7,77 lakhs. In 1931, the gross rental of 7,77 lakhs swelled to 16,34 lakhs. Thus, comparing the income of this gross rental of three years, it appears that in 1793 it was 2,39 lakhs, in 1870 it was 7,77 lakhs and in 1931 it was 16,34 lakhs excluding the Government revenue of Rs. 2,16 lakhs. In 1931 it was 3,03 lakhs and the cess of 24 lakhs in 1932 and 1 lakh in 1931, the net income of the zemindars was Rs. 23 lakhs in 1793 when the Permanent Settlement was made; but it was

increased to 5,37 lakhs in 1871 and it was further increased to 12,18 lakhs in 1931. In 1931 the revenue was increased to 303 lakhs owing to assessment made of land. During the first 80 years of the Permanent Settlement, the zemindars' income increased 23 times. During the following years it increased 204 times. Now, comparing the income of the zemindar in the light of the increased prices of goods, it appears that the increase of the prices of goods is 2·3 times as compared with 1793. So it appears that by this Permanent Settlement the zemindars were greatly benefited. It is an increase from 23 lakhs to 16,80 lakhs. In view of this, Commission after Commission suggested two solutions: one is the imposition of agricultural income-tax and the other is the abolition of the zemindari system.

The Taxation Enquiry Committee, the Floud Commission and the Statutory Committee in 1930 recommended that this tax should be imposed and the amount thus collected, according to the estimate of the Statutory Commission, would bring about Rs. 5 crores. The Permanent Settlement was introduced in Bengal, Orissa and Bihar and in some parts of Madras. If we compare the position of Madras, Bombay, and U. P. with that of Bengal, we find that Bengal's revenue receipt is the lowest in India. Due to this fact some suggest that the zemindari system should be abolished. The ex-Editor of *The Statesman*, Sir Alfred Watson, after inspecting the devastation of the last famine expressed his definite opinion that the famine was due to the Permanent Settlement. According to some, there is a loss of income to the Government of Bengal due to this Permanent Settlement to the tune of Rs. 5 to 7 crores and according to some to the extent of Rs. 35 crores. There are different assumptions given by different experts on this matter. Individually speaking, I must say that this measure introduced by the Government is only half-hearted. It does not go to the root of the evil. It will bring only Rs. 60 lakhs or a little more and that would be quite inadequate for improving irrigation, illiteracy, medical relief. On this ground, I cannot whole-heartedly support this measure. I would have been glad if the Government would have brought a measure which would go to the root of the Permanent Settlement and place Bengal's case on a firm footing. It has been said by the Taxation Enquiry Committee and many other committees that taxation hits the poor more than the rich. The poor Contributes Rs. 150 crores by way of taxation while the rich pays only Rs. 111 crores.

As regards the justification of the imposition of this tax, I do not think there can be any objection. This tax would bring only a small amount to the public exchequer.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. The motion is whether the Bill should be referred to a select committee of the whole House. The honourable member is dealing with the history of the whole situation.

Mr. PRESIDENT: Previous speakers also dwelt on the history of the whole situation and I gave a little latitude over this matter.

The House stands adjourned till 1-30 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1-30 p.m. on Thursday, the 25th May, 1944.

Members Absent.

The following members were absent from the meeting held on the 24th May, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Khan Sahib Nurul Amin.
(3) Rai Bahadur K. C. Banerji
(4) Mr. S. C. Chakraverti.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. N. C. Datta.
(7) Mrs. K. D'Rozario
(8) Mr. K. K. Dutta.
(9) Khan Bahadur Abdul Gotran.
(10) Mr. M. R. Jaipuria
(11) Mr. Humayun Z. A. Kabir
(12) Maulana Mohd. Akrum Khan
(13) Mr. Abdul Latiff.
(14) Mr. N. N. Moholanabish.
(15) Mr. N. N. Mookerjee
(16) Mr. R. S. Pursell
(17) Khan Bahadur Mukhlesur Rahman
(18) Khan Bahadur Kazi Abdur Rashid
(19) Dr. K. S. Ray.
(20) Mr. B. K. Roy Chowdhury.
(21) Mr. S. N. Sanyal
(22) Khan Bahadur M. Shamsuzzoha
(23) Mr. J. W. R. Steven

BGP-44/5-3535A-760

First Session, 1944—No. 42.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 25th May, 1944, at 1-30 p.m., being the forty second day of the First Session of 1944, pursuant to section 62(2)(a) the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Need of a dispensary at Shankarpur.

170. Mr. HARIDAS MAZUMDAR (on behalf of Mr. K. C. Roy Chowdhury): (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that the villagers of the Chandibarpur, Singa and Durgapur Union Boards sent a petition to him through the Subdivisional Officer, Narail (Jessore), in June, 1942, praying for a permanent dispensary to be opened at Shankarpur out of the Village Reconstruction Fund?

(*b*) Is it a fact that death rates are far higher than birth rates in the Chandibarpur Union Board?

(*c*) Is it a fact that there has been recently an outbreak of malaria and kala-azar in the Chandibarpur Union Board?

(*d*) If the reply to parts (*a*) to (*c*) be in the affirmative, will the Hon'ble Minister please state what steps he has hitherto taken or proposes to take to meet the needs of the people there?

(*e*) Is he aware that the District Board of Jessore has hitherto rendered no medical and other help to the people of the said Union Board?

(*f*) Will the Hon'ble Minister please state what are the birth and death rates of the Chandibarpur Union Board for 1940, 1941 and 1942, respectively?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) No.

(*b*) and (*f*) Statements are laid in the Library.

(*c*) Malaria is fairly prevalent in the Union. Incidence of kala-azar is, however, very low.

(*d*) The honourable member is referred to the answer given to clause (*d*) of question No. 37 delivered on the floor of this House on the 3rd March, 1943.

Regarding the establishment of a charitable dispensary at Shankarpur, the local officers do not support the idea as another dispensary exists within a mile from that village.

The following quantities of quinine have been supplied to the district up to date:—

Quinine sulphate—For sale 2,111 lbs.

For free distribution 358 lbs.

Cinchona febrifuge—Free 763 lbs.

Besides, a kala-azar grant of Rs.1,000 has also been made.

Government arranged for satellite treatment centres to be opened from District Board dispensaries and for quinine and cinchona to be distributed free on a wide scale.

(*e*) No.

Posts held by Muslims in the Public Health Department.

171. Khan Sahib NURUL AMIN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the number of permanent and temporary posts separately in the Provincial cadre in the Public Health Department;

(*b*) the number of such posts permanently and temporarily held by Muslims;

(*c*) the number of such posts reserved for the Muslims according to the Communal Ratio Rules; and

(*d*) whether all such posts reserved for the Muslims have been permanently filled up, and if not, what steps are being taken by the Government to recruit Muslims to fill up these vacancies?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Permanent 30 and Temporary 18.

(*b*) Permanent 7 and Temporary 6.

(*c*) There is no particular number of such posts reserved for the Muslim according to the Communal Ratio Rules but of the posts falling vacant since the introduction of the Communal Ratio Rules, 10 permanent posts and 8 temporary posts have been reserved for Muslims according to these rules.

(*d*) Of the permanent posts falling vacant and reserved for Muslims, 5 have been filled up by Muslims and of the temporary posts, 6 have been filled up by Muslims; every vacant post that is reserved for a Muslim is advertised as reserved for a Muslim and every effort is made to secure a suitable Muslim.

Khan Sahib NURUL AMIN: Will the Hon'ble Minister be pleased to state which are the posts that have been reserved for the Muslims and what are their designations?

Mr. BIREN ROY: The Assistant Director of Public Health, the Director of Bengal Public Health Laboratory, the Director of Public Health, the Superintendent, Bengal Vaccine Laboratory, the Malarial Engineer (this post, although it was reserved for Muslims, was subsequently thrown open to all, as no qualified Muslims were available), and the Assistant Malarial Epidemiologist.

Khan Sahib NURUL AMIN: Will the Hon'ble Minister please state whether any attempt was made to find a Muhammadan officer for the post of Director of Public Health?

Mr. BIREN ROY: Yes, but no one was available at the time.

Khan Sahib NURUL AMIN: Will the Hon'ble Minister please state whether applications from Mussalmans were received for that post?

Mr. BIREN ROY: I want notice.

Khan Sahib FARIDUDDIN AHMED: With reference to (*d*), will the Hon'ble Minister please state what is the number of the permanent posts that fell vacant, of which five have been filled by Mussalmans?

Mr. BIREN ROY: Eight posts fell vacant.

Khan Sahib FARIDUDDIN AHMED: What has happened to the three posts that did not go to Mussalmans?

Mr. BIREN ROY: In the two other posts, two Mussalmans are acting temporarily against two permanent posts.

Inspection of the stocks of rice in Calcutta.

156. Mr. RANAJIT PAL CHOWDHURY: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the stock, pool or reserve from which the rice that is being distributed from the Government Stores and Ration Shops at present in Calcutta, has been obtained;

(*b*) the place or places where the stock, pool or reserve of such rice was being kept so long;

(*c*) whether any sort of inspection of the different qualities of rice procured was made when they were being stored or kept in reserve;

(*d*) if so, the nature of such inspection; and

(*e*) the final authority that approved such rice?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) and (*b*) A statement of godowns where rice in the Calcutta area has been or is stored is placed on the Table.

(*c*) Yes; this practice has been started recently.

(*d*) Inspection of all doubtful qualities of rice is made by an approved rice expert.

(*e*) By the Controller of Distribution.

Statement referred to in reply to question No. 156.

ADDRESS OF GODOWNS.

M. A. Akbar.

(1) 7, Chetla Road.
(2) 7/1, Chetla Road.
(3) 79, Chetla Road.
(4) 83/1, Chetla Road.
(5) 74, Chetla Road.
(6) 77, Chetla Road.
(7) 16, Bridge Road.
(8) 1, Foreshore Road.
(9) 2, Foreshore Road.
(10) 3, Foreshore Road.
(11) 6, Foreshore Road.
(12) 7, Foreshore Road.
(13) 8, Foreshore Road.
(14) 9, Foreshore Road.
(15) 31/32, Chandmari Road.
(16) 5/11, Canal East Road.
(17) 242, Upper Circular Road.
(18) 20, Gopal Neogi Lane.

(19) 21, Kumurtuly Street.
(20) 48, Look Gate Road.
(21) 47, G. P. Roy Lane.
(22) 14, Ramzan Lane.
(23) 1, Biswambur Mallick Lane.
(24) 46, Manik Bose Ghat Street.
(25) 11, Harchandra M. Street.
(26) 12, G. P. Roy Lane.
(27) 8, Nayansur Lane.
(28) 17, B. Sirkar Street.
(29) 17, H. C. Mallick Street.
(30) Adi Kali R.M.
(31) Md. Ashan R.M.

H. S. H. Pirmohammed.

(1) 10/3, Ahiritola Street.
(2) 1, Ahiritola Street.
(3) 47, Manik Bose Ghat Street.
(4) 8, Jogendra M. Road.
(5) 3, Brajadayal Road.
(6) 3, Foreshore Road.
(7) 18, Foreshore Road.
(8) 19, Foreshore Road.
(9) 20, Foreshore Road.
(10) 32, Ghusuri Road.
(11) 3, Chintamani Ghat Road.
(12) U. Shed.
(13) 1, Ultadanga M. Road.

A. Bhattacharjee.

(1) 69/1 & 69/2, Chetla Road.
(2) 63, Chetla Road.
(3) Rajnarayan R.M.

Gupta Bros.

(1) 2, Gurudas Datta's Garden Lane.
(2) 10, Gurupada Sarkar Lane.
(3) 15 & 16, Chaulpatty.

Cochinwalla.

(1) 9, Panchanan M. Lane.
(2) 8, Panchanan M. Lane.
(3) 20/1/1, Chetla Road.
(4) 24, Chetla Road.
(5) 24/1, Chetla Road.
(6) 25, Chetla Road.
(7) 40, Chetla Road.
(8) 69/1A, Chetla Road.
(9) U. Shed portion.
(10) 10/2B, Canal C. Road.
(11) 11, Canal C. Road.
(12) 34, Durga Ch. Mukherjee Road.
(13) 1, Foreshore Road.
(14) 3/1, Foreshore Road.
(15) 18/F, Foreshore Road.
(16) 154, Foreshore Road.

H. K. Dada

(1) 40, Manik Bose Ghat Street.
(2) 44, Manik Bose Ghat Street.
(3) 1/4, Brajadayal S. Road.
(4) 6, Brajadayal S. Road.
(5) 5, Bulai Datta Street.
(6) P. Shed, Kantapukur.
(7) Tota Shed, Kantapukur.
(8) U. Shed, Kantapukur.

Jaipurias.

(1) 11/8G, Canal C. Road.
(2) 9, Canal East Road.
(3) 8C, Brajadayal Road.
(4) 4 & 5, Sukhlal Jahuri Lane.
(5) 4 & 5, Nawab Patty Road.
(6) 3, Nawab Patty Road.

H. H. H. Pirmd.

(1) 7, Settpukur Road.
(2) 10, Jogendra Mukherjee Lane
(3) 10, Bangsden Lane.
(4) 2, Alireza's godown
(5) 7, Foreshore Road.
(6) U. Shed.

East Asiatic.

(1) P29, Mission Row Extension.
(2) 78, Chetla Road.
(3) 80, Chetla Road.
(4) 7/2, Chetla Road.
(5) Shyamsundar Rice Mill, G.D.I.
(6) Shyamsundar Rice Mill, G.D.II.
(7) 414, Grand Trunk Road.
(8) 4, Howrah Road.

Khaitans.

(1) 7 & 9, P. K. Tagore Street
(2) 122, Maharshi D. Road.
(3) 2A, Jadu Mallik Lane.
(4) 56, Strand Road.
(5) 2, Govinda Addy Road.
(6) Matilal B. K. R. M.
(7) Satya Narayan R. M.
(8) Cornani R. Mill.
(9) 16, Bridge Road
(10) 17, Bridge Road.
(11) 43, Chetla Road.
(12) 62/2, Chetla Road.
(13) 66, Chetla Road.
(14) 2, Basantes S. Road.
(15) 105/2, Ultadanga M. Road.
(16) 18, Foreshore Road.
(17) 12, Chandmari Road.
(18) 67, Howrah Road.
(19) 185, J. M. Road.
(20) Howrah Jute Mill.
(21) Champdani Jute Mill.
(22) Banshbari Jute Mill.
(23) 81, Maharshi D. Road.
(24) 130, Dharmotala Road.

Mr. RANAJIT PAL CHOWDHURY: With reference to (*b*), is it not a fact that a large stock of rice was kept exposed in the Botanical Gardens for months?

The Hon'ble Mr. H. S. SUHRAWARDY: Everybody could have seen that stocks of rice were placed in the Botanical Gardens but they were not exposed: they were covered by tarpaulins.

Mr. RANAJIT PAL CHOWDHURY: With reference to (*d*), who is this expert?

The Hon'ble Mr. H. S. SUHRAWARDY: I believe he is a gentleman who works under Messrs. Shaw Wallace & Co., who has been kind enough to give a report on any rice that we may send him for inspection and report.

Mr. RANAJIT PAL CHOWDHURY: What is his qualification?

The Hon'ble Mr. H. S. SUHRAWARDY: He is a rice expert.

Mr. RANAJIT PAL CHOWDHURY: Why is this duty not given to a Board of experts?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, we did not think it necessary to appoint a Board for the purpose of inspecting and reporting on rice, which is quite an easy job.

Mr. PRESIDENT: Questions over.

Adjournment Motion.

Mr. HARIDAS MAZUMDAR: Sir, I have an adjournment motion.

Mr. PRESIDENT: Yes; please state how it is a matter of urgent public importance. But you need not read the motion.

Mr. HARIDAS MAZUMDAR: Sir, on account of the entry of Japan into the war——

Mr. PRESIDENT: Mr. Mazumdar, you must satisfy me on one point, namely, that it is a matter which falls within the responsibility of the Provincial Government.

Mr. HARIDAS MAZUMDAR: Sir, it is a matter of urgent public importance and it concerns the Government of Bengal, because as a result of the ordinance promulgated 20,000 dealers will be out of employment——

Mr. PRESIDENT: But it is a Central Government order.

Mr. HARIDAS MAZUMDAR: Sir, my motion will strengthen the hands of the Government of Bengal to impress on the Central Government——

Mr. PRESIDENT: But you cannot move the motion unless it is in conformity with the rules.

Mr. HARIDAS MAZUMDAR: Sir, it is practically a subject-matter which falls within the purview of the Government of Bengal and if the Government of Bengal had impressed upon the Government of India——

Mr. PRESIDENT: But it must be a definite matter of urgent public importance.

Mr. HARIDAS MAZUMDAR: Sir, I submit that it is a definite matter of urgent public importance, and I shall prove it——

Mr. PRESIDENT: But the point is that the matter should come within the sphere of the responsibility of the Provincial Government. If an order is passed by the Central Government, the Government of Bengal cannot be held responsible for it.

Mr. HARIDAS MAZUMDAR: Yes, Sir, it has everything to do with this Government. Because it shows that by this order, in Bengal practically many old dealers will have to close their shops——

Mr. PRESIDENT: But how do you shift the responsibility for that on to the Provincial Government?

Mr. HARIDAS MAZUMDAR: With regard to that, Sir, I may say that the Government of Bengal have failed to impress on the Government of India the seriousness of the situation created by this ordinance. Let them prove by making a statement that it is not their responsibility.

Mr. PRESIDENT: No, the responsibility of proving it is on you.

Mr. HARIDAS MAZUMDAR: Sir, my submission is that if the Government of Bengal had properly placed the matter before the Central Government, the ordinance would have been amended.

Mr. PRESIDENT: But why do you assume that the Government of Bengal have failed to do it.

Mr. HARIDAS MAZUMDAR: May I not ask for this information and for a statement, for it is very urgent and it will cause unemployment in this difficult time in Bengal?

Mr. PRESIDENT: That is a different matter altogether. If you want information from the Government of Bengal, you can put a short-notice

question or you can request the Hon'ble Minister in charge to make a statement. But I refuse my consent to the adjournment motion.

Point of Information regarding "Bhog" Ration.

Mr. HARIDAS MAZUMDAR: Sir, regarding *Bhog* ration, I am very fortunate today as we find the Hon'ble the Civil Supply Minister in our midst. The Parliamentary Secretary promised also that today final decision about this vexed question will be announced.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the file about *Bhog* is now before me but it is in a confused state. There are a number of recommendations by most respectable Hindu gentlemen regarding the quantity of ration that should be given and the parties to whom it should be given. It is necessary, Sir, that I should examine them rather meticulously. I want to see one or two points more carefully. I hoped that I would be able to place the matter before the House yesterday but in view of the confused condition of the file, I could not do it. I think I shall be able to place my decision before the House on Monday next. (Mr. BANKIM CHANDRA MUKHERJEE: If there is no sitting of the House on Monday, what then?) Well, later on.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister consider the necessity of passing an order to this effect now. We do not mind whether he brings his decision to the notice of the House or not. He might very well publish his decision in the Press, so that the Hindus may get the ration forthwith for the deities. We are not anxious to know the decision here in this House. We want that this decision should be published in the Press so that the Hindu public may get their ration for the deities forthwith.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I note the observations of the honourable member.

Bengal Agricultural Income-tax Bill, 1944.

Mr. PRESIDENT: The House will now take up the Bengal Agricultural Income-tax Bill, 1944, as passed by the Assembly. The motion of Mr. Bankim Chandra Mukharji that the Bill be referred to a committee of the whole House is now under discussion.

Mr. NUR AHMED: Mr. President, Sir, yesterday when the House adjourned, I was quoting figures in support of my contention that the provisions of the Bill do not go far enough to bring all the money that is slipping away from the Government of Bengal year by year, although this money is urgently needed for the agricultural improvement and other nation-building departments of Bengal. Similar Bills were enacted in Bihar in 1938 and in Assam in 1939. In Bihar the income from the agricultural income-tax on an average is Rs. 17 lakhs a year; in Assam on an average the income is Rs. 27 lakhs. The estimate of the Statutory Commission was Rs. 5 crores. That was also the idea of the Taxation Committee. The present Bill does not go far enough. As I said in the very beginning, personally speaking, I cannot accord my full support to this Bill. This is a halting measure half-way measure and that is why it will not be so beneficial.

It has been said that it will affect a large number of middle-class people. I have great doubt about that; but there are some provisions in the Bill which, it appears to me, may affect some middle-class people with a limited income.

Sir, the number of middle-class people who hold lands in Chittagong is the largest. The provisions in the Bill, as they stand now, may affect a large number of tenure-holders in Chittagong and other districts of Bengal. Sir, it is apparent that the Bill will be enforced during this war time. It is an admitted fact that incomes from lands have increased owing to the high price of agricultural produce and owing to inflation and bloated money market. Now, if assessment is made on the present bloated income of a land-holder and if his income is reduced after the war, he will be very hard hit on account of this tax. Our experience is that once an assessee, he will continue to be an assessee, and it will be very difficult for him to get exemption from the assessors appointed by Government. In this respect, I must make my humble appeal to Government that this question of assessment should be reviewed after the war, so that the middle-class people who now will come within the purview of this Bill may not be affected when their income will be reduced after the war. This is one of the most important considerations which led me to think that the rate of income on which assessment would be made should have been raised to Rs. 5,000, as has been done in the case of Bihar and also in the Travancore State. Only Assam is an exception, but it appears that in Assam the receipt is very small.

There is a large variation in the rate. The rate of revenue is only 9 annas in a permanently-settled area, 13 annas in a temporary-settled estate and Rs. 2 in the case of an estate under direct management. The whole question should have been reviewed from that point of view, so that justice might be done on a new plan and those who live on lands might not be affected and Government might get additional income. With these few words, I accord my qualified support to this Bill.

Mr. MUHAMMAD HABIBULLAH: Mr. President, Sir, after the speeches of so many veterans belonging to different parties, a speech from "the babe of the House" would seem to be absolutely superfluous. But I feel that I would be failing in my duty if I do not speak a few words. We know, as has been pointed out by our leader Khan Bahadur M. A. Momin, that there are defects in this Bill. Even then we cannot accept the amendment to refer it to a committee of the whole House or to any select committee. Our position is absolutely clear: We apprehend that through these amendments attempts are being made to sabotage the Bill altogether.

Look at the very first amendment that was sought to be moved by Mr. Lalit Chandra Das. He wanted that the consideration of the Bill should be refused altogether. When he failed in his tactics, amendments came for circulation and reference to a committee of the whole House. The right of members to move amendments to refer Bills to select committees has, of late, been so much misused in our province that we are very much afraid of this sort of amendments. So we are in favour of considering all sorts of amendments without referring the Bill to a committee of the whole House or to select committees. Of late, we Bengalees have developed a peculiar mentality. We feel that we have been suffering from cancer. But when

the physician advises operation, we find fault with him and avoid treatment with this excuse or that. More than a quarter of a century back, we realised that the Secondary education system of our province was absolutely rotten. But we refused consideration of Secondary Education Bill many times and are not prepared to change the system even in 1944. We felt long ago that through the Meston Award and other arrangements the Central Government delivered many a heavy blow to the financial strength of Bengal. But when the proposal came to separate Bengal from the Centre we did not like the idea. We all admit that whatever might have been the justification for the Permanent Settlement in 1793, it is no longer suitable to the conditions of the present time and that the zemindary system had developed so many defects that it had ceased to serve any national interest. But when the proposal comes for the abolition of the Permanent Settlement and the zemindary system we oppose it tooth and nail. Similarly, we all admit that in proportion to the expanding needs of Bengal's vast population, the revenue available for our province is glaringly inadequate. But when our Finance Minister comes with a specific remedy, viz., the Agricultural Income-tax Bill, we want to shelve it. The Agricultural Income-tax Bill that is being discussed today is not a new measure in India. The Indian Taxation Enquiry Committee recommended that agricultural income should not be exempted from taxation. As we all know, the Congress Governments were very shy to go against the interest of landholders. They, Sir, did not dare to consider the proposal for the abolition of Permanent Settlement even in the United Provinces where only ten per cent. of the province is under Permanent Settlement. But even Congress Governments had to impose a tax on agricultural income in Bihar and elsewhere.

Now, Sir, let us come to the present Bill. Our friends opposite shed tears—I think crocodile tears—for the hungry millions who suffered during the crisis period of last year and requested the Hon'ble Finance Minister not to resort to further taxation. This is, to say the least, very interesting. Knowing full well that this Bill will not touch any one whose net income is less than Rs. 3,500, we wonder how they mention about the destitutes. Are we to understand that those who died of hunger had an income of Rs. 3,500 or those who have got an income of Rs. 3,500 are destitutes?

Four years back the Floud Commission warned us in unequivocal terms. They said: "the present system cannot remain unaltered. In fact, if the present conditions continue, it may not be too much to say that the system will break down of its own accord." The Commission apprehended that there would be opposition against their scheme of State acquisition. So they preferred an agricultural income-tax to be imposed as a transition measure, until the scheme of State acquisition was affected or as a permanent measure if the Government considered that State acquisition should not be undertaken for financial or other reasons.

Now world forces are moving too fast and our social structure is "breaking down of its own accord". We congratulate the Hon'ble the Finance Minister because he has understood the implications of the crisis and has brought this Bill which will work as a safety valve for our society.

Sir, I quite appreciate the arguments put forward by the *Maharajadhiraja* of Burdwan and Sj. Brojendra Kishore Roy Chowdhury as members of the

Floud Commission when they say that change in the land laws "would accelerate the pace of Communism and will be fraught with grave consequences". I can also follow the arguments of Sir Nalini Ranjan Chatterjee or Dr. Radha Kumud Mukerji when they say that our society should be divided into classes—day-labourer, tenant-at-will, small tenant, large tenant and, over the head of all, there should be an agricultural aristocracy and an educated agricultural middle-class. Sir Nalini Ranjan is very sincere when he says that Brahmins owing to religious prohibition and other *bhadralogs* in this country on social grounds cannot plough with their own hands. But they must possess vast tracts of land for the good of our society. But, Sir, my intelligence fails when an Agricultural Income-tax Bill like the present one is opposed in the name of hungry millions.

Sir, Mr. Haridas Mazumdar has appealed to Muslim members not to support this Bill because this will hit the Muslim landholders also. I am really surprised how the leader of the Nationalist Party could appeal to our communal sentiment to enlist our support against a Bill which is national every inch of it and which has been moved by a gentleman who is known throughout the country as a great nationalist leader. I can frankly request Mr. Mazumdar not to poke his nose about our interest. For his information I can tell him that in Islam the King himself or any other head of the State has been deprived of the ownership of land. The Quoran has given the name of "Malik-ul-Mulk" to God and has declared repeatedly that every place, that is every millionth part of an inch of land belongs to God. It says "Lahul Mulk—His is all Kingdom. لله ما فی السموات ; ما فی الارض "Whatever is in Heaven and in Earth belongs to God."

The Prophet further declared: "All land is of God, the creatures are the creatures of God. Who so quickens a dead land is best entitled to it. Who so quickens a dead land is His, there is no right of expropriation against him." According to Islam, land of God should be distributed according to need. Human being, whether king or subject, is only a trustee. Islam does not recognise class or caste—there is no Brahmin or Scheduled Caste here. Quoran says: "Oh mankind, surely we have created you of a male and female and your families and tribes so that you may know one another. Surely, the most honourable of you with Allah is he who exceeds most in good work and piety." XIII: 49. Poet Iqbal says: "Chiste Quoran? Khajara Paigame Marg Dastagire Bandae, Be saj o barg." "What is Quoran? It is a death-knell for the rich; and for those without any means, it is a Protector."

Sir, I can assure my friends that when time will come for a change and real social reconstruction, they will not find us wanting. Already Hon'ble Khan Bahadur Muazzamuddin Hosain and Khan Bahadur, M. A. Momin by signing the Floud Commission Report and Sir Nazimuddin by accepting the principle underlying it have signed their death sentence willingly. I am extremely glad to note that great Hindus like yourself, the Hon'ble P. C. Goswami, and many others are prepared for any sacrifice for the good of the masses. Appointment of the Floud Commission by you and Agricultural Income-tax Bill moved by the Hon'ble Mr. Goswami are proof positive for my statement. It seems our British friends also, of late especially

after their friendship with Soviet Russia, have changed their attitude and are objectively playing the revolutionary role, if not subjectively. I appeal to the members opposite to give up all angularities and support measures for the amelioration of the masses. I request them to read the writings on the wall and help us in bringing about a New Order in our Motherland.

With these words, I oppose the amendment to refer the Bill to a Committee of the whole House.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, first of all, I shall take up the least controversial point raised in the debate. I heard yesterday my honourable friend Mr. K. C. Roy Chowdhury adjuring me not to slaughter a hundred thousand middle-class families! My answer to him is a very simple one. I do not think that the total number of assessees under this Bill will be anything more than 3,000 to 4,000, according to my calculation.

The most controversial subject was raised by my honourable friend Mr. Bankim Chandra Mukherjee. He reminded me that I described this Bill as a technical Bill,—a highly technical Bill—and that the particular clause in the Bill—clause 49 is capable of misapprehension. I do not remember, Sir, if I used the words "capable of misapprehension". But now, after hearing him, I do agree that it is capable of misapprehension by gentlemen who do not apply their minds adequately to this somewhat intricate problem. May I, Sir, with your permission, explain the problem of double taxation and its relation to the present Bill? I was, indeed, glad to see my honourable friend Mr. Bankim Chandra Mukherjee making a serious effort to understand it. He brought with him books which looked very ponderous from this distance. He even quoted section 27 of the United Kingdom Finance Act. But I am afraid, when towards the end of his speech he confused the problem of double taxation with the question of the equity of imposing an agricultural income-tax in spite of the fact that there is already a provision for the payment of land-revenue, I thought that, as in Shakespeare's "Tempest," "the latter part of Gonzalo's Commonwealth forgot the beginning". Sir, permit me to attempt in my own way to explain the question of double taxation. The Bengal Agricultural Income-tax Bill does not propose to tax companies as such. It takes the agricultural income of shareholders earned through companies, and the method of collection adopted is: deduction at the maximum rate at the time of distribution of the dividend,—a shareholder being free to apply for refund if the rate applicable to him is less than the maximum at which the tax has been deducted. A company pays no tax on its own account but pays on behalf of its shareholders, and the tax is deducted from their respective dividends. I may add that the tax paid in respect of the undistributed dividend cannot be recouped from anybody.

Unlike our Bengal Agricultural Income-tax Bill which proposes to tax incomes arising within the borders of Bengal, the United Kingdom Act taxes not only incomes arising within the borders of the United Kingdom, but also incomes earned by British residents wherever in the world they may have arisen, so that it is the United Kingdom which is a double-taxing country. This double basis of taxation in the United Kingdom necessarily leads to the double taxation in the case of some British residents. In

respect of those cases of double taxation in which the income is taxed once by foreign country outside the British Empire and then again by the United Kingdom Government, no relief is granted by the United Kingdom Treasury and the British residents in such cases have to bear the double burden. In respect of those cases of double taxation, however, in which the income is assessed in a country within the British Empire and is once taxed there and then again by the Government of the United Kingdom, there is provision for relief, embodied in section 27 of the United Kingdom Finance Act of 1920. According to that provision of law in the United Kingdom, if a British resident can prove that he has paid income-tax to a country within the British Empire and has again paid a tax on the same income to the Government of the United Kingdom, he is entitled to a refund from the United Kingdom Treasury, calculated at a rate of the Dominion tax, subject however to a maximum of half the United Kingdom rate. Thus, as long as the Dominion rate is half or less than half the United Kingdom rate, the British resident earning an income in any country within the Empire has not to bear the burden of the Dominion income-tax. It is borne by the United Kingdom or, in other words, by the British tax-payer in the United Kingdom. Sir, I cannot imagine any Englishman in this House or outside looking forward to a date in the near future when the rates of income-tax in the United Kingdom will come down to anything so low as double the modest rates prescribed in this Bill. In the United Kingdom, therefore, the individual is relieved of the burden by the law in force there; and for this arrangement surely Bengal need not cavil for Bengal loses nothing thereby. I may also say that as a matter of policy - this of course is a digression—the United States of America take upon themselves the whole burden of double taxation of their nationals earning incomes abroad; but this, as I said, is a matter of policy. To the extent, therefore, that the United Kingdom Treasury agrees to afford relief to British residents, we have no reason to complain.

I shall now refer to the original clause 48 in the Bill, as published in the Gazette. It will be noticed that that clause has not been embodied in the Bill as it has come from the Assembly and is now before this House. My own view and the view of the Assembly was that a clause like the original clause 48 would have been really inequitable. That has to be differentiated from the present permissive clause, namely, clause 49. The Government of Bengal may in justice object to taking upon themselves a portion of the burden of the British residents, that is to say, the portion of the burden which the British Treasury has agreed to take upon itself. Why should a burden which is legitimately, or I should rather say lawfully, placed on British residents earning an income in Bengal be removed and distributed among the tax-payers in Bengal in general? While the United States Government bear the whole of the burden placed on their residents abroad, the United Kingdom Government bear only a portion and expect the Dominions to bear the rest. In this particular case of the original clause 48, the United Kingdom Government have not asked the Government of Bengal to bear a portion of the burden. The Government of Bengal have adopted only the origin basis of taxation, and if, therefore, there is any double taxation of British residents, it is the United Kingdom Government who are responsible for it on account of their double basis of taxation. Further, it

is agreed amongst all experts on Public Finance that, in schemes of relief for double taxation, a tax on income derived from land should go fully to the country in which the land is situated. I may quote here from a report of four International experts who submitted a report on double taxation to the League of Nations, in which they summed up the case in the following words: "Summing up these four considerations, we are led to the conclusion that, inasmuch as the second and third elements in economic allegiance strongly reinforce the first (namely, origin), domicile should play only a slight role as compared with origin. Most countries as a matter of fact, allow it to play no role at all". These are the words of economic experts. Therefore, I may say that that provision was rightly deleted.

But the question of clause 49 is to be differentiated from the original clause 48 which, as I have already pointed out, has been deleted. It is merely a *permissive* clause and authorises Government to adopt any step by way of relief from double taxation as and when necessary. Such action will almost invariably be taken after negotiation and for the purpose of protecting the interests of our own nationals. It is necessary that there should exist in law such a *permissive* provision, so that Government may take action in the national interest in case the necessity for such action arises in future. There is no commitment involved in the clause. It simply empowers Government to protect the interests of our people according to the needs of time. This really is the correct view of the position. If ever in future—and it must be a very distant future—British rates of taxation come down to double the rates fixed in this Bill,—which I think is almost unlikely—then it will be open to the Government of Bengal to negotiate for reciprocal relief and such negotiation for reciprocal relief would naturally involve the question of *quid pro quo*. It is, I repeat, merely a *permissive* clause and I think it is technically appropriate that it should find a place in an Agricultural Income-tax Bill. I may point out that there is a similar provision in the Indian Income-tax Act, namely, section 49(*a*). If honourable members care to verify this, it is open to them to get a copy of the Indian Income-tax Act and do so. It is mainly for this technical reason that we accepted the amendment in the Lower House and had it embodied in the Bill.

I think, Sir, that was the main controversy in the discussions yesterday and the day before and I hope that after the explanation I have given, it will no more be said that we have spared the shareholders of European tea-companies of a penny of the tax that is due from them. I say this most emphatically and I hope that honourable members will disabuse their minds of that idea.

As regards the motion for committing the Bill to a Committee of the whole House, I may say that this House is a small one and is composed of eminent men—jurists, lawyers and professors—and I think we can go on with the discussion of the clauses on the floor of the House in a proper atmosphere and I do not think there is any necessity for committing the Bill to a Committee of the whole House. So I hope the honourable members opposite will not press for it.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would like to say a few words.

Mr. PRESIDENT: You cannot say anything further. You have no right of reply.

Order, order. The question before the House is: that the Bill be referred to a Committee of the whole Chamber.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that the Bengal Agricultural Income-tax Bill, 1944, be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of Finance Department,
(2) Mr. W. B. G. Laidlaw,
(3) Mr. Shrish Chandra Chakraverti,
(4) Mr. Lalit Chandra Das,
(5) Mr. Nur Ahmed,
(6) Mr. Khorshed Alam Chowdhury,
(7) Mr. Sultanuddin Ahmed,
(8) Mr. Hamidul Huq Chowdhury,
(9) Khan Bahadur M. Abdul Momin, C.I.E.,
(10) Mr. Biren Roy, and
(11) the mover,

with instructions to submit their report by the 31st July, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, it may be asked why after having been defeated on my motions for circulation and for committing the Bill to a Comimttee of the whole House I am trying once again to have the Bill referred to a Select Committee. When I moved my motion for circulation of the Bill, I could clearly see that there was no reaction either from the European Group or from any other member of the Government side. I found, however, to my great surprise when I moved my motion for referring the matter to a Committee of the whole Chamber, that I succeeded in drawing out some members from the European Group and also some members from the Government benches to speak on the motion. I was exceedingly sorry when I heard Mr. Laidlaw saying that the only inequitable provision he could find in the Bill was with reference to the question of refund of income-taxes paid on behalf of the shareholders of a company. I thought that Mr. Laidlaw would widen his scope of enquiry beyond his own sphere of activities and would also consider the question of the other citizens in the midst of whom he lives and moves. I do not suggest here that when Mr. Laidlaw was speaking on behalf of the shareholders, he was speaking only on behalf of the Europeans.

I do not think Mr. Roy Chowdhury was right when he spoke regarding the attitude of Mr. Laidlaw with reference to the shareholders. As a matter of fact, I know that so far as the shareholders are concerned there are both Indians and Europeans. There are many limited companies which derive income from lands and then divide the profits among themselves. There are, similarly, Indian zemindars, Bengali zemindars deriving income from lands by this method. So Mr. Laidlaw should have gone deeper into the question and considered whether there were not unequitable provisions affecting persons in other spheres as well. Then again, Khan Bahadur M. A. Momin

referred to the defects in section 49 and said that those defects should be removed. His plea was that there should be no relief and all the income which any individual—whether he is a Bengali or a European or of any other nationality—may derive from his land in Bengal should be subject to taxation here in Bengal. The Hon'ble Minister, although he fought shy of the books I brought, referred in the course of his speech today to those sections which I had quoted and which but for the books I could not have clearly explained for the elucidation of the honourable members of this House.

Now, Sir, I would like to know whether the Hon'ble Minister has succeeded in removing the misapprehension, which he admitted he had not clarified in his opening speech. I do not know whether he exactly used the words "misapprehension" in his opening speech, but in his reply he admitted that there was room for misapprehension which ought to be removed. I am sorry to say that in trying to remove the misapprehension he has succeeded in making his case worse. He has accused me of confusing the issue of double-taxation dealt with in clause 49 and in going to clear up that confusion he said that no special relief was provided for any one under the provision of that section. But he had to change his opinion in the same breath and say that the English tax-payer or a British tax-payer will get the entire relief from the British Exchequer, because at present the tax which he has to pay in the United Kingdom is more than double the tax which is levied in Bengal and that Bengal will not suffer in any manner. I am sorry to say that the Hon'ble Minister has not been able to remove the misapprehension as to why then clause 49 was inserted at all. I would again ask him: if there was no likelihood of any occasion to apply the principles as embodied in section 49 of the Bill, why is he so anxious to incorporate it in the Statute in spite of the protest of the Opposition members? If it is the case of the Hon'ble the Finance Minister that for a considerable time to come there will be no occasion for any application of section 49, then I say let him come out straight and have the courage to admit that this clause be deleted altogether from the Bill for the present, and that it would be re-inserted when occasion arises. Why introduce this vague clause by which the Provincial Government retains to itself a power to make by notification in the Official Gazette the provision for granting relief without mentioning the nature of the relief? In this connection, I may say that the provision as contained in the original section 48 was rather better than the provision which has been incorporated in section 49. There, we had something definite, but here we are absolutely in the dark. What the Provincial Government would do is left to their sweet will and pleasure. As a matter of fact, I illustrated my objection to this section by referring to a particular question yesterday, but I have not had my reply to that. In connection with my motion for referring the Bill to a Committee of the whole Chamber, this much was clear that I got the opinion of some members of the Government that there were some clauses which required to be considered and the only thing which is necessary at the present stage to clear up is: whether there should be a Select Committee or the matter should be further discussed in this House when the clauses are to be considered, as has been suggested by the Hon'ble the Finance Minister. Sir, during the last few days while

we were considering the various other Bills, I expressed my views that we have had bitter experience when we come to consider any Bill, clause by clause.

The other day when I spoke out that the Government members think that a comma or a semicolon should not be removed from the Government Bills, Khan Bahadur Momin protested against that remark of mine and stated, "Well, did not we accept the amendments of the Opposition in respect of the Bengal Land Alienation Bill?" I admit that some changes were introduced at the instance of the Opposition. But that was a Bill which was introduced for the first time in this House and it had to go to the Lower House; this is why the Government members agreed to the changes put forward by the Opposition. This Bill comes to us from the Lower House and if any change is accepted, it will have to go back again to the Lower House,—a contingency which the Government are not prepared to face with equanimity—and therefore it may be that the Government should intend that the Bill should be passed as it is without any change anywhere in the Bill. It is for the purpose of guarding against that attitude of the Government that I am placing my motion for referring the Bill to a Select Committee. In the Select Cominttee we can discuss the *pros* and *cons* of all the sections; and if any change is found necessary, we will make suitable changes. This procedure would ultimately lead to considerable saving of time by obviating the need for moving a large number of amendments which would otherwise be moved by the Opposition members. As a matter of fact, Sir, this House has got to exercise its function of reviewing a Bill, especially an important fiscal Bill like the Agricultural Income-tax Bill which will saddle the people with a fresh burden at a time when they are hardly able to meet both ends. Therefore, it is necessary that the matter should be considered in the cool atmosphere of a Select Committee where we can informally and dispassionately discuss the sections and consider what changes should be made in the Bill.

Now, Sir, in connection with my motion for referring the Bill to a Committee of the whole House I referred to some sections and now in connection with my motion for referring the Bill to a Select Committee I will refer to some other sections of the Bill.

I will now take up one very inequitable provision which I think has been incorporated in the Schedule to the Bill and that is with regard to the tax to be paid by the members of a Hindu undivided family. If we look to Schedule A, we find the following provision with regard to the payment of tax by the Hindu undivided family:—In the case of every individual, Hindu undivided family or Ruler of an Indian State, the tax is proposed to be levied in a certain manner. Then, if we look to clause 2 of Schedule A, in the case of a Hindu undivided family which consists of brothers only, there is a separate provision. Now, Sir, what is the rate in this case? If the share of a brother is Rs. 3,500 or less, then the tax will be four pies in the rupee. What is objected to here is that in the case of a Hindu undividded family consisting of members other than brothers only, the rate is levied at one rate, namely, 9 pies in the rupee on an incmoe of Rs. 3,500; but in the case of a Hindu undivided family which consists of brothers only, the tax is four pies in the rupee. Now, suppose there are four brothers in a Hindu undivided family having an income of Rs. 14,000. Each of them therefore gets an

income of Rs. 3,500 and the rate that is proposed in this case is four pies in the rupee, without any initial deduction of Rs. 1,500; that is what I think the schedule proposes. In the case of a Hindu undivided family consisting of brothers only there is evidently no relief with regard to the initial income of Rs. 1,500; and in addition he is made to pay a tax which is greater than in the case of a Hindu undivided family which does not consist of brothers only. If the share of a brother exceeds Rs. 3,500, the average rate applicable to the share of such brother is to be assessed if he were assessed as an individual.

With regard to this provision I beg to submit that if it is allowed to stand, what will happen is this: All members of Hindu undivided families will disintegrate and the effect of this will be the abolition of the joint family system; that will be the effect of the two separate provisions in this Schedule.

With regard to definitions, the definition of a Hindu undivided family has been qualified and I do not know why; this requires elucidation. In the definition clause, namely, in clause 2, sub-clause 8, it is explained that Hindu undivided family means a Hindu undivided family governed by the *Mitakshara* Law. Therefore, in Schedule (A), Hindu undivided family includes families governed by the *Mitakshara* Law. There is no provision anywhere and I do not know whether this was intentional or accidental. I think the Hon'ble the Finance Minister knows that there are Hindu undivided families governed by *Dayabhag*. Then there is another thing. No definition has been given of the term "Person"; but in sub-clause 9 of clause 2 it is said, "person" includes a Hindu undivided family, a firm, a company and the Ruler of an Indian State. I do not know what is intended, so far as the members of Hindu undivided families governed by *Dayabhag* are concerned. Are they included in sub-clause 2 of Schedule (A)? But I think there also it will not include undivided families governed by *Dayabhag* school of law. It is limited to members governed by *Mitakshara* school of Hindu law. Therefore, possibly all Hindus governed by *Dayabhag* school of Hindu law are classed as individuals, whether they are members of undivided families or not. I think that matter should be clearly stated if the reference to them was accidentally omitted. In this way, I can refer to several other instances but I do not want to take up the time of the House. These reasons will apply with greater force here for referring the Bill to a Select Committee.

Mr. PRESIDENT: Motion moved: that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
(2) Mr. W. B. G. Laidlaw,
(3) Mr. Shrish Chandra Chakraverti,
(4) Mr. Lalit Chandra Das,
(5) Mr. Nur Ahmed,
(6) Mr. Khorshed Alam Chowdhury,
(7) Mr. Sultanuddin Ahmed,
(8) Mr. Hamidul Huq Chowdhury,

(9) Khan Bahadur M. Abdul Momin, C.I.E.,
(10) Mr. Biren Roy, and
(11) the mover,

with instructions to submit their report by the 31st July, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Mr. President, Sir, I rise to support the amendment moved by my friend Mr. Bankim Chandra Mukherjee. Sir, the object of this amendment is not to delay the passage of this taxation measure. His object is the perfectly legitimate one of giving this Chamber an opportunity of going threadbare into the provisions of the Bill which, is passed, will undermine the interest of one class of His Majesty's subjects. If this Chamber has any utility in the mechanism of the governance of this province, it can be satisfactorily proved only in the case of a measure like this. The Lower House representing the general mass of the people is not likely to pay due attention to a Bill which affects vitally only those who have large agricultural interests. Consequently, Sir, it does not stand to reason that simply because the Bill has been examined by a Select Committee of the Lower House, it should be taken up clause by clause in this Chamber without going through the intervening committee stage.

The bulk of the income which the Bill is intended to raise will be derived from the rent-receivers in this province. But, Sir, the position of this class has been made very uncertain by the steps which have already been taken and by the announcement which has already been made by the Government. It is not --

Mr. MESBAHUDDIN AHMED: On a point of order, Sir. Sir, may I suggest that all the Select Committee motions be first put and then the discussion may follow?

Mr. PRESIDENT: But there are different dates given by different persons.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: It is not unlikely that after the war, Permanent Settlement will be abolished and the rent-receiving rights of the zemindars and talukdars will be acquired by the Government on the basis of some compensation. In view of this fact, it seems to be an act of grave injustice that the income of this class should now be lowered by the imposition of a tax like this and the possibility of a fair compensation undermined thereby. While I am not definitely against an Agricultural Income-tax in all circumstances, I do not think it is equitable to impose it before the question of Permanent Settlement is decided, one way or the other.

There are also many other features and provisions of the Bill which I do not like and which can be discussed dispassionately and fruitfully only by a select committee.

With these few words, Sir, I support the amendment moved by my friend Mr. Bankim Chandra Mukherjee.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I need not take much time of the House but I intend to take up one or two clauses about

which honourable members have their doubts. For instance, the question of the Hindu undivided family. Although this is not the proper occasion to discuss the matter fully, yet I may point out that after examining the two systems of *Dayabhag* and *Mitakshara* the Government have taken to this *Mitakshara* system. In the case of the *Dayabhag* Hindu undivided family, the share of each individual is determined and determinable at any time. I think I need not explain its implications more fully at this stage but when the matter comes up before the House in the course of the discussion of the clauses, I shall give a fuller explanation of the system. I do not think there are very many matters about which there are doubts in the honourable members' minds and I am afraid, I shall have to hasten the progress of the Bill. Frankly speaking, that is the reason why I oppose the motion for referring the Bill to a Select Committee.

Mr. PRESIDENT: There are three other motions on this subject. I shall ask the honourable members to move their motions and speak on them and then I shall ask the Hon'ble Minister to give a joint reply to all the motions.

Mr. Haridas Mazumdar.

Mr. HARIDAS MAZUMDAR: Sir, I beg to move that the Bill be referred to a Select Committee consisting of

(1) The Hon'ble Mr. Tulsi Chandra Goswami, Minister-in-charge of the Finance Department,
(2) Mr. Lalit Chandra Das,
(3) Mr. Kamini Kumar Dutta,
(4) Mr. W. B. G. Laidlaw,
(5) Mr. Humayun Kabir,
(6) Mr. Nur Ahmed,
(7) Khan Sahib Nurul Amin,
(8) Khan Bahadur M. Abdul Momin, C.I.E.,
(9) Rai Bahadur Radhica Bhusan Roy,
(10) Mr. Biren Roy, and
(11) the mover,

with instructions to submit their report by the 31st July, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, the moving of this motion is more or less academic. I consider it almost like crying in the wilderness, as my friend has already said that even a comma or a semicolon will not be changed. I have said it on another occasion that the Hon'ble the Finance Minister has not the authority to do so.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I never said that I objected to changing a comma or a semicolon. I never said that.

Mr. HARIDAS MAZUMDAR: You cannot do so, I know. But it is practically wasting the valuable time of the House. Still I shall try to reply to some of the remarks made by the Hon'ble Finance Minister. As regards his remark "bad finance", it implies that practically the Floud Commission Report has been flouted. The language of their recommendation was so clear that it required little understanding to see that the word "solely" therein

means ear-marking. If the Government propose to spend the proceeds of this tax for the benefit of lands in Bengal, why do not they have the courage to say that the amount would be ear-marked so that it can be ear-marked. But you say that it is bad finance. I remember the story of a rich man. I will narrate it briefly. The Manager of the rich man approached the proprietor and said, "Sir, the rent of this house should be ear-marked for the payment of tax and this income of your zemindari should be ear-marked for the payment of revenue". The rich man said, "Why, I cannot allow that. If every pice is spent for paying tax and revenue, I shall have to borrow. How can I meet my club bills? No, this cannot be." This is the case with our Government. They have to meet their club bills. They have to meet the expenditure of their huge establishments. I think that at least a major portion of the amount that will be realised from this source will be spent for the purpose of realising it and the little that will be left will go towards increment of salaries or for some other purpose and not a penny will go to the benefit of the lands. This is why the theory of bad finance has been trotted out. They fear that if they ear-mark the proceeds of the tax for the benefit of the lands, their own expenditure will have to be curtailed. For the benefit and welfare of the country and the nation-building departments if this sort of fund is created, a good deal of benefit can come to the country, but they don't care to do so. We have repeated this argument *ad nauseam* and I do not like to go into it again, for it is no use doing so.

As regards the policy of the Ministry too, I do not like to waste the time of the House in referring to it, for whatever we may say is not likely to change the mind of the Ministry in any way. In the Select Committee the provisions of the Bill may be examined thoroughly and closely. On the floor of the House many important amendments cannot be considered dispassionately as the atmosphere which obtains here is far too rigid and formal. So in the interest of the Bill itself, I say that it should be sent to a Select Committee where its provisions can be carefully examined. With these words, I commend my motion to the acceptance of the House, though I know very well that it will be rejected.

Mr. PRESIDENT: Alhadj Khan Bahadur Shaikh Muhammad Jan.

Alhadj Khan Bahadur Shaikh MUHAMMAD JAN: Sir, I beg to move——

Mr. MESBAHUDDIN AHMAD: Sir, the Khan Bahadur's motion is out of order, because it does not provide for representation of sufficient members from our group.

Alhadj Khan Bahadur Shaikh MUHAMMAD JAN: What is it, Sir?

Mr. PRESIDENT: The point is that you have not provided in your Select Committee motion sufficient number of members from the League party.

Alhadj Khan Bahadur Shaikh MUHAMMAD JAN: I do not know, Sir.

Mr. PRESIDENT: Your motion is, therefore, out of order, and cannot be moved.

Mr. LALIT CHANDRA DAS: Sir, in view of the fact that two motions have already been moved for referring the Bill to a Select Committee, I do not propose to motion my amendment.

Mr. PRESIDENT: Very well. Motion moved: that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of Finance Department,
(2) Mr. Lalit Chandra Das,
(3) Mr. Kamini Kumar Dutta,
(4) Mr. W. B. G. Laidlaw,
(5) Mr. Humayun Kabir,
(6) Mr. Nur Ahmed,
(7) Khan Sahib Nurul Amin,
(8) Khan Bahadur M. Abdul Momin, C.I.E.,
(9) Rai Bahadur Radhica Bhusan Roy,
(10) Mr. Biren Roy, and
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with instruction to submit their report by the 31st July, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Alhadj Khan Bahadur Shaikh MUHAMMAD JAN: Mr. President, Sir, I rise to support the motion moved by my friend Mr. Haridas Mazumdar. I may say at the outset that I am not opposed to the principle underlying this taxation measure. But the manner in which it is being rushed through in this House and the scant attention paid by the Government to the suggestions made by members of the Opposition strike me as being very objectionable. Even the simple amendment that the Bill be referred to a Select Committee is perhaps not going to be accepted by the Hon'ble the Finance Minister. I understand that the Hon'ble the Finance Minister wanted to proceed with discussion of the Bill, clause by clause, in this House; but it is very difficult to discuss it clause by clause in this House in the same way as it could be discussed in a Select Committee across the table. I may add that I am always in favour of new taxation because unless those who have sufficient surplus money are compelled to give their share in the shape of taxation to the Provincial Exchequer, no improvement in the condition of the masses of the province, economicaly, educationally or even morally, is possible. We have been working the Provincial Autonomy for a long time—for the last seven years and it is surprising that our Ministers, our leaders, could not bring in such a Bill earlier. It is generally said that the system of Permanent Settlement is responsible for the present economic condition of this province; but in my opinion the representatives of the people in the Provincial Legislature are responsible for this state of affairs. They do not care for the masses——

Mr. PRESIDENT: Khan Bahadur Sahib, the subject is whether the Bill should be referred to a Select Committee. So, please confine your remarks to that.

Alhadj Khan Bahadur Shaikh MUHAMMAD JAN: Sir, I am coming to that. What I wanted to say is that the present deplorable economic condition of the province is due to the callousness of our leaders for the last 20 or 30 years. Party frictions are rampant and nepotism is the order of the day. There is no end of placating the Satellites and henchmen of the Party

in power in the shape of appointments to their friends and relations to the different posts which have been newly-created. Many new abenues are being created daily for the benefit of their own supporters. However, the measure which they have brought is a very useful one and I entirely support it; but I think Government would have done well to refer the Bill to a Select Committee of the Upper House so that the same might be discussed there threadbare and many improvements which are lacking at present may be usefully introduced

Mr. HUMAYUN KABIR: Mr. President, Sir, I would like at the outset to congratulate my honourable friend Mr. Muhammad Habibullah on the able maiden speech which he has made in this House. He referred to himself as the baby of the House. My only comment is: if he really is a baby, he is an *enfant terrible*. From his very birth, he is throwing his arms and legs violently and with his very first blow hitting even the veterans on my left. Every member of this House should be afraid of the peregrinations of this *enfant terrible* because he hits indiscriminately. I would refer his remarks specially to my honourable friends opposite. In his very first speech, he says that he is not going to be content to hit the Opposition only. He gives indications that he would reserve at least some of his blows for those who are at the moment sitting with him in friendly comradeship. He says that when the occasion comes, he will not distinguish between those who sit with him and the members opposite but would always fight for the cause of, what he was pleased to call, the revolutionary and the progressive forces of the country. I hope that when that occasion comes, he will not belie his words and will keep to the promise he has made. I would also like to watch some of the nurses who have ushered this *enfant terrible* into existence. Socrates once said that he was the midwife of Truth and the midwife of Truth was always an unwelcome person. He always brought about results which nobody expected! I do not know if my honourable friends who sponsored him would find themselves in the same position! In any case, I congratulate Mr. Habibullah on his able maiden speech. I hope he will always contribute to the debate in this House and try to maintain a detached and impartial point of view in any question which might come up before the House.

Before I proceed to discuss some of the statements which he has made, before I pass on to some of the actual points which he has set forth, I would refer to one of his remarks which was a little unkind. He referred to my honourable friend on the left and said that Mr. Mazumdar had no right to speak on behalf of the Muslims and that he did not know the questions which affect the Muslims. I must say that Mr. Habibullah has perhaps forgotten his electorate. Like Mr. Mazumdar, he is a representative of a joint electorate, whether he likes it or not. My honourable friend opposite has been sent to this House by the joint votes of the members of different communities. If I am not mistaken, a big slice in his vote came not only from the Hindus but also, I believe, from my friends on the left who have come from very far away. Similarly, my friend on my left has been returned to this House by the joint votes of the Assembly. He is one who represents all the communities, and therefore, I think he is entitled to speak on questions which affect the interest of Bengal as a whole.

Now I come to some of the statements which Mr. Habibullah has made. I welcome his assertion that he is for the abolition of the Permanent Settlement, and I think, Sir, this is a question on which we on this side of the House and especially the Party which I have the honour to represent in this House have always made our position perfectly clear. I was rather astonished to hear my honourable friend opposite saying that Sir Nazimuddin had accepted the recommendations of the Floud Commission. This certainly is news to me What we have, on the other hand, known and what every member of this House also knows is that the last Government which was functioning did make a declaration on the 16th March, 1943. The Government then stated that they accepted the principle of the recommendation of the Floud Commission, that they would give immediate effect to this recommendation and that as a preliminary step they were going to apply these recommendations to one particular district of Bengal, namely, Faridpur——

Mr. PRESIDENT: Mr Kabir, I would request you to confine yourself to the motion before the House.

Mr. HUMAYUN KABIR: Sir, since the question we are discussing is the agricultural income-tax, the question of Permanent Settlement will naturally come up. I am not opposed to the Bill myself. My honourable friends have seen that so long as the discussion was with regard to the circulation of the Bill or its reference to a committee of the whole House, I took no part in the deliberations This was because I accepted the general principle of the Bill But I do not think that the Bill is a proper measure as a substitute to the abolition of the Permanent Settlement. Sir, has this Bill been introduced by the present Government in order to shelve the abolition of the Permanent Settlement? There was some reference to that even in the speech of my honourable friend Mr Habibullah Chowdhury. He stated that the Floud Commission recommended the abolition of the Permanent Settlement and as a temporary measure they also recommended the introduction of agricultural income-tax. If the Government thought that there would be too much objection to the abolition of the Permanent Settlement, then the Commission suggested that the agricultural income-tax might be converted into a permanent tax. If this is the real position, I am opposed to the Bill. It is because I am not satisfied that this Government is serious about the abolition of the Permanent Settlement; it is because they have not given effect to the promises and declarations which were made on the floor of the Legislature that immediate effect will be given to the recommendations of the Floud Commission by abolishing the Permanent Settlement at least in one district of Bengal, preliminary to its extension in all other districts, it is because the Government have not done that and because they have brought this Bill instead, that it becomes necessary to consider the attitude of the present Government and the attitude of the past Government with regard to the Permanent Settlement. I am forced to make this remark——

Mr. KADER BAKSH: On a point of order, Sir. Is the honourable member entitled to deal with the activities of the past and the present Government in connection with a motion like this?

Mr. PRESIDENT: Mr. Kabir has made it sufficiently clear why he wants to explain his attitude with regard to the principle underlying the Bill.

Mr. HUMAYUN KABIR: I am very thankful to you, Sir, for the clarity with which you have exposed the mist sought to be raised by some of my friends opposite. I shall not be disturbed by the running comments of my honourable friend. I know very well that it is his business to go on making such running comments, for he has no argument to offer in opposition to what I am saying. If he had anything to say against my speech he would have waited till I finished and made his remarks thereafter. He is not prepared to do so but will go on making such running comments, because he knows that such running comments would not be taken seriously but might succeed in diverting my attention and I might lose the thread of my argument. But, Sir, I would like to convey to him through you that however much he may go on making running comments, they will not be able to divert me from the point that I am going to make.

As I have said at the outset, I am not in favour of any motion for circulation, nor even of the motion for sending the Bill to a Committee of the whole House. My honourable friend who came very late in the House did not know that the House was in possession of the motion for referring the Bill to a Committee of the whole House today. I was here and if I wanted to make any observations on the question, I was perfectly within my rights to do so. The very fact that even though I was here I did not take part in the discussion is evidence that on that question I did not want to make any comments.

So far as the general principle of the Bill is concerned, I will go with the Government to say that such a Bill is necessary. It is also equitable, because if all other persons who derive their income from their own labours through the exercise of their skill in a profession or in any other manner—if they have to pay a tax on whatever they earn, there is no reason why persons who derive their income from possession of land or simply from the inherited right which they have obtained from their forefathers, should not be compelled to pay a certain proportion of their income to the Provincial Exchequer for the general good. I also agree with Khan Bahadur Muhammad Jan that taxation as such is not undesirable. Taxation is, after all, an instrument through which the State re-distributes income Very often it equalises in this way those inequalities which obtain in society between one member and another. Therefore, taxation, if properly utilised, serves a definite social object. On the one hand, it brings wealth and money from quarters where it cannot be properly used; and on the other, Government, if it is wise, can employ the resources so derived for social service to the community. The different nation-building services may be enhanced. From that point of view, taxation measures very often serve to provide social utilities to the large and poorer section of the community. That section is not able to pay for such services, like education, health, communications, social insurance, health insurance, unemployment insurance and the like. These services can be assured to the community at large only if the total obtainable income of the community can be taxed by the State and thereafter re-distributed between different members on an equitable

basis. Therefore, taxation measures as such need not be opposed. The question which we have to consider is: whether this particular taxation measure is proper and desirable. What is the purpose of this particular taxation measure? As I stated before, my main objection to the Bill is that it seeks to shelve the question of the abolition of Permanent Settlement. Assurances have been given on hundreds of platforms in different parts of the country and on the floor of the House that Permanent Settlement would be abolished. Now, that question has been altogether shelved and instead the present Government have brought this measure as a palliative Of course, palliatives may sometimes be useful. But generally speaking, palliatives are often a great hindrance, because they reconcile a man to the present injustices and inequities. By reconciling men to the present injustices and grave defects, they very often prevent any radical reconstruction, though such reconstruction may be demanded by the very necessities of the situation in which the country finds itself.

Sir, I would submit that we find ourselves in a position like that today We find ourselves in a position where unless the whole economic life is reconstructed, unless the whole basis of rural economics is so changed that the average peasant is a free man—no longer a tenant-at-will or even a permanent tenant of the zemindar, unless the present inferior position of the peasant is removed and he feels that he is equal to any other man, the ills from which we are suffering cannot be cured. This measure will only be a palliative, but will not meet the situation. I feel constrained to place before the House another consideration. I think the honourable members opposite will not be able to disregard it, however they might vote. It has been my sad experience that many members of the Government side have agreed with our points of view on many occasions. They themselves said that they agreed but were unable to vote with us. Sometimes some of them have even voted with us. But to return to my point. My disappointment is that this occasion has not been utilised for a thorough and far-reaching reconstruction of the system of agricultural tenure even within the limits of the present economic situation.

Most members of the House know that few countries which are regarded as civilised and industrialised have any land revenue as such. There is no land tax in those countries. Even in England, land tax or revenue was abolished about 50 or 60 years ago. There, tax is imposed on income. There is no imposition upon the cultivators or the tenants of the type which we find here in India. If the agricultural income-tax is utilised as a means by which the present system can be transformed, we on this side would give every possible support to Government. We could then have a graded system of taxation, so that the actual income derived from the land - whether he is tenant or under-tenant or talukdar or zemindar—would only be taxed with exemption as in the case of the income-tax. If the actual tax was taken on the basis of such income,—if we had a graded rate of taxation measure, that would have gone a long way towards the modification of the present inequitable system which we find in Bengal today.

Today we find that it is the poorest who have the heaviest burdens to bear. The report of the Floud Commission says that the *tax per capita* here is about Rs. 7-8 per annum which is higher than the tax in any other

province in India. The *pargana* rate is very low whereas the *barga* rate and the cultivator's rate are very high. I regret to find that the Hon'ble the Finance Minister has not considered the social implications of an agricultural income-tax and used this occasion to transform the existing system of land revenue into a graded tax by which the tax will bear some proportion to the actual income of the persons taxed. Today, under the present system of land revenue, those who are well off have a rate of four annas to the acre which is a ridiculously low rate, whereas men lower down, such as *bargadars*, sometimes have to pay Rs. 2 or Rs. 3 per bigha! This is the rate we find today

The agricultural income-tax might have been a first step towards the remedy of this state of affairs, towards the introduction of a system where the assessment on the individual agriculturist or tenant would be in proportion to his actual income. Now, Sir, we do not also know if this agricultural income-tax is going to be a permanent one. We have not been told by the Hon'ble the Finance Minister whether he intends to bring this Bill only as a palliative war measure, or as an interim measure pending the abolition of Permanent Settlement. Until he states that clearly, we cannot do anything definite. If it is to be a permanent measure, then we could offer suggestions by which the system of land structure in Bengal might be modified and the Permanent Settlement abolished. A hint has been given by my honourable friend, the "baby" member of this House. We do not know whether this is a substitute for the abolition of the Permanent Settlement. If we could know that definitely, we could accordingly modify our opinion with regard to this Bill. Clarification is therefore necessary. Let us first know whether this is a permanent measure or an *ad interim* measure or a measure which has been forced by the economic crisis created by the war. That is the point which first requires clarification. I regret to say that the Hon'ble the Finance Minister has not clarified that point. If this point is clarified, that would largely determine our attitude towards the Bill.

The next point I would like to refer to is that of the incidence of this tax. The Hon'ble the Finance Minister has told us that only 3,000 to 4,000 families would be affected by this tax. I do not know where he has got his figures from. The Report of the Floud Commission puts at 2·25 millions those who are dependent on rent-collection as the chief source of income. The honourable members sitting opposite are shaking their heads but I am quoting this figure from the Floud Commission's Report. It is true that there are only 700 families which have an income of Rs. 10,000 or more but that is a different matter altogether. I quote the figure from paragraph 91, page 40 of the Report and the honourable members instead of shaking their heads would do well to look at the Report. There are other economists who have calculated the figures and who hold that directly or indirectly 15 millions are dependent on income from land. This is a discrepancy and may be startling, but perhaps the discrepancy may be explained. I suggests that the figure of 2·25 millions refer to the heads of the families and 15 millions is the actual number of the members of the families. Well, it may be that at the time of Floud Commission's enquiry there were 700 families with an income of Rs. 10,000 or more. Their figure may now well be 3,500 or

something like that. I believe the proposed taxable limit is Rs. 3,500. Therefore, the difference between Rs. 3,500 and Rs. 10,000, has to be accounted for. Of course, I cannot give the figure with any authority because the figure is not before me. The Hon'ble the Finance Minister also said that he was speaking only on guess. He suggests that the figure would be 3,000 for those who are dependent on agricultural income and are liable to pay the tax. Now, in 1938

Mr. PRESIDENT: Mr. Kabir, how long you are going to take?

Mr. HUMAYUN KABIR: I think I have about two or three points to develop

Mr. PRESIDENT: How many minutes you will take?

Mr. HUMAYUN KABIR: About 10 minutes.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, may I suggest that tomorrow instead of taking the non-official business we may take up this Bill and some other day may be fixed for the non-official business?

Mr. PRESIDENT: I propose to sit a little longer today and finish it. Yes, Mr. Kabir, you may go on with your speech.

Mr. HUMAYUN KABIR: Thank you, Sir. As I was saying, Sir, the figures given by the Floud Commission are on the basis of prices in 1938-39. Today, every one knows that there has been a phenomenal rise in the prices of commodities. The prices of agricultural commodities have shot up to unprecedented heights. Therefore, if the number of families who had an income of Rs. 10,000 or more was 700 at that time, I would suggest that the number of families who have an income of Rs. 10,000 now would be perhaps 3,000 to 4,000. I quite see the relevancy of the points raised by the Hon'ble the Leader of the House. But the rent-collectors are not only rent-collectors, as stated in the Report. Many rent-collectors whose chief source of income is rent-collection have also got *khash khamars* which they cultivate under their own direct control. Their income has certainly increased as a result of the increase in the price of agricultural commodities. I think many members will bear me out when I say that the average collection of most of the landlords has not deteriorated, but on the contrary improved in the last year. The average Indian peasant does not default if he has money. If he has a little more money than usual, he has very often paid even his arrears. Therefore, the number of families whose income is Rs. 3,500 and more per year is certainly likely to be far greater than that suggested by the Hon'ble the Finance Minister. Now, I do not know what exactly the figure will be. I will not go into detail on that point any further.

I would, however, like to ask the Hon'ble the Finance Minister one question. If actually the number is likely to be 3,000, as he states, and if my estimate of a larger number is wrong and his figure of 3,000 or 4,000 is a correct figure, then how is he going to benefit the Province by the imposition of this tax? I take it that the collection of the tax will itself entail considerable expenditure in setting up new departments. The present Government have shown in the past that they are very expert in setting up new departments and in the employment of a large number of persons having practically nothing to do. My honourable friend Khan Bahadur

Momin, the leader of his Party, when he went to the Civil Supplies Department, found that the officers there very often did not know what exactly their task was, and he was sent from one officer to another until he went to a man who knew his job. There will be the same sort of enlargement and the same sort of officers. If this is the case and if only 3,000 families are going to be taxed, what will be the net expected income? I quite admit that he has given no actual figures and can give none. But what is the expected benefit to the Province as a result of the imposition of this Agricultural income-tax?

There is one other point. It is no doubt laid down in the Act and both the Hon'ble Finance Minister and the Leader of the House have stated that the poorer classes will not be hit. I think one honourable member in his speech today has said that there would be no question of destitutes and that a person having Rs. 3,500 per year is not a destitute. In our country, a person who has an income of Rs. 3,500 is a middle-class man or a lower middle-class man; but the point is that since the obligation will be on the peasant to satisfy that his income is less than Rs. 3,500, who is going to guard him against harassment? Even today, as a result of some of the activities of officers of the Jute Regulation Department, the poor villagers are very often put to great difficulties——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There is a limitation of 100 bighas.

Mr. HUMAYUN KABIR: I quite admit that there is a limitation of 100 bighas. But the question remains: how is a person going to be taxed after the prices go down to a more normal level? Today the prices are at an exorbitant scale, so high as has never been seen in the history of this country; and if on the basis of this, the tax is imposed upon a person, how will he ever be rid of the tax? The experience of everyone who has anything to do with income-tax is that once you come within its noose, it is very difficult for you to get out. It may be that his income is not what it was before, but even then the old rates cling to him. It is really a case of the proverbial blanket. Even though you want to get rid of it, it will not leave you. Those whose incomes vary find it very hard to persuade the Income-tax Commissioner that their income has grown less. Sir, what guarantee is there that this will not apply with regard to this taxation Act also? Then, again, my honourable friend, the Leader of the House, has referred to the limit of 100 bighas. How is the Government going to find this out? How does it propose to go about its job all over the province? Even today we find that some provisions of the Bengal Tenancy Amendment Act cannot be enforced on account of the illiteracy of the villagers. My friends who belong to the rural areas will bear me out that even today there are cases where the law is not completely enforced. Further, there is the danger that the landlord may attempt to pass on the tax which is assessed upon him to the cultivator; what steps do the Government propose to take to avoid a contingency of that type? There is certainly the danger that the zemindars may pass off this tax to their tenants and under-tenants. That that risk exists will be agreed to by every member hailing from rural constituencies. It is not unknown that even in the case of the Education Cess, the zemindars often collect more money than they actually pay to

Government. What measures do the Government propose to incorporate in their administrative machinery or the rules which they will frame under this Act which will safeguard the tenants from a contingency of this nature?

One more point, Sir, and I shall have finished. (Mr. Hamidul Huq Chowdhury: Yes, please do.) Yes, Sir, I will finish within a few minutes. I know that my friends opposite are anxious to get away from here but I would ask them to consider the Bill on its merits and to remember that private convenience of members should not in any way influence the discussion of public questions. Therefore, any attempt to try to hurry the Bill through because of the convenience of some members on the Government side is not only unjustified, but I think is also an exhibition of irresponsibility. As I was submitting a moment ago, there is one other point to which I would like to refer. The Hon'ble Finance Minister attempted at some length today to clear the point with regard to double taxation. It may be that I am very obtuse—perhaps I am—but this I must say that after his learned disquisition, the point was perhaps made more confusing than it was before he began his speech. The position, if I understand him aright, and as stated by him, is something like this: In the case of a British national—by the words "British National", I mean a British citizen resident in the British Isles—he does not get any relief on any income which he may have derived outside the British Isles if this income is derived from a foreign country. In that case, he is subject to any taxation which might be imposed on his income at the source and in addition he is also subject to any tax to which he may be liable in terms of the British tax. But it is otherwise in the case of those who derive their income not from a foreign country but from a Dominion, or a Colony or from that peculiar country called India, which is neither a Dominion nor a Colony. We do not know what it is since we are told that the British Empire has disappeared and that there is only the British Commonwealth of Nations. If his income is derived from a Dominion or a Colony or from that peculiar non-Dominion non-Colony, called India, in such a case the British taxpayer is entitled to relief on the tax which he has paid, provided the tax paid at the source is half or more than half of the British tax. I believe that is the position, as it was stated by the Hon'ble Finance Minister. Now, if that be the position, so far as Bengal is concerned, there is no possibility whatever for a long time to come that the tax imposed here will be half of what it is in the case of the British Income-tax.

Here in this Bill the rates proposed are either 9 pies or at the most two annas and six pies per rupee. In any case, it will not exceed 50 per cent. of the income. We know that the British income-tax is sometimes as high as 19 shillings in the pound. So there is no comparison between the British income-tax and the tax here. My point is this: if that be the case, there does not seem to be any reason for including any measure of exemption in our Bill. In the case of Canada, the other Dominions and the Colonies, the income-tax is imposed at the source and the British Exchequer grants an exemption or refund where necessary. The income is derived from work or profession or other activities which are carried on here, as pointed by the honourable leader of the Government Coalition party. If that is so, if the

income is derived from activities here, they should pay the tax here. If any relief is to be given and if any such situation arises at any time, then that relief may be obtained from the British Exchequer. The British Exchequer is actually willing to give that relief as we have heard from the Hon'ble Finance Minister. There is then no reason for excluding business corporation or any other associations of that type from the operation of the agricultural income-tax. They should be treated just like an individual or or an undivided family who are subject to the law.

These are some of the considerations which we must face even after accepting the principle of the Bill. It is our common experience that in respect of certain clauses there is agreement on both sides. There are also divergent points which could better be settled in a Select Committee across the table. When there is such a variety and gradation in the amount of agreement—when there is such gradation in agreement and disagreement,—these points could be threshed out in a better way in the Select Committee. It is sometimes said by the other side that this is dilatory tactics. I do not see how such a charge can be made. The Bill will not be more than a month and a half in the Select Committee, and considering the advantages we will secure in sending the Bill to a Select Committee, it cannot certainly be said that it is dilatory tactics. We accept the principle; but arguments which could not be advanced on the floor of the House could very well be considered in the Select Committee and a settlement arrived at without any difficulty. You, Sir, know and it is our past experience also that very often difficulties arise when considering a complicated Bill on the floor of the House. It is our experience that as a result of the passing of a particular clause, a certain amendment could not be accepted afterwards although there was agreement on both sides with regard to it. We could not accept it and could not give effect to it on account of the fact that some incompatible clause had already been accepted. In the Select Committee these difficulties will not arise. The whole thing can be surveyed and re-surveyed without any difficulty, whereas on the floor of the House once a clause is passed, there is no possibility whatsoever of reopening that question. Since there is no possibility of reopening that question, the defect would remain there. In this connection, may I, Sir, recall to your attention an incident during the time of the late President? A particular clause was adopted and afterwards both the Government and the Opposition agreed that it required modification but it could not be modified on account of the fact that a vote has tion but it could not be modified on account of the fact that the clause was already passed. In the case of Bills originating in this House, such difficulty is less, because defects may be rectified in another place where they have to go. In the case of a Bill originating in the other House, we do not get opportunities to express our opinion or give suggestions some of which, I am sure, might be acceptable to the members opposite. These suggestions have not been considered by Government. You will remember, Sir, that we have sometimes moved for a joint Select Committee of both the Houses. Many of our difficulties can be solved by having a joint Select Committee of both the Houses. Joint wisdom is certainly superior to the single wisdom of one House. In any case, there is a sort of give and take agreement in such Select Committee. Discussion which is not possible on the floor of this House can be carried on there.

Often we find that a Bill is hurried through in this House. My honourable friend Mr. Mazumdar says that not a comma or semi-colon is altered by Government simply because the suggestion goes from the members of the Opposition. I do not subscribe to that view. I do not believe that Government would be so impervious as not to accept a reasonable amendment simply because it comes from this side of the House. Sometimes a tendency of that type is noticed when the party spirit runs high; but in moments of cooler consideration the honourable members opposite are not so unreasonable.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the question be now put

Mr. HUMAYUN KABIR: But I have not finished

Mr. PRESIDENT: I think the discussion should continue. I should like to give full opportunity to the members of the Opposition to express their views

I now adjourn the House till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 26th May, 1944.

Members Absent.

The following members were absent from the meeting held on the 25th May, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Rai Bahadur K. C. Banerji.
(3) Mr. S. C. Chakraverti.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. Khorshed Alam Chowdhury.
(6) Mr. N. C. Datta.
(7) Mr. K. K. Datta.
(8) Khan Bahadur Abdul Gofran.
(9) Mr. M. R. Jaipuria.
(10) Maulana Mohd. Akrum Khan.
(11) Mr. Abdul Latiff.
(12) Mr. N. N. Moholanabish.
(13) Mr. N. N. Mookerji.
(14) Mr. R. S. Pursell.
(15) Khan Bahadur Mukhlesur Rahaman.
(16) Khan Bahadur Kazi Abdur Rashid.
(17) Dr. K. S. Ray.
(18) Mr. S. N. Sanyal.
(19) Khan Bahadur M. Shamsuzzoha.
(20) Mr. J. W. R. Steven.

PGP-44/5-3536A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 43.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 26th May, 1944, at 2-15 p.m., being the forty-third day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Prisoners taken under Defence of India Rules.

173. Mr. BANKIM CHANDRA DUTT (on behalf of Mr. Shrish Chandra Chakraverti): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of prisoners in Bengal under the Defence of India Rules and any other provisions of the law on account of their alleged political activities, specifying the numbers of undertrial, convicted and security prisoners;

(*b*) how many applications have been received for payment of allowances to the dependants of the prisoners and how many of them have been rejected and on what ground; and

(*c*) how long the security prisoners will be kept in the custody; and if they will be detained during the entire period of the war, which is going on?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*b*) The information asked for is not readily available and its collection would involve an amount of time and labour that would not be justifiable in war time.

(*c*) They will not be detained longer than it is considered necessary in each individual case.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state whether Government do not consider the liberty of the people important enough to bestow labour on for the purpose of collecting figures which we want regarding the security prisoners?

Mr. BIREN ROY: It is a matter of opinion.

Mr. LALIT CHANDRA DAS: Is it or is it not a fact that the Home Minister is actually looking at the papers of the security prisoners for the purpose of examining whether any of them should be released?

Mr. BIREN ROY: There are so many thousands of applications still pending before the Home Minister that it is very difficult to answer his question: the Hon'ble the Home Minister has to make enquiries into so many things at the present moment that it is difficult to get all these figures.

Mr. LALIT CHANDRA DAS: Because the Home Minister has all the files with him at the present moment, is it not a fact that he knows actually the number of prisoners now in Jail?

Mr. BIREN ROY: I have nothing further to add to what I have already said.

Prisoners of the Chittagong Armoury Raid Case.

174. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state how many prisoners of the Chittagong Armoury Raid Case are still in jail? Who are they?

(*b*) Is it a fact that all of them have proclaimed their views as anti-Fascists and urged an united war front in support of the Allies in their war?

(*c*) Do the Government propose to release them without any further delay?

(*d*) What is their present state of health? What was their weight when they entered jail and what is their weight now?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) and (*d*) A statement is placed in the Library.

(*b*) Yes.

(*c*) No.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Is the Hon'ble Minister aware of the fact that one Lokenath Bal, leader of the Chittagong Armoury Raid, published a statement in the *Statesman* expressing strong views against the Fascists and the *Statesman* editorially recommended his release?

Mr. BIREN ROY: I am not aware.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state why no answer has been recorded with regard to paragraph (*d*) of my question?

Mr. BIREN ROY: Yes, Sir, it has been recorded. The honourable member may see (*a*) and (*d*) together.

Mr. LALIT CHANDRA DAS: I am sorry, Sir, I had overlooked that. Will the Hon'ble Minister be pleased to say what is the number of the Chittagong Armoury Raid Case prisoners still in jail?

Mr. BIREN ROY: Only nine—1 in the Alipore Central Jail and eight in the Dacca Central Jail.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how many years they have suffered imprisonment, each of them, and how many years they have yet to suffer?

Mr. BIREN ROY: I want notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how many are ailing?

Mr. BIREN ROY: That is also given in the statement.

Mr. HABIBULLAH CHOWDHURY: Is the Government aware that Babu Lokenath Bal declared himself to belong to the Radical Democratic Party?

Mr. BIREN ROY: I am not aware of it.

Mr. LALIT CHANDRA DAS: Is the Government aware of any such thing?

Mr. PRESIDENT: In view of the answer given in reply to (*c*), I do not think it is necessary.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether it is a fact that Benode Behari Dutta has lost 12 lbs. in weight?

Mr. BIREN ROY: That is also in the statement and it is also stated there why it is reduced.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state that indifferent chronic bronchitis from which he is suffering could be defined as a sort of consumption?

Mr. BIREN ROY: It is not consumption.

Mr. LALIT CHANDRA DAS: In view of the fact that his weight has come down from 102 to 90 lbs. will the Government consider the desirability of releasing him at once? Sir, there is one difficulty and that is that the Hon'ble Home Minister is not here when the supplementary questions are being answered with regard to the Armoury Raid prisoners. I think he should have been here, so that he could give his personal opinion with regard to this matter in the light of the supplementary questions, *e.g.*, he could have considered whether 90 lbs. is a sufficiently dangerous limit where the question of his release could be taken up.

Mr. PRESIDENT: I understand Mr. Roy has full authority to answer the questions on behalf of the Chief Minister.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether he does not consider this reduced weight sufficiently alarming for Government to consider the question of his release?

Mr. BIREN ROY: It is not alarming. When he entered the jail he was 102 and now it is 90; it is reduced only by 12 lbs.

Mr. LALIT CHANDRA DAS: Has the Hon'ble Minister taken any medical advice in the matter, namely, that if a man's weight is reduced from 102 to 90 lbs., is it not sufficient reason for his release from jail?

Mr. BIREN ROY: That is a matter of opinion.

Mr. LALIT CHANDRA DAS: Will the Government take medical opinion whether he should be released on account of such a reduction of weight due to chronic bronchitis?

Mr. BIREN ROY: The prisoners are regularly examined and the jail doctors submit regular reports.

Mr. LALIT CHANDRA DAS: Is the report anything like that?

Mr. PRESIDENT: He has already replied your question.

Mr. LALIT CHANDRA DAS: Is the Government assured by the medical officer that in spite of the fact that he lost 12 lbs. in weight he need not be released? I want to know whether it is the duty of the doctor to recommend release in such a case without being asked to do so?

The Hon'ble Mr. Khwaja SHAHABUDDIN: On a point of order, Sir. How does this question arise out of it—whether medical opinion has been taken about the release of a prisoner or not? Medical opinion can only be taken in the case of an illness and if he is ill he can be treated in the jail hospital. But how does the question of medical opinion arise here?

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Is he explaining on behalf of the Home Minister or on behalf of the Parliamentary Secretary?

Mr. PRESIDENT: Order, order. Mr. Shahabuddin, I think the question is pertinent in this way that if a person is very ill, certainly the jail authorities can say that though they can give the prisoner the best medical help, still the jail atmosphere is not congenial for the prisoner. I think that is the ground on which Mr. Das is asking the question.

Mr. LALIT CHANDRA DAS: Sir, I ask whether Government would consider the desirability of putting Binode Behary Dutta's case before the medical board for releasing him after consulting the doctor?

Mr. PRESIDENT: Mr. Das, you are putting so many questions at a time that it is very difficult for Government to answer all the questions together.

Mr. LALIT CHANDRA DAS: All right, Sir. Will the Hon'ble Minister please state whether the Government is prepared to place the case of Binode Behary Dutta before a medical expert or a medical board to ascertain whether he could be released in view of his indifferent chronic bronchitis?

Mr. BIREN ROY: I have already answered that question. There are regular medical inspection in the jail and in this particular case the prisoner's state of health is not so alarming as to necessitate his release.

Mr. LALIT CHANDRA DAS: Would Government consider the desirability of putting his case ——

Mr. PRESIDENT: Government has already replied to that question.

Mr. HARIDAS MAZUMDAR: General speaking, as Mr. Shahabuddin has already pointed out, it has never been raised in the medical board or before the medical expert as to whether the prisoner should be released on account of his indifferent chronic bronchitis. So, our supplementary question is, whether Government are agreeable to put this matter pointedly before a medical board to ask them to consider whether under the circumstances the prisoner should be released.

Mr. BIREN ROY: Expert opinion has already been obtained and the opinion is that the prisoner's case is not sufficiently alarming as to consider the suggestion of releasing him.

Mr. LALIT CHANDRA DAS: My original question was—(*d*) What is their present state of health? What was their weight when they entered jail and what is their weight now? And in reply a statement has been laid on the table from which I find the names of Ganesh Ghose, Anantalal Sen, Subodh Kumar Chowdhury, Lal Mohan Sen, Sukhendu Dastidar, Saharam Das, Lokenath Bal and their weights have also been given. But in the case of Benode Behary Dutta, when he entered the jail, was 102 lbs. and now his

weight has been given as 90 lbs. and he has been suffering from an indifferent chronic bronchitis. So, under the circumstances I want to know whether Government will consider the desirability of placing the case of Binode Behary Dutta before a medical board for his release.

Mr. PRESIDENT: He has replied to that point already. So, what more do you want from Government to hear? Put your question specifically so that Government may say "yes" or "no" to your question.

Mr. LALIT CHANDRA DAS: All right, Sir. Will the Hon'ble Minister please state whether the Government is prepared to place the case of Binode Behary Dutta, whose weight has been reduced from 102 to 90 lbs. and who is suffering from indifferent chronic bronchitis, before a medical board or before a medical expert for the purpose of ascertaining whether his case is fit for release?

Mr. BIREN ROY: I repeat my previous answer that all these cases, including that of Babu Binode Bihari Dutta, were placed before an expert medical doctor and his case was not sufficiently alarming as to justify the consideration of the suggestion made by the honourable member.

Mr. LALIT CHANDRA DAS: Sir, there are other questions.

Mr. PRESIDENT: Mr. Das, I gave you sufficient time to put supplementary questions.

Mr. LALIT CHANDRA DAS: All right, Sir.

Mr. PRESIDENT: Questions over. Mr. Haridas Mazumdar.

Mr. HARIDAS MAZUMDAR: Sir, would you please pass over the next item in the agenda that stands in my name for the next day?

Mr. PRESIDENT: You do not want to move it to-day?

Mr. HARIDAS MAZUMDAR: No, Sir, not to-day.

Mr. PRESIDENT: Let the matter stand over. We now come to the next item, namely, Non-official Resolutions. Mr. Nur Ahmed.

NON-OFFICIAL RESOLUTIONS.

Mr. NUR AHMED: Sir, the other day when I was speaking I suggested that Government have done and are doing all that lies in their power to do for spreading education among the Scheduled Castes people. In support of this I quote from the Government of Bengal's Report for the year 1940-41. In that report it appears that the number of students of Scheduled Castes has increased appreciably as compared with that of 1939-40. In that year there were 444,945 male students in all institutions of Bengal and 93,570 girl students in all the institutions totalling 538,515 as against 473,403 in the year 1939-40. This increase has been effected in one year, and the number of students of both sexes has increased by 65,112. Government in that year gave special facilities for the boys and girls of the Scheduled Caste people and they have spent Rs. 10,000 for books and slates for the Scheduled Caste students and Rs. 5,400 worth of scholarships have been provided for in high schools and Rs. 72,000 have been spent on scholarships and stipends for Scheduled Caste students and Rs. 28,344 for college students. Government

have set apart Rs. 5 lakhs for encouragement of education among the Scheduled Caste students. In support of this argument I want to cite comparative figures of the progress of Muslim students side by side with those of Scheduled Caste students. Of course, I know that comparison is a very bad thing. But I make this comparison from no other motive but to show that Government is wide awake to the needs of the Scheduled Caste children.

From the comparative figures given in this year's report, Appendix 4A, I find that in that year in class I of the primary schools there were 897,483 Muslim students and 244,979 Scheduled Caste students. But in class IV we find that the Muslim students were reduced by 9/10ths and at the same time the Scheduled Caste students were reduced by 8/9ths. From 24,400,000 their number was reduced only to 24,000 in class IV where the number of Muslim students was reduced from 9 lakhs to 80,000 only. In class VI the number of 24,000 was reduced to 7,361. In the case of Musalmans it was reduced to 24,916 only. Again, in class IX, this number was reduced to 1,858, but in the case of Muslims it was reduced to 10,655 only. So, taking these figures as they stand it is apparent that the Scheduled Caste students in Bengal are advancing more rapidly than the Muslim students in Bengal. We all of us on this side desire that they should make much more rapid progress in the field of education; we have every sympathy with them in this. And I think Government is doing all that it possibly can for them. But one thing is apparent. I find that in respect of collegiate and post-graduate education their number is very miserable. They need encouragement in the stage of collegiate education and also in respect of post-graduate education. I find that the resolution is very wide; it wants that Government should set apart a sum of Rs. 50 lakhs for the advancement of the education of the Scheduled Castes. I am sorry to remark that although I heard with great attention the speech of the honourable mover of the resolution, yet I did not find anything in his speech or in his resolution which justifies the setting apart of this huge sum of money, sue has 50 lakhs. He has not formulated any scheme in the course of his speech as to how this sum should be spent nor has he given any indication of the same in his resolution.

Sir, there is another view. Government's allotment for education is limited. But if for the education of Scheduled Castes alone Rs. 50 lakhs is allotted, what will be the result? There are other minor and backward communities and they may come tomorrow and demand more than 50 lakhs. In this way, all the money that is provided for in the Budget on the head—Education, year after year, will be ear-marked for this and that community and for general purposes there will be nothing left. On that ground, I am sorry I cannot support this resolution while I have got the utmost sympathy with the spirit which underlies this resolution. With these words, I oppose the resolution.

Mr. AMULYADHONE ROY: Mr. President, Sir, personally speaking, I have the greatest regard for Mr. Mazumdar and I congratulate him for tabling this resolution. However, the irrelevant and illogical statements made by Mr. Mazumdar should not go without any comment. If the motive behind a demand of this nature by the members of the Opposition, whoever they may be for the time being, whether my colleagues on this side now or

my friends on the other side hereafter, is to gain cheap popularity or to expose the then members of the Government, it must be discouraged. Mr. Mazumdar on the one hand demands 50 lakhs of rupees for the education of the Scheduled Castes who deserve it and on the other characterises the 30 Scheduled Caste members of the Legislative Assembly as weather-cocks (Mr. HARIDAS MAZUMDAR: Question.) Mr. Mazumdar denies that he has said so. But if I remember aright he termed the members of the Scheduled Castes belonging to the Bengal Legislative Assembly as weather-cocks. I pause for an answer. (Mr. HARIDAS MAZUMDAR: You did not follow what I said.) Yes, I am slow in understanding: therefore, I could not follow Mr. Mazumdar. Does Mr. Mazumdar suggest that because many members belonging to the Scheduled Castes are with the Coalition Party now in power, therefore they are weather-cocks? Can Mr. Mazumdar blame them if they choose to occupy the front benches of the other side after centuries of oppression and injustice supplemented by the denial policy followed by the Hindu-Muslim Coalition Ministry which came into power with their help at the end of 1941? The only way in which Mr. Mazumdar's remarks can be explained is that it shows how the Patrician aristocracy is suffering from a burning sensation on account of the division of the political power hitherto exclusively enjoyed by them

Now, Sir, before leaving this subject, I must draw the attention of the authorities to their failure in the discharge of their duties. Ever since 1938, provisions are being made annually in the budget for the advance of the education of the Scheduled Castes; but, Sir, the Ministry and the officers concerned deserve severe condemnation on account of their failure to draw up any scheme and on account of the unusual delay in spending the money which had to be surrendered for not being spent. Year after year, stipends are granted when our students go home after appearing at the annual or at the university examinations. This certainly reflects no credit on the part of the Government and I hope this procedure will be rectified in the near future

With these few words, I support the resolution of my friend Mr. Mazumdar.

Mr. HAMIDUL HUQ CHOWDHURY: Mr President, Sir, first of all, when I got copy of the notice of this resolution I did not know whether it was meant to be a serious recommendation of this House or whether Mr. Mazumdar was trying to make some political capital out of this resolution. Sir, from what has been said by him the other day and from what I have heard just now from my friend over there, it appears that he was trying to behave as a person who has gone before an auctioneer without really meaning to take the article but just to keep his rival out of the field by simply outbidding. The Opposition should seriously consider the responsibility that they are involving themselves in by bringing forward a proposal like this. It should not be forgotten that they are the alternative Government. Therefore, anything which they themselves cannot implement if they are called upon to accept office today, they should not press only to embarrass the Party which happens to be in office at the present moment. So far as the attitude of the Muslim League is concerned, they have not only accepted a definite and liberal policy but they

have translated it into action. They are trying to help those sections of the population who had so long been suffering from disability on account of the prejudices of the ruling classes or of a section of the public and they are trying to remove those disabilities. The Muhammadans are also in the same category with the Scheduled Castes. So, whenever any effort is being made for uplifting the educational interests of the Muslims, uplifting of the Scheduled Castes is also going hand in hand. So far as the Hindu brothers are concerned, I mean the Caste Hindus, whenever any step was taken for the education of the Scheduled Castes, the Caste Hindus stood in the way of their progress (MR. HARIDAS MAZUMDAR: Never, never.) (MR. BANKIM CHANDRA MUKHERJEE: Question.) For instance, there is not a single Scheduled Caste member in the Senate. At the time of the Muslim Vice-Chancellor one Scheduled Caste member was taken in, but as soon as that gentleman's tenure of office expired and during the Vice-Chancellorship, for example, of Dr. B. C. Roy, an effort was made to put another Scheduled Caste member in his place but the chance was denied. So, in the Senate there is not a single Scheduled Caste member today.

Can it be said by the Scheduled Caste members who are sitting with the Opposition and by the Caste Hindus who are pressing their cause that there is not at least one Scheduled Caste man in Bengal who can go to the University and sit in the Senate and take part in its proceedings along with other members of different communities? However anxious we may be to help them in this matter, we cannot so effectively do it as can be expected from a representative of their community, because we cannot understand their needs intimately. So far as the Muslims are concerned, they have never been behind any community in pressing forward the case of the Scheduled Caste people in the sphere of education. Look at the record of the past Ministry. In the Ministry which remained in power from 1937 to 1941, in spite of Mr. Fazlul Huq being its Chief Minister, the Muslim League Party succeeded in having this principle recognised that the Scheduled Caste people deserved special consideration, and they did so not in a spirit of bargain. They recognised that the children of the Scheduled Caste people who are backward in education deserve some consideration and that this was in the interest of the nation. But in spite of that Ministry's profession and preaching that they would look into the interests of the Scheduled Caste people, the Scheduled Caste people were left in the same position as before. They did not implement what they had preached for four years. They again got opportunities from 1941 to 1942, but what they did in those 16 months? They did not even succeed in spending the money which was left to them by the retiring Government. They had opportunities of placing before the Legislature two Budgets; but in none of these budgets any special provision was made for the advancement of the education of the Scheduled Caste people. Is it an indication of the attitude of the Caste Hindus or of the representatives of the Party to which Mr. Mazumdar belongs, namely, the Hindu Mahasabha? Still they profess that they are anxious for the uplift of the Scheduled Caste people.

Then came this Muslim League Government again in the year 1943 and they immediately recognised the demand of the Scheduled Caste people in

the matter of education. My honourable friend Mr. Amulyadhone Roy surely knows what difficulties this Government and the Party that is supporting this Government have had to face in pressing forward the claims of the Scheduled Caste people in all branches of public life. But it has its limits. We have to go by slow degrees so that an unnecessary agitation and bitterness may not grow on that account. Whenever any occasion arises, we always try to do something for the Scheduled Castes people and we wish we could do more for them. But surely it does not lie in the mouth of the Caste Hindus who have all along stood in the way of the Scheduled Castes people to say that they are very keen for the betterment of this backward community. We have not only preached this but we have implemented our profession.

This side of the House is not accustomed to talking much about programme but they do much more than what they preach. The proposal which has been made, I should say, would have given us happiness: for the education of the Scheduled Castes community who number about a third of the Hindu community in Bengal, or almost practically half of the Hindu community, 50 lakhs will not be sufficient according to the standards on which other countries are spending for education. Nobody would be happier than ourselves if we could spend 40 to 50 lakhs of rupees for the Scheduled Caste community and if it were possible for the Government to give this community 50 lakhs, the Muslim community 150 lakhs and another 50 lakhs to the Caste Hindus, it would be a happy day for any Government that comes into power and especially for the Government that is in power in Bengal today. Therefore, expressing our full sympathy for the Scheduled Castes and underlining what I have said already regarding the intention of Mr. Mazumdar in moving his motion, I submit that Mr. Mazumdar will be well advised to withdraw his motion because there is nothing more to be declared on the floor of the House in connection with this matter. All that has been done is there and will continue to be done so long as the present Ministry remains in power.

Mr. LALIT CHANDRA DAS: Sir, I rise to support the resolution which has been moved by Mr. Haridas Mazumdar suggesting that a sum of 50 lakhs be set apart for the education of the Scheduled Castes people. Their population as recorded in the last census is about one crore and to ask for 50 lakhs would be asking for eight annas per head only. What has been asked for is: 40 lakhs for primary and 10 lakhs for higher education. But taking into consideration the illiteracy prevailing among members of this community, I do not consider that this sum is excessive, for, as I have said, taking into consideration the total population of this community it comes to about eight annas per head only. There is so much sly attempt to win the support of this community by weaning them away from the Caste Hindus that the Muslims want to show that they love the Scheduled Castes community more than the Hindus. I should like to say, Sir, that blood is thicker than water and whatever my friends of the Scheduled Castes may think it is but fair and true to say that we love them as dearly as we possibly can; they are the flesh of our flesh, they are the bone of our bone. To doubt the love of the Caste Hindus for the Scheduled Castes is something strange on which no stress should be laid by our friends on the other side. It may

be a political game that they are trying to play and score but they should not at all doubt the motive of the Caste Hindus in putting forward a resolution for the uplift of the Scheduled Castes community. This emphasis on motive was laid only in order to show the want of love of the Caste Hindus for this backward community. The charge is baseless.

Mr. Hamidul Huq Chowdhury pointed out that it was only at a time when there was a Muslim Vice-Chancellor that one Scheduled Caste gentleman got in as a member of the Senate and that since then no other gentleman from this community was ever put on the Senate of the Calcutta University. But Government could very well have nominated a gentleman from this community if it liked on the Senate. Nearly 80 per cent. of the Senators are taken in by nomination and nomination is in the hands of the Government So, the League Government in exercise of this power of nomination could easily have put in a gentleman from this community, if it liked, on the Senate or on the Syndicate. It is really mischievous to put the blame on the Hindu Vice-Chancellor for this glaring omission. But I say that putting one or two men on the Senate or on the Syndicate is not quite the thing that is required or the same thing as actually making provision for the advancement of the education of these people. What is really wanted is not to put in a representative of this community on the Senate or Syndicate of the Calcutta University but to put in a much bigger amount at the disposal of the Scheduled Caste community to be spent upon their uplift and education.

I do not say that they should not be there: they should be and they will be there. But one or two persons to represent the Scheduled Castes people on the Syndicate without any money for accelerating the pace of education among them will not improve the position. Really, what we want to know is how far the Government is prepared to spend for the uplift and education of the Scheduled Castes people. We should be clear on this point as well as regarding the quota allotted to them in the different services. Certain amount was actually allotted for the education of the Scheduled Castes. I think 5 lakhs was ear-marked for the uplift of the Scheduled Castes and several lakhs have also been ear-marked for the uplift of Muslims. Were those monies spent for them? No. Even in respect of service certain ratio has been prescribed for the Scheduled Castes and Muslims. In this connection, I may say that my friend Mr. Amulyadhone Roy moved a resolution for the appointment of an enquiry committee in order to ascertain how far these ratios were observed in the case of the Scheduled Castes and how the ratio rules are being worked. That was due to non-observance of the Ratio Rules in the services. Then again, Sir, a large amount of money was ear-marked for the Scheduled Castes. Has that been spent on the improvement of the position of Scheduled Castes? If not, why not? Except an interval of 16 months, when another Government came in, the gentlemen who adorn the Treasury benches now were in power from 1937 to 1944. Was anything substantial done during this period for the amelioration of the condition of the Scheduled Castes? Nothing has been done. So a large proportion of the blame falls on them. They were all through there. From 1937 to 1944 is a long time—full seven years *minus* 16 months. During all this time you only showed

sympathy for the purpose of winning them over with a view to aggrandising all political power. Then you came to show your fangs, beating and driving away 25,000 Scheduled Castes people from Narayanganj subdivision to Agartala. That was two years ago and that was the measure of the love you showed for the Scheduled Castes. The less said about your love and your uplift work for the Scheduled Castes the better. It was the Caste Hindu community which rehabilitated them after that.

Now, Sir, here is a specific proposition. That proposition is: to set apart Rs. 50 lakhs for the education of Scheduled Castes people. This means only annas eight per head With these words, I support the resolution moved by Mr. Haridas Mazumdar.

Alhadj Khan Bahadur Shaikh MUHAMMAD JAN: Sir, I support the resolution moved by my friend Mr Haridas Mazumdar. I do not think there should have been so much controversy over this simple affair, as was evident from the speech of Mr. Hamidul Huq Chowdhury. It is the opinion of most of the members of the House that a large sum of money should be set apart for the education and uplift of the Scheduled Castes Hindus and if this resolution is passed, it will go a great way towards it. Mr. Hamidul Huq Chowdhury said the other day that the Opposition, which really speaking is the Government of tomorrow, should not make unreasonable request to the Government of today. I may add that Government of today should not refuse any reasonable demand which the Government of tomorrow may ask for today So, I think he should not have opposed the resolution. With these words, I support the motion

Khan Sahib NURUL AMIN: Sir, I welcome the spirit of the resolution heartily, although I cannot see eye to eye with the mover on account of the form of the resolution I do not doubt the sincerity of Mr. Mazumdar. It is for the members of the Scheduled Castes to draw their own inferences about his *bona fides*. I do not also accept the Bengali adage in this case that the mother's sister who feels more for the child than the mother is characterised as an all-devouring devil. Sir, the views of the Muslim members belonging to the Muslim League have been expressed by more than one member fully and ably. It is well-known that the Muslim League stands for all the depressed, suppressed and oppressed classes. It has taken up the fight on its shoulder against the vested interests to relieve the depressed classes of the tyrannies to which they have been put from time immemorial. It is a happy augury of the day that the undaunted spirit with which the Muslim League is working for the backward classes has, after all, moved those who had so long neglected the interests of the depressed classes. Had not the Muslim League roused this feeling throughout the country, even lip-deep sympathy, as has been expressed in this resolution by Mr. Mazumdar, would not have been shown. (Mr. HARIDAS MAZUMDAR: Question.) There is, no doubt, a very great need for fighting for the amelioration of the present condition of Scheduled Castes people in all spheres of life—political, educational and social. So far as political advancement is concerned, I find a good deal of apprehension in the minds of the Caste Hindus when the Scheduled Castes want to stand on their own legs. I was surprised to find in today's paper that Mr. Mazumdar was very much perturbed as the Scheduled Castes members

of the Assembly were not honouring the Poona Pact in the constitution of the proposed Secondary Education Board. He has not hesitated to disturb even the sickly Mahatma to come to his rescue in regard to the Secondary Education Bill which is being introduced in the other House in which the Scheduled Castes have been given seats through separate electorate. Mr. Mazumdar wants that they should be under their tutelage always and that they must not try to shake off the natural guardianship of the Caste Hindus. Thanks to the MacDonald Award, later on modified by the Poona Pact, for the first time the political entity of the Scheduled Castes has been recognised!

Sir, so long as the Indians do not come out of the guardianship of the British they will not be free; so long as the Muslims do not come out of the guardianship of the Hindus, they will never attain their goal; similarly, so long as the Scheduled Castes do not come out of the tutelage of the Caste Hindus, they will not be able to grow up to their full stature.

Sir, if Mr. Mazumdar and the supporters of this resolution belonging to the Caste Hindu community really mean to give them some benefits and some advantages which they think they are entitled to for a very long time, I think, they should come out with a practical resolution and not an impracticable resolution like this. The resolution asks the Government to set apart Rs. 50 lakhs in the current year which is impossible. Nobody can think of it in the middle of the year. The Budget is long passed. So the setting apart of this sum of Rs. 50 lakhs for the education of the Scheduled Castes this year is an impracticable proposition. I have every reason to think that this resolution does not mean what it proposes to do. The principle of the resolution has already been accepted and given effect to by the present Government. Already 5 lakhs of rupees has been set apart for the education of the Scheduled Castes. I do not say that this sum is sufficient for them, and I fully agree that more and more money should be granted for this purpose. I do not know the attitude of the Government towards this resolution, but I should suggest and advise that in future budgets, allotment of funds for the education of the Scheduled Castes should be increased. Sir, instead of coming up with this resolution, I would expect Mr. Mazumdar to come up with a practical suggestion in the shape of a scheme fully giving the details of how the money should be spent and what amount can be reasonably expected from the provincial revenues out of the entire allotment for education. This sort of practical suggestion we will welcome. With these words, Sir, I oppose the motion in its present form, as it is impossible to provide Rs. 50 lakhs in the current budget.

Mr. BANKIM CHANDRA MUKHERJEE: Mr. President, Sir, I did not like to speak on this resolution, as I thought that it was a non-controversial resolution. But having heard certain irrelevant statements from my honourable friend and esteemed colleague Mr. Hamidul Huq Chowdhury, I could not resist the temptation of speaking a few words on the subject. The resolution is a simple one and it is admitted on all hands that the spread of education of the Scheduled Castes children is a problem of such magnitude that it requires not only Rs. 50 lakhs but much more. I heard speeches from most of the honourable members of this House, and I think that there was no dispute and no difference of opinion with regard to the fact that the sum was required for the improvement of the education of the

Scheduled Castes people. In view of that, I think the House should have unanimously adopted this resolution. The question as to whether funds could be had or not is a different matter which could have been considered later on. While Government are professing that they want to do a good deal for the Scheduled Castes people and that their love for the Scheduled Castes people is much more than that of the Caste Hindus, let them prove that, let them show that in actual practice. They say that they have provided 5 lakhs of rupees this year. But 5 lakhs of rupees for the entire Scheduled Castes people of the province is nothing. What is the rate? It is not even one anna per head. My honourable friend Mr. Hamidul Huq Chowdhury raised a question as to what the Caste Hindus have done for the Scheduled Castes people.

I will remind him that for the last 150 years the Caste Hindus have established schools in the province—more than 2,000 high English schools are going on in this province and about 94 per cent. of them are being nourished and maintained by money supplied by the Caste Hindus. Sir, who are entitled to study and get their education in these schools? Not Caste Hindus alone; they are not for the Caste Hindus alone, they are open to all classes of people, Muslims, Caste Hindus, Scheduled Castes, Christians, Anglo-Indians, Europeans and for whoever else may come. The Caste Hindus' money has been spent for the last 150 years for the education and the uplift of the country. What has been the contribution of Government up to now? We all know the contribution of Government for the uplift and education of the people of Bengal. In 150 years what is the state of education in this Province of Bengal, nay, in the whole of British India? The percentage of illiteracy is very high and the percentage of literacy is roughly from 11 to 12 per cent. It is not a question of educating Caste Hindus or the Scheduled Castes or Muslims alone. The problem is to educate the entire Indian population and the entire population of Bengal, so far as Bengal is concerned.

There is another question which my honourable colleague Mr. Hamidul Huq Chowdhury raised and that is: as to what the Hindu Mahasabha has been doing for the uplift of the Scheduled Castes. As a matter of fact, they have taken up this question as one of the most important items in their programme. The Hindu Mahasabha has started a college for the Scheduled Castes. In the Scheduled Castes area a college has been already started and we are also going to start another college. It is the Hindu Mahasabha that is taking the initiative in this behalf and is going to spend large sums of money for this purpose. We are not simply professing, but doing tangible uplift and welfare work. The present Muslim League Ministry professes that it has the welfare of the Scheduled Caste community at heart but they are doing all this simply for catching votes and for aggrandising political power. I had hoped to hear the Scheduled Castes Minister sitting on the Treasury bench on behalf of his community and I wanted to speak after hearing him, but I now find that he is not willing to speak. He may speak even after me but up till now he has not spoken a single word.

I have great pleasure in supporting this motion. As a matter of fact, if a resolution were brought up tomorrow for setting apart 50 lakhs for Moslem education, the Caste Hindus would gladly support such a motion

and help in providing this fund somehow or other, if necessary, even by taxation. Caste Hindus are not so selfish as to place any obstacle in the way of the uplift of education either of the Scheduled Castes or the Muslims or indeed of any other community who may be backward in this province.

Khan Sahib FARIDUDDIN AHMED: Sir, I am afraid I cannot look at the resolution from the same angle of vision from which my friend Khan Sahib Nurul Amin has looked at it. He welcomed the spirit of the resolution but found it difficult actually to support it. I will look at the matter from another point of view. I have my sympathy with the resolution but I question the spirit of the resolution. It is crying for the moon so to say to ask for such a huge sum when we know definitely that there is no money to be had for the purpose, that we are running a deficit budget of an unprecedented and extraordinary nature. It is really amazing the mover has seized this occasion for making a proposal which requires a large sum of money.

That seems to be so ungracious a proposition in view of the fact that the whole provincial education budget is being run at a cost of Rs. 1,18 lakhs. Thus it seems that the proposition made out in the resolution is nothing but simply playing with a very serious matter. If the mover had come forward with a resolution asking for something—some reasonable amount—for meeting the educational needs of the Scheduled Castes people, the proposition would have come in a different way with practical suggestions and a sum could easily be found by retrenching some other head. But 50 lakhs cannot be had—if you ask for the moon, it cannot be had. This is clearly an instance of misplaced generosity. It has been suggested by Mr. Bankim Chandra Mukherjee that the Caste Hindus have done and are doing all that is possible. But I may tell you, Sir, that the Scheduled Castes are the creation of the misdeeds of the Caste Hindus. If they are doing anything they are doing it in penance and in expiation—to expiate the wrong done to the Scheduled Castes who are the victims of oppression of the Caste Hindus. The majority of the people who come under the category of the Scheduled Castes are part of the Hindu population. But why should there be such classification as Scheduled Castes and Caste Hindus, unless there has been something which rendered this class of people unfit to be——

Mr. LALIT CHANDRA DAS: It is Imperial Division.

Mr. HARIDAS MAZUMDAR: It is the Imperial policy.

Mr. PRESIDENT: Mr. Mazumdar, you are the leader of a party. You at least should not interrupt in this way.

Khan Sahib FARIDUDDIN AHMED: As I was going to say, Sir, even Mahatma Gandhi is aware of the miseries cast on the Scheduled Castes. Of course, we do not find hardship inflicted by the Brahmins of Bengal on the Scheduled Castes to the same extent as it is in Madras and even in U. P. (Mr. BANKIM CHANDRA MUKHERJEE: We are not concerned with that. Confine yourself to Bengal.) I mention it because they are also the same Brahmins and part of the same community. Then, Sir, there is no scheme or plan behind the resolution as to how this money will be spent. If a sum of Rs. 50 lakhs is sanctioned for the education of the Scheduled Castes today, my friend Mr. Barua who is also a member of the minority community

may ask for a grant of 25 lakhs for the education of his community. If things like that happen, I do not know where do we stop. So I think that this resolution has been brought in a spirit of levity without circumspection and reasonableness. Then, Sir, as I have already said, 50 lakhs is an enormous sum in proportion to the amount spent for the education of the whole province. Therefore, to my mind, the resolution has been put forward only to put the Government in power in a false position. All people who have eyes to see will feel like that. They feel that the resolution comes from a spring which is not honest but is a foul spring——

Mr. HARIDAS MAZUMDAR: Sir, I object to the word "foul".

Mr. PRESIDENT: Khan Sahib, you had better not use that word.

Khan Sahib FARIDUDDIN AHMED: Sir, I withdraw the word, but I did not use it in any malicious sense. However, I wish the Government or the party which is at the back of the Government, had the capacity to spend, why Rs. 50 lakhs, even Rs. 50 crores upon their education; but we must cut our coat according to our cloth. If we go on cutting the coat fantastically, it will be something which no one will wear.

Sir, I oppose the resolution, although I have sympathy for the Scheduled Castes.

Mr. BANKIM CHANDRA DATTA: Mr. President, Sir, really I had no mind to take part in this debate, because I was under the impression that all the members were in complete sympathy with the resolution. Members opposite began by saying that they had every sympathy with the spirit of the resolution except the last speaker who dissociated himself from that part of the sentiment expressed by other members. I, Sir, cannot for one moment feel as to how this simple resolution could have been the subject-matter of so much heat in this House. The resolution as it stands simply suggests that the Government should set apart a sum, the amount suggested is Rs. 50 lakhs, for the education of the Scheduled Castes. A considerable section of this House is in sympathy with the principle and spirit underlying the resolution; but a few from the opposite section, the section supporting the Government considers the amount as too big. In that event, I expected they would come forward with some sort of amendment as regards the amount. They could suggest a reasonable figure or for the matter of that, it could have been left to the Government to decide as to how much should or could be spent. Instead of that, this resolution has been characterised as one "crying for the moon". The Government say that there are no funds available and that nothing could be set apart. This, I think, is the most unkindest cut of all. If you have any sympathy, as you profess you have, you ought to have come forward with some figure, namely, in place of Rs. 50 lakhs you could say Rs. 10 lakhs. (Mr. HAMIDUL HUQ CHOWDHURY: Rs. 5 lakhs.) I hear a voice whispering that Rs. 5 lakhs might be suggested. We all know, Sir, how Rs. 5 lakhs which was provided for in the Budget was allowed to be lapsed. Now, the honourable member says Rs. 5 lakhs. All right, provide Rs. 5 lakhs but why should you condemn this resolution? Why should you say that no amount should be set apart?

Then, Sir, a lot has been said against the Caste Hindus. Well, belonging as I do to the Official Congress Party, I do not feel inclined to

say anything in reply so far as that part of the accusation is concerned, except that it is wholly irrelevant and far from the truth. But I agree with Mr. Mukherjee when he said that but for the princely contributions made ungrudgingly by the Caste Hindus towards the development of education in this country, education for everybody—Hindu, Muslim or Christian—the University would not have been what it is today. It was all due to the help of the Caste Hindus. This, I think, the honourable members opposite ought to admit.

Sir, the Congress has always been keen on this problem and in the other provinces arrangements have been made for the uplift of this unfortunate section of our own community. It is unfortunate that so far as Bengal is concerned sufficient provision has not been made by any Ministry. I would, therefore, beg of the supporters of the Ministry to consider the matter more sympathetically, as they profess they want to do good to them. Let there be no dissentient voice against this very simple resolution and let the supporters of the Government show that their sympathy with the resolution is real and not lip-deep. As regards the question of finding money, may I tell my learned friends opposite that when it has been possible for the Government to introduce fresh measures of taxation to meet other needs, Government can, if it is so minded, find the money for this particular cause. Once they feel it is a good cause for which they ought to spend money, as they have said that it is, there should be no want of funds. Where there is a will, there is a way! The only conclusion that one would draw from their attitude towards this resolution is that in spite of all these professions of sympathy, there is in fact no will on the part of the Government to help the cause of education for the Scheduled Castes people. There is the sales tax, which has been doubled, and then the agricultural income-tax which, according to Government, is not meant for improvement of agriculture and thus may very well be spent towards this very desirable object. But this is not to be. The Government is not sympathetically disposed and therefore they cannot and will not find any money to educate our unfortunate brethren.

With these few words, I support the resolution which has been moved by my friend Mr. Mazumdar.

The Hon'ble Mr. TAMIZUDDIN KHAN: Mr. President, Sir, the resolution has been discussed rather threadbare, and I should not therefore like to make any lengthy speech. So far as the principle underlying the resolution is concerned, I would like to say that my friend has not been able to spring a surprise in this respect, because the principle has long been recognised. The principle is that those communities which are backward in education should receive special and generous treatment at the hands of the Government. This principle has already been accepted. So far as the practicability of the proposition is concerned, it has already been shown by honourable members on this side of the House that it is an impossible proposition——

Mr. LALIT CHANDRA DAS: Education is an investment; why not borrow?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, my honourable friend Mr. Lalit Chandra Das is now full of generosity for the Scheduled Castes

people; but the Party to which he is affiliated and the Party to which particularly my honourable friends Mr Majumdar and Mr. Mukherjee are affiliated were in power in this Province for full 16 months. An ounce of practical work is worth more than a pound of advice and mock generosity.

Did they provide a single pice more than what was provided by the previous League Ministry in this respect? They did not provide a single pice more than what was already provided by the Ministry that preceded. That was the real attitude of the party to which Mr. Majumdar and Mr. Mukherjee are affiliated towards the interests of the Scheduled Castes. So far as the present Ministry is concerned, as soon as they came into power they provided 5 lakhs; and if my honourable friends will please look up the pages of the current year's budget, they will see that 5 lakhs has been provided in the budget. Now, I may tell the House that this 5 lakhs is not only a provision for the current year but it will be a recurring provision for coming years also. It has been said that money might have been provided in the budget in the past but that money was not spent. It is not altogether true; some of the money was spent but the whole amount was not spent. That is to be admitted, but if there is any blame in this matter the blame must lie at the door of the great man who is now recognised as the leader of the gentlemen who adorn the opposition benches. He must be held responsible for any non-expenditure of the money that was provided But I may assure the House that so far as the money provided in the current year's budget is concerned, it is proposed to spend the whole amount and the same amount will again be provided in the coming years' budgets

It has been said Sir, "why not pass the resolution and then provide as much as you can". The Party that supports the Government cannot accede to a proposition like that. If the Government party accepts a resolution, it will be the incumbent duty of the Government to act upon it. It is an absurd proposition to say that 50 lakhs should be provided in the current year's budget for the education of the Scheduled Castes. It is an absurd proposition and therefore the Government party can never accede to a proposition like that.

As regards the real purpose of the resolution, I need not say much. The real purpose is indicated from the reception that it has got from the honourable member who belongs to the Scheduled Castes in this House. He has himself read something not quite sincere in this resolution and I think he is quite right. For, look at the composition of the present Government. In no other previous Government in this province were the Scheduled Castes more adequately represented than in the present Government. In the present Government the Scheduled Castes have got as many as three members on the Cabinet. Now, when a member belonging to another community, be that community Hindu or Muslim, when they come up with propositions like this, naturally it raises on one side suspicion and on the other side a feeling of insult: insult, because the Scheduled Castes who are now self-conscious, feel that when other people come with a proposition like this, that means that the leaders of the Scheduled Castes are nobodies, that they have not got eyes to see the real interests of their own community and it must be left to members of another community to open their eyes and to tell them which way their real interests lie.

That is the real implication of an attempt like this and from this poin of view I think such attempts are bound to be resented by any self respecting member of the Scheduled Castes, particularly when th Scheduled Castes have as many as three representatives on the Cabinet o the province. I have already said what is the record of the present Ministry in respect of the provision for the education of the Scheduled Castes Mr. Lalit Chandra Das said that they want Rs. 40 lakhs for primary education and Rs. 10 lakhs for secondary education. But look at the tota amount spent for the education of all the communities. It will not com up to the amount proposed to be spent according to the present resolution (Khan Sahib FARIDUDDIN AHMED: They do not mean it.) Yes, they do not mean it. I would submit that the proposition looks like a joke When a gentleman of the standing and status of Mr. Haridas Mazumda comes forward with an absurd proposition like this, one is apt t think that he is joking with a serious subject like this. I ca assure the Scheduled Castes members of this House and through thi House to the entire Scheduled Castes community of the province that th present Government will always be prepared to go as far as possible t further the interests of the Scheduled Castes. The present Government wil see that the people of the different communities composing the population o the province come up to the same level in respect of education. Therefore so far as the impediments that stand in their way to come up to the prope level are concerned, every attempt should be made and will be made to remov them. We are now expecting that after the war a new comprehensiv scheme will be in operation in respect of the education of the entire popu lation of the province and if at all we are able to give effect to th scheme that we are now considering, then crores of rupees will have to b spent for the education of the people of Bengal. It is proposed that no only primary education will be free and compulsory but secondary educatio up to a certain stage will also be made free and compulsory. If that day comes, that will be a Red-Letter day for the Scheduled Castes, and in fac for all backward communities. I may say, Sir, that no injustice will b done to any one—no injustice will be done to the Caste Hindus. Th great Caste Hindu community has done a good deal for the advancement of education in the province and they deserve their due. Every community will stand on equal footing and every community will receive its due shar in education.

Sir, perhaps I am digressing. I have already shown and the honourable members who have spoken from this side of the House have also shown tha this is an impracticable proposition and as an honourable member whom I have often found to be reasonable, I would request my friend Mr. Mazumda to consider whether he should like to have this resolution rejected by thi House. If he would accept my advice, I would request him to withdraw th resolution. Otherwise, it will be our painful duty to oppose the resolution

Mr. HARIDAS MAZUMDAR: Sir, as my friend Mr. K. C. Roy Chowdhury has got a very important resolution standing in his name, I do no like to take much time of the House. I think my honourable friends opposite have read their own minds in this simple resolution. I am a social worker

the depressed classes and particularly the Scheduled Castes. I have brought this resolution for the educational advancement of the backward communities in Bengal, like the Scheduled Castes. Therefore, I should press this resolution and I commend it to the acceptance of the House. The acceptance of this resolution by the House does not mean that Government should shelve this resolution like many other resolutions adopted by the House in the past which have been shelved in the archives of the Secretariat. I would have been glad to accept any amendment to the effect, "provided the funds permit". But nothing of the sort was moved. If the Government had any intention to accept this resolution, they could have provided a reasonable sum in the supplementary budget. When money could be had for "Police", money can also be had for the education of the Scheduled Castes. I think they are not sincere about this resolution.

With these few words, I commend my resolution for the acceptance of the House.

Mr. PRESIDENT: The question before the House is: that this Council is of opinion that the Government of Bengal should set apart a sum of fifty lakhs of rupees this year for the advancement of education of the Scheduled Caste Hindus of the Province.

The question being put, a division was challenged and taken with the following result:—

AYES—8.

Mr. L. C. Das.	Mr. H. D. Mazumdar.
Mr. B. C. Datta.	Mr. B. C. Mukherji.
Alhadj Khan Bahadur Shaikh Muhammad Jan.	Mr. A. D. Roy.
Rai Bahadur B. M. Maitra.	Mr. B. K. Roy Chowdhury.

NOES—23.

Khan Sahib Fariduddin Ahmed.	Mr. D. J. Cohen.
Mr. Mosbahuddin Ahmed.	Mrs. K. D'. Rozario.
Mr. Nur Ahmed.	Mrs. Labanyaprobha Dutt.
Mr. Sultanuddin Ahmed.	Mr. Latafat Hossain.
Khan Sahib Nurul Amin.	Mr. Mohamed Hossain.
Khan Sahib Abdul Aziz.	Khan Sahib Subidali Molish.
Mr. D. L. Barua.	Khan Bahadur M. A. Momin.
Mr. Meazzemali Chowdhury.	Mr. Siren Roy.
Mr. Hamidul Huq Chowdhury.	Rai Bahadur Radhica Bhusan Roy.
Khan Bahadur A. H. Chowdhury.	Mr. Yakub H. A. Sattar.
Mr. Muhammad Habibullah Chowdhury.	Dr. Kasiruddin Talukdar.
Mr. G. E. Clarke.	

Mr. PRESIDENT: Order, order. The House has divided.

Ayes being 8, and Noes 23, the resolution is negatived.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I beg to move that this Council is of opinion that steps be taken to improve the indigenous shoe-making industry of Bengal as carried on by the *muchis* by supply of leather purchased from big tanneries to Bengalee *muchis* at reasonable prices and providing facilities to Bengalee *muchis* for making and selling shoes in at least fifty shops in Calcutta and Howrah, the rent of which is to be borne by Government for the first six months.

Sir, I would like to state at the very outset that by the term "*Bengalee muchis*" I mean members of the Hindu caste going by that name and also those of my Muhammadan and Christian brethren who still earn their bread by shoe-making, as also those Muhammadans and Christians who have in

recent years lost this occupation of shoe-making for causes which I shall relate later on.

We should remember that we are at present considering relief to one of the poorest sections of this poor country which keep our Government going with revenues drawn from their under-paid labour. During the last year's famine the *muchis* along with fishermen and *Bagdis* have paid the highest toll of mortality among all sections of the Bengalee community and this has been possible only through the steady economic deterioration of these classes.

As regards the Hindu caste *muchis*, the following are the figures of population according to successive census reports:—

1911	455,236
1921	417,594
1931	414,221

If castes were returned in the 1941 census, a further decline would have been noticed. I may point out here that on account of the step of not returning castes we have lost a good opportunity of making a detailed study of the various strata of Hindu society.

In course of 20 years up to 1931, there was a decline of 41 thousand or 8·7 per cent.; while the total population of British Bengal rose from 45,491,056 to 50,115,548 so that the increase was about 10 per cent. I am sure that if a separate counting could be made of Muhammadans dependent on shoe-making in 1911 and of their present strength, a similar decline in population would be recorded. Now, Sir, what is the cause of this lamentable state of things? The reason is that Bengalee *muchis* like Bengalee workmen of other lines have been fighting a losing battle against non-Bengalee hordes coming into Bengal. The term "non-Bengalee" appropriately includes up-country *muchis* and Chinese shoe-maker of Bentinck Street and Bowbazar, and the gigantic ramification of Messrs. Bata Shoe Co. These men with their superior organisation and resources are able to buy leather in large quantities at cheap rates as well as sewing machines which the poor Bengalee *muchis* cannot secure. With the influx of western civilisation in the country, the craze for foreign shoes came over our educated people and in our boyhood the name of Dawson's boots and shoes was very well known.

The task of annihilation of a useful community has been completed by the establishment of the Bata Shoe Factory at Budge Budge and its branches. In giving trade permit to this concern the Central Government has been ill-advised. The company is not British and does not belong even to an Empire country. This is a case of a hundred per cent. foreign exploitation. The safeguards with regard to external capital recommended by Pandit Madan Mohan Malavya as a member of the External Capital Committee should at least have been enforced. India is the paradise for capitalists, indigenous and foreign. With the inauguration of machinery in every country large masses have been thrown out of employment, but the State has been compelled to maintain them with the dole for the unemployed. Heavy bills on this head in western countries will be found in the last analysis to fall upon industry. I have made suggestions that Government should come to their rescue and should procure leather from big tanneries

and supply the *muchis* leather at cost price. These poor *muchis* can neither hire shops in Calcutta nor have their own huts in the city. No one of these poor *muchis* can compete with the Bata's. Then, Sir, the Bata Company are employing *bhadralog* young men. They should have taken the Bengalee *muchis* and trained them and employed them in their firm. They are giving good pay, I admit, to *bhadralogs* at the expense of the poor *muchis*. I plead for them and request Government to urge upon the Industries Department to find out whether they can procure leather and supply to the *muchis* instead of carrying on propaganda. Government should also try to secure shops for them. On enquiry I found that in Howrah certain gentlemen were kind enough to provide small shops at low rent to the *muchis*. If the Government bear the cost of rent of 50 shops in Howrah and Calcutta for six months—a matter of 1,000 or 1,500 rupees a month—and if the poor *muchis* who earn their bread by shoe-making are brought in and allowed to carry on their trade in these shops free of rent, these people will stand on their own legs. I submit that Government should take some interest and ask the Industries Department to enquire about the possibility of securing leather for these *muchis*. With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved that this Council is of opinion that steps be taken to improve the indigenous shoe-making industry of Bengal as carried on by the *muchis* by supply of leather purchased from big tanneries to Bengalee *muchis* at reasonable prices and providing facilities to Bengalee *muchis* for making and selling shoes in at least fifty shops in Calcutta and Howrah, the rent of which is to be borne by Government for the first six months.

Mr. NUR AHMED: Sir, I wish to make a few remarks on the resolution just moved by my friend on the other side. I must say that anything which concerns the development of any industry of Bengal would receive our whole-hearted sympathy and support.

During this famine, the *muchis* have suffered very much and they should be helped in every possible way. The Government should try to improve their pecuniary condition, so that they may not fall victims of another famine in future. Shoe-making is a very important industry of Bengal. At present this industry is monopolised by people who come from outside Bengal. They earn money in Bengal and take away the major portion of their earnings outside Bengal. That is the state of things now going on They employ some labour in their factories in shoe-making for their own benefit only. Chinese have made Calcutta their own residence. They carry on this industry and they use hides, etc., from other provinces and countries. Government of Bengal should try to help the development of this industry as much as possible.

As regards the resolution which has been moved by my learned friend, I find that in his resolution he has asked Government to hire 50 houses in Calcutta and Howrah for the benefit of these *muchis*. But how far that will be a practical proposition, I do not know. It appears from the wording of the resolution that Government should pay rent for those houses but whether those rents would be paid back, there is no mention. The latter part of the resolution, in my opinion, makes it rather impracticable. If one

industry is given such help, other industries would also demand Government help and will ask for similar facilities. If the resolution wanted that some subsidy should be given in the shape of supplying hides at a concession rate, I would have gladly supported it. I do not think it will be of any help to the *muchis*. Practically, this resolution commits Government to hiring some houses. But there is difficulty of Government going into the market to hire houses. At once the rent will be charged higher. Ordinary citizens will not get any house. So from that point of view also, it will be a losing concern. It appears from the statistics that Bengal imports shoe-making materials from Cawnpore worth about lakhs of rupees——

Mr. PRESIDENT: Order, order. I adjourn the House till 1-30 p.m. on Monday.

Adjournment.

The Council then adjourned till 1-30 p.m. on Monday, the 29th May, 1944.

Members Absent.

The following members were absent from the meeting held on the 26th May, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Rai Bahadur K. C. Banerji.
(3) Mr. S. C. Chakravarti.
(4) Mr. Humayun Reza Choudhury.
(5) Mr. Khorshed Alam Chowdhury.
(6) Mr. N. C. Datta.
(7) Mr. K. K. Dutta.
(8) Khan Bahadur Abdul Gofran.
(9) Mr. M. R. Jaipuria.
(10) Maulana Mohd. Akrum Khan.
(11) Mr. Abdul Latiff.
(12) Mr. N. N. Moholanabish.
(13) Mr. N. N. Mookerjee.
(14) Mr. T. B. Nimmo.
(15) Mr. R. S. Purssell.
(16) Khan Bahadur Muklesur Rahman.
(17) Khan Bahadur Kazi Abdur Rashid.
(18) Dr. K. S. Ray.
(19) Mr. S. N. Sanyal.
(20) Khan Bahadur M. Shamsuzzoha.
(21) Mr. J. W. R. Stevens.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 44.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 29th May, 1944, at 1-30 p.m., being the forty-fourth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Obituary References.

Mr. PRESIDENT: Order, order. It is the melancholy duty of the Chair to refer to the passing away of two most prominent citizens of Calcutta and of Bengal who were associated with the Bengal Legislative Council under the previous Constitution.

Maharaja Sashi Kanta Acharyya Chowdhury, of Mymensingh, passed away after a short illness on Saturday last at his Calcutta residence. The Maharaja was first elected a member of the Bengal Legislative Council in 1911. He was re-elected a member of the Bengal Legislative Council under the Montford Reforms as a representative of the Dacca University constituency and he was a sitting member of the Bengal Legislative Assembly representing the Dacca Landholders' constituency. As a member of the Bengal Legislative Council, the Maharaja took a prominent part in the discussions in connection with the amendment of the Bengal Tenancy Act in 1928. One of the leading landlords of the province, the Maharaja was generous to a fault and he maintained fully the traditions of his noble House by contributing to the causes of medical relief and education. The Dacca Mitford Hospital and the Dacca Medical School connected with that hospital owe a great deal to the munificence of the late Maharaja Sahib. The cause of education in Mymensingh is also greatly indebted to him. He was one of the principal benefactors of the Ananda Mohan College, Mymensingh. Though born in an aristocratic family, the Maharaja was extremely simple in habits. He had charming social manners and anybody who came in contact with him was naturally attracted by his character and impressed by his simplicity.

In him Bengal has lost a prominent citizen and the landholding community a noble representative.

Professor S. C. Mukherji who represented the Indian Christian community for a number of years in the Bengal Legislative Council under the previous Constitution expired at his Calcutta residence on Sunday last. He was a keen educationist and was long connected with the Serampore Missionary College. The late Professor took considerable interest in the advancement of education in Bengal. He was a pious Christian, a gentleman to the tip of his fingers, an able debator, and ardent social worker and a warm-hearted friend. In his death Bengal in general, and the Indian Christian community in particular, has lost a noble representative.

I would request you, ladies and gentlemen, to rise in your seats as a mark of respect to the memory of these two deceased citizens.

(Members rose in their seats.)

Thank you. I believe it is the desire of the House that I should convey the sense of our regret to the members of the bereaved families.

(Voices: Yes.)

QUESTIONS AND ANSWERS

Destitutes treated in hospitals and rescue homes.

175. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state how many destitute persons were treated in hospitals and rescue homes in Calcutta, Chittagong and Noakhali, respectively, during this period?

(*b*) How many temporary relief centres and hospitals were opened by the Government of Bengal and how many of them were opened in Calcutta, Chittagong and Noakhali, respectively?

(*c*) What was the total expenditure incurred for them in 1943?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjee): (*a*) Calcutta 12,656, Chittagong 3,469 and Noakhali 191.

	Entire Province.	Calcutta.	Chittagong.	Noakhali.
(*b*) Temporary Relief Centres ..	5,500	5	599	175
Hospitals ..	174*	9	8	3

*Up to December, 1943.

(*c*) About Rs. 375 lakhs in 1943-44 for the entire province. Figures for the calendar year are not available.

Adjournment Motion.

Mr. HARIDAS MAZUMDAR: Sir, I have got an adjournment motion.

Mr. PRESIDENT: Yes, but I do not think you need read it Please explain how it is a matter for an adjournment of the House.

Mr. HARIDAS MAZUMDAR: Sir, the motion is about severe shortage of supply of fresh milk in Calcutta which is greatly affecting the children and patients——

Mr. PRESIDENT: May I ask you, Mr. Mazumdar, one point—how do you fix the responsibility for this upon Government?

Mr. HARIDAS MAZUMDAR: Upon whom should I fix the responsibility, Sir?

Mr. PRESIDENT: The Calcutta Corporation.

Mr. HARIDAS MAZUMDAR: The Calcutta Corporation cannot tackle such a big problem for which the Provincial Government is responsible, because by slaughtering of cows and other things which the Corporation cannot control this state of things has been brought about. So ultimately

Government is responsible for tackling the problem. Sir, it will be an insult to the intelligence of the House if the Government shifts the responsibility on to the Corporation. The Health Officer of the Corporation has already declared that there is 75 per cent. shortage in milk supply.

Mr. PRESIDENT: Yes, that is so. But the point is this: Corporation is an autonomous body and it has got enormous resources. The Calcutta Municipal Act places special responsibility about the supply of milk and other articles of food on the Calcutta Corporation. It is the statutory duty of that body. Unless you can convince me that Government have failed in their duty in this particular matter, I cannot give my consent to your motion.

Mr. HUMAYUN KABIR: Sir, I would like to point out that it is the duty of the Calcutta Corporation to see that there is fresh supply of milk within the city and to safeguard its quality; but obviously it cannot be the duty of the Corporation to secure supplies from outside, for the milk supplied in the city comes from areas which are not within the control of the Calcutta Corporation. So far as the question of the shortage in the supply of milk arising out of the condition within the city is concerned, it is obviously the task of the Calcutta Corporation; but since the milk supplied is very largely dependent on outside supplies over which the Calcutta Corporation has no control and which are under the control of the Government, this adjournment motion is, in my opinion, in order.

Mr. PRESIDENT: Mr. Kabir, you are aware that the Calcutta Corporation more than once since 1924 discussed the question of milk supply and proposed to tackle it by having municipal dairies. So you cannot say that it is primarily a responsibility of Government or that the Calcutta Corporation authorities are entirely depenedent on Government in this matter. If the Corporation wanted to solve this problem, they could have managed it by having dairies within municipal limits of Calcutta or outside the municipal limits of Calcutta under their control. In view of the special Act constituting the Corporation of Calcutta and the nature of autonomy given to the Corporation under that Act, I do not think you can place the responsibility on Government directly.

Mr. AMULYADHONE ROY: Sir, the Co-operative Milk Society is a body which is not under the control of the Calcutta Corporation. It is managed by Government. Therefore, if the Co-operative Milk Society fails to supply milk to the citizens of Calcutta, certainly Government is responsible.

Mr. PRESIDENT: But the Co-operative Milk Society *supplements* the resources of the Calcutta Corporation. It is never meant to *substitute* the resources of the Calcutta Corporation. So I do not think I can agree with the suggestion that it is the responsibility of Government. In my opinion, it is primarily the responsibility of the Calcutta Corporation to supply milk to the citizens of Calcutta.

Mr. HARIDAS MAZUMDAR: Sir, by moving this adjournment motion I want to draw the attention of Government to this important problem——

Mr. PRESIDENT: Mr. Mazumdar, this is not the proper method of drawing the attention of Government. Adjournment or suspension of the

business of the House on such a plea should not be resorted to. That would be an abuse of the privilege of moving adjournment of the House. If you are to draw the attention of Government, you can do so through some other means. If you want to censure Government, then and then only you should move an adjournment motion.

Mr. HARIDAS MAZUMDAR: Sir, if you allow me I may read in this connection Sir Frederick Whyte's ruling——

Mr. PRESIDENT: I have already given my ruling in this matter. I cannot go on arguing with you regarding my ruling. If you, however, want to discuss the general question as to what is the proper occasion for moving an adjournment motion, I am prepared to discuss the matter with you.

Mr. HARIDAS MAZUMDAR: Sir, I submit that a motion for adjournment is moved for the purpose of drawing the attention of Government to a matter of urgent public importance just to enable the House to discuss it and the Government to make a statement on the subject; and it also provides an opportunity to the members of the Legislature to draw the attention of Government to matters of recent occurrence which could not otherwise be discussed under the ordinary procedure of the House. I would again submit, Sir, that it is very difficult to draw the attention of the Government to any matter of importance, because if we put short-notice questions, consent is not given. Therefore, I would request you to indicate to us what should be the alternative course of action for us in such a matter.

Mr. PRESIDENT: The alternative would be in my opinion—if you consider this particular question to be of great urgency and importance from the public point of view—for you to ask Government to make a statement or reply to a short-notice question. If Government refuse to make a statement or refuse to answer your short-notice question or does not answer it in a satisfactory manner, then, of course, other remedies are open to you.

Mr. HARIDAS MAZUMDAR: Then, the adjournment motion would be too late, Sir. However, in this connection may I ask the Government to treat my adjournment motion as a short-notice question. As you will agree, Sir, it is a very important matter.

Mr. PRESIDENT: If you put a short-notice question on this matter, I am prepared to admit it provided it is in the proper form.

Mr. HARIDAS MAZUMDAR: But even then will the Government answer the question as a short-notice one?

Mr. PRESIDENT: Is the Honourable Leader of the House prepared to give an assurance to that effect?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We have just started an enquiry regarding this question and as soon as we get the results of our enquiry, I shall be very glad to intimate the same to the honourable members of the House.

Mr. PRESIDENT: The point is this: as public mind has been considerably agitated over the statement issued by the Health Officer of

the Calcutta Corporation, are the Government prepared to answer at short-notice the question which the honourable member proposes to put?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government should like to verify the statement issued by the Calcutta Corporation before they can make a statement. Perhaps it will take three or four days.

Mr. PRESIDENT: Well, three or four days for this purpose will not matter much The House may then take it that Government will make a statement in the matter within the next three or four days.

Mr. HARIDAS MAZUMDAR: In view of this, I agree to withdraw my adjournment motion.

Mr. BANKIM CHANDRA MUKHERJEE: May I rise on a point of information, Sir? May I refer to rule 98 of our Rules of Procedure which is as follows: No motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance shall be admissible if it relates to a matter which is not primarily the concern of the Provincial Government. In accordance with this rule, may I say that the Calcutta Corporation is situated within the province of Bengal and the affairs of the Province of Bengal are certainly within the purview of the Government of Bengal——

Mr. PRESIDENT: Mr. Mukherjee, I am sure you will agree with us that no member of this House will like to infringe the autonomy of the Calcutta Corporation in this matter. It is certainly not primarily the responsibility of the Provincial Government. There is a distinction between a pirmary responsibility of a local body and that of the Government.

Mr. SHRISH CHANDRA CHAKRAVERTI: But, Sir, that has always been done by this Government. I may remind you, Sir, that when you were the Minister in charge of Local Self-Government, you used to interfere with matters regarding the Calcutta Corporation which the Councillors of the Calcutta Corporation did not like at all.

Mr. PRESIDENT: That was for meeting a special situation. I do not propose to discuss or defend what I did as a Minister of Government. The honourable member is confusing the issues.

"Bhog"-ration.

Mr. HARIDAS MAZUMDAR: There is one other matter, Sir. The Hon'ble Minister for Civil Supplies made a promise that on Monday he would make a statement on the "Bhog"-ration for the Hindu deities. May I expect that statement today?

Mr. PRESIDENT: The Hon'ble Minister rang me up to say that a communique would soon be issued on the subject, but that as he was not in Calcutta that day he regretted very much his inability to be present in the Chamber to make a statement. In the meantime, however, action would be taken in the matter. As the House was going to be adjourned for a few days, on the first day the House would re-assemble the Hon'ble Minister would inform the House of what action had been taken. But in the meantime, he would issue a communique announcing his final decision.

Mr. HUMAYUN KABIR: Last time while discussing the motion for reference of this Bill to a Select Committee I briefly referred to some of the features which we find objectionable in the Bill and for which it is desirable that the Bill should be referred to a Select Committee. In that connection, Sir, I would for a moment crave your indulgence to refer to a question which was raised on the last occasion. When a motion for Select Committee is moved, I believe that the whole principle of the Bill can be discussed. There is no necessity to confine ourselves only to the motion for Select Committee. Whenever there is any motion for consideration, there are also motions for circulation and reference to Select Committee. These amendments are first taken up and therefore whatever one has to say whether with regard to the principle of the Bill or on the general questions involved in the Bill have to be stated at the time of discussion of circulation or Select Committee motions. Therefore, the contention of some of my friends opposite who suggested that in a motion for Select Committee no other questions but those relating to the Select Committee would be taken up is not valid. You will yourself remember, Sir, that on many occasions here and in another place when a motion for Select Committee was discussed——

Mr. PRESIDENT: May I interrupt you for a moment? The House accepts the principle of the Bill by accepting the motion for Select Committee. So you can certainly discuss the entire policy behind the Bill.

Mr. HUMAYUN KABIR: Thank you, Sir. My second point is this. Since this is a money Bill, a fiscal measure, a member has a right to touch on every aspect of Governmental activity. So far as taxation is concerned, one department of Governement is interlinked with another. Now, Sir, this Bill proposes to raise money. Money is raised for one of two reasons —either on account of deficit or if a new type of social service is introduced for which there has been no provision in the past budgets. Beyond these two reasons, viz., either for excess expenditure for which there is no money or in order to meet some new mode of service, i.e., for new social activities— there is no justification for a new tax. It is for these purposes that taxation measures are introduced. Therefore, a taxation measure will always offer one of these two justifications. I do not think the Hon'ble Finance Minister would bring forward a taxation measure for any other purpose. The present Bill wants to raise money but we are not told what is the definite purpose for which the money is proposed to be raised. It is stated that it is desirable that the provincial revenue be augmented and hence this measure is being introduced. But we are not told why the revenues should be augmented. Therefore, I submit, Sir, that in discussing a motion for Select Committee, the whole administration of Government, if one desires, may be surveyed. I believe that when a taxation measure is before the House, you can discuss everything from the lamp-post to His Majesty the King, according to the dictum of Sir Frederick Whyte. I think you will agree that in discussing the motion for Select Committee, we are within our rights—not only within our rights but it is our duty— to survey some of the activities which are responsible for the introduction of these taxation measures.

Now, Sir, we find that in the Preamble to this Bill, there is no statement whatsoever as to why the Government want the money. There have been references by honourable members opposite to the fact that the Floud Commission in its report stated that till the Permanent Settlement could be abolished, the Government might impose an agricultural income-tax in order to augment the resources of the Province. In the Floud Commission Report it was at the same time clearly laid down that moneys derived from the agricultural income-tax should be ear-marked solely for the improvement of agriculture and allied questions. Now, there is no indication whatsoever in the Bill which we have before us today that the money which will be derived from this agricultural income-tax will be devoted solely to the improvement of the condition of agriculture or the condition of the agriculturists. Therefore, Sir, we fall back on the other alternative that Government very likely—I do not know what is in the mind of the Government—have brought forward this Bill in order to augment their resources, because they have found that the existing revenues are not adequate for the expenditure which they have already incurred or which they propose to incur; in other words, this money will be pooled into the general resources of the Province. I know that it is very often stated that moneys should not, as far as practicable, be ear-marked for any specific purpose. It is also quite often the case that the general resources are pooled together just as the allotments for expenditure under different heads are taken up as a whole. Therefore, it is not usually the custom to have a taxation measure in which the money is allocated to a specific head. But I would submit in this case that there are certain special considerations. We have to consider the nature of the Act which is sought to be introduced. We have also to consider the activities of the Government during the last 12 months.

I will take up the first question first. The Floud Commission recommended that the proceeds from the agricultural income-tax should be ear-marked solely for agricultural purposes, namely, improvement of agriculture and improvement of the condition of the agriculturist. They obviously had reasons for making such recommendations, and the reasons are quite easy to see. We find that the agriculturist in Bengal has had a very bad time in the past. It has been our conviction and we have stated it in this House and outside that so far as the Permanent Settlement is concerned, there was expropriation in regard to the tiller of the soil. This expropriation occurred in the year 1793 when the Permanent Settlement was instituted. The agriculturist was expropriated of his rights without any consideration for the past history of this country. However, Sir, this is a question which would take a very long time of the House, and I do not want to go into any further details about it just now. The position is that for 150 years the agriculturist in Bengal has had a hard time, and it was felt by the Floud Commission that he is entitled to relief. Therefore, the Floud Commission recommended that the agricultural income-tax should be devoted solely to improvement of the condition of agriculture and the agriculturist. It was an effort to do belated justice to a class of the community who have been unjustly treated in the past. Now, Sir, I would like to know if the Government want to devote the expected income to this purpose. If not,

I want to know why they want to deviate from the principle laid down by the Floud Commission so far as the agricultural income-tax is concerned. They must explain why they want to absorb the funds that may be obtained from the agricultural income-tax into the general revenues of the Province. This brings us to the second consideration, namely, the activities of this Government in the past.

Now let us consider the deficit which has resulted since the last famine. I need not go in detail into the causes of the last famine. There were various causes and the most fundamental cause was the denial policy; but the deficit has resulted from inflation. The inflationary process was set up because of the political background in which Governmental policy actually took shape. Here in India, Government had to pay more wages, more profits and they had to pay more for materials than in other countries under their sway. Because of greater payment for wages, profits and materials, Government had to create money. I am sure honourable members will remember that the note circulation of the Government of India went up six or seven times the normal circulation. It was about Rs. 180 crores in 1940; but about the end of 1942 it had gone to over Rs. 700 crores. There has been this inflationary process set up by Government. The political action of the Government in refusing to recognise the Indian demand for independence and transfer of power alienated a very large section of the people. The people did not feel the enthusiasm for the war measures of which we find a very magnificent example in the conduct of the people in England.

The people of England were prepared to and did undergo hardships; the people of Russia also had undergone tremendous hardships and paid for the war because they felt that it was their war and they were fighting for their land and for democracy and all that. But here the people were not convinced about the morality of the war. Whatever was done here in connection with the war was done purely out of the motive of profit. The Government of India did bring in this inflationary process in order to find the necessary men and materials for the conduct of their war effort. Unfortunately, it so happened that for all these acts of commission and omission of the Government of India and the failure of Whitehall, poor Bengal had to suffer. It was Bengal which suffered on account of the acts of omission and commission of Mr. Churchill's Government and the Government of Lord Linlithgow. Conditions were bad throughout India because the people had no enthusiasm for the war. But Bengal suffered most because Bengal was in the war zone. Of all the provinces of India, Bengal was the one province most affected by the war. The people were, therefore, suffering because of the lack of political foresight on the part of men like Mr. Churchill and Lord Linlithgow.

That was the background, Sir, in which the famine took place. It was because the denial policy was instituted against a background like this that these terrible sufferings took place. In answer to a question today, we are told that about 3 crores of rupees were spent only in the treatment of destitutes in hospitals. Sir, all these were charges which were directly the result of lack of sympathy in general to the war effort, because the people did not feel it to be their own war. The famine occurred against the background

of the inflationary process set up by the Government of India and engendered by the peculiar military situation in which Bengal found herself to be a war front. Bengal had not been prepared for this. The Government of India had never thought that any attack would come from the East and therefore all the processes of defence had to be reversed and had to be brought back to the Eastern frontier. That is the background. Since the expenditure that has been incurred during the war could be directly or indirectly attributed to the war, this Government should have gone to the Centre for a subvention, in view of the background which I have just now described before the House. This is the background, Sir, in which this huge deficit has been incurred——

Mr. PRESIDENT: How long more will you take, Mr. Kabir, to conclude your speech? The last day you said that you would take 10 to 15 minutes more and you took about 15 minutes; today also you have taken about 10 minutes.

Mr. HUMAYUN KABIR: I admit, Sir, that I have been speaking for a long time. It was my intention to finish soon, but since then many points have come up. As you know, Sir, if I am irrelevant or if I repeat myself unnecessarily, you can pull me up. But so far I have not, I believe, repeated a single argument. Besides, so far as taxation measures are concerned, I submit that there is no time-limit. Therefore, if without repeating myself or without being irrelevant, I speak for even a couple of hours, —though certainly I have not that intention, I shall be within my rights.

Mr. PRESIDENT: Still, for the convenience of other members I think you should practise some amount of self-control in this matter.

Mr. HUMAYUN KABIR: I will try to be as brief as I can. I am afraid, however, that very often interruption means more time because one has to build up the argument afresh. I was saying, Sir, that it was the duty of the Government to have gone to the Centre for some subvention rather than attempt to raise this money by imposing an agricultural income-tax upon the people during this crisis.

I have now placed before the House my argument about the background to the famine which was created by the inflationary policy of the State. You will remember, Sir, that about the middle of February, 1943, it became quite clear that there was an acute shortage of foodstuff in this province. In this very House a question was asked—I forget who asked the question, it might have been Mr. Nur Ahmed or it might have been some one else. The answer then given was that there was shortage in this province. As a result, there was further aggravation in the state of uncertainty in the public mind. Thereafter, we in this House attempted to have Bengal declared a deficit province. We urged that there should be an appeal to the Central Government and other provinces and countries outside India for sending foodstuff here. That was unfortunately not done. On the contrary, the Government which came into being on the 24th April, 1943, did an act which I cannot characterise as anything else except enmity with the people of this country. This Government on assumption of office

declared that there was no shortage of foodstuff. They also said that whatever apparent shortage there was, was due to the people themselves. Hoarding by the local people was, the Government said, the only reason for the people's difficulty. This was perhaps true as far as the Government were concerned, for probably Government were the greatest hoarder as was actually proved at a later stage. They were responsible for whatever difficulty was felt. But the irresponsible statement of Bengal Ministers was an instance of the cruelest treachery to the people. Government were guilty in three respects. First of all, they diverted the responsibility of feeding the people from the Government by their declaration that there was sufficient foodstuff in the province. The question of responsibility of the Government only arises when there is actual famine condition or scarcity and the condition is such that the people cannot feed themselves without governmental help. Such condition existed last year and yet the Bengal Ministers went about saying that there was no scarcity or famine. There was, therefore, an error of judgment on the part of Government, if it was nothing else. If a less charitable view is taken, it may be described as enmity to the people. Certain activities followed as a result of which Government are responsible for the great calamity which we witnessed last year. The Government diverted the attention of the people from the gravity of the situation by their declaration that there was no dearth of foodstuff. Then, Sir, a division was created among the people themselves by this sort of propaganda. The Government said that there was sufficient foodstuff but that on account of private hoarders difficulties were created. Instead of a united people pressing Government to take responsibility, we had the spectacle of the people divided among themselves and blaming and suspecting one another. There was suspicion in the mind of even Mr. Suhrawardy! He would have a food drive in which it was necessary that every household should be ransacked! This made the people nervous and was responsible for more black-marketing business. Large amount of foodgrains were brought to Calcutta, as in that strange order of Government, Calcutta and Howrah were excluded from the purview of the food drive. At Calcutta and Howrah there were a number of huge warehouses ——

Mr. PRESIDENT: Mr. Kabir certainly you are entitled to discuss the principle of the Bill. But don't you think that you are far away from the motion before the House?

Mr. HUMAYUN KABIR: I submit, Sir, that this argument is relevant to the motion before the House. If Government had ear-marked money from the proposed tax for the purpose of agriculture, the position would have been otherwise. They are not going to do so. There is no intention on the part of Government to ear-mark the money from the present Bill. Before we vote for this money, we must know the purpose for which the money raised by this taxation will be spent. Why should we vote additional moneys if these are to be squandered or misspent? I am giving instances of the way in which additional expenditure was incurred through the acts of omission and commission of this Government.

This Government, I contend, must bear the main responsibility for the tragedy of last year because of their acts either of oversight or lack of foresight or it may be that because they did not have the imagination to

see what would be the condition of this Province. I am sure that you yourself will see that it is absolutely necessary to the argument that I am building up to consider these questions. My contention is that money proposed to be raised by the present Bill should be ear-marked. We in this House should not be prepared to give a blank cheque to the Government, especially after they have proved by their activities of the last 12 months or so that they do not deserve a blank cheque. That is why I stated before that their insistence that there was no food shortage was mainly responsible for the tragedy of 1943. It prevented the inflow of food from outside. Private individuals went on saying that there was shortage but the Government —a responsible Government and a Government which it must be admitted has a large number of the members of the Legislature behind it—said the opposite. When such Government make the statement that there was no shortage, naturally people outside this Province and people outside India, who do not know in what way the Government of India Act is made to function, believed it. I am sure you, Sir, have seen the recent statement of Lord Halifax in which he stated that Bengal has the same kind of Government as one of the States of the United States of America has got! If that is the sort of propaganda carried on by British functionaries, is it surprising that many Englishmen and Americans should believe that Bengal had really a popular Government? By not searching the godowns of Calcutta and Howrah, the Government helped whatever rice was in Bengal to accumulate in these places. This is an example of the lack of efficiency and the lack of imagination on the part of the present Government that we regret.

The Government of Bengal said that there were hoards but these hoards could not be unearthed in spite of a very highly developed police system, a highly developed espionage system, a highly developed Intelligence Branch —an Intelligence Branch which can almost read people's thought before they are thought! We feel that the attention of some members of the Intelligence Branch might be devoted to better purpose than shadowing innocent people. In spite of such an Intelligence Branch, they could not find out the hoards. Therefore, it would be right to say that actually there were no hoards, and if at all there were any hoards, they were with Government themselves. These hoards were released later on when lakhs of maunds of rice and paddy were wasted in the stations of Jessore and Khulna and in the godowns of Narayanganj, Dacca, Chandpur and elsewhere having been rendered unfit for human consumption. These activities of the present Government were responsible for the loss of public revenues. The foodgrains which were allowed to rot in the godowns cost money, and today we have to impose new taxes. Money was literally thrown into the Hooghly, Padma, and Brahmaputra. Food was allowed to be wasted while tens of thousands of people starved. The reasons why I emphasize on this aspect of their activities are two-fold: during the last year they tried to shirk their responsibility of feeding the people by false cries of hoarding. Government were responsible for the wastage, the extraordinary wastage of probably lakhs and more than lakhs maunds of foodgrains. Today we are again faced with a deficit which is largely on account of the acts of Government. Government have spent about 3 crores of rupees for treating people suffering from the effects of starvation. This need not have been spent if food came

to the people in time. If in the months of May and June, when the people of Bengal were clamouring for food, Government had arranged for foodstuffs to come from outside, if Government had not failed miserably in their duty, if they had not gone out of their way to mislead public opinion all over the world, the tragedy of 1943 would not have taken place. In this way they have made themselves responsible for the murder of many lakhs of people of this province. But for their gross mismanagement, this question of destitutes would never have arisen at all, this question of hospitals for destitutes also would never have arisen at all. All these hospitals ministered to people whose health was shattered because they had to go without food. This relief had to be given to the people because their resistance had been undermined day by day, week by week, month by month on account of starvation and all the evils and misery attendant on starvation. After all, these conditions had been created by Government. All this expenditure, I am sure, would not have to be incurred if the Government had taken courage at the right time and taken proper steps.

Government did not realise the magnitude of the terrible calamity that was coming, but they ought to have foreseen that a calamity of some sort was coming. Probably nobody was able to visualise that the calamity would be of a magnitude unprecedented in the history of the province; but there is a difference between the private individual and the Government. It was the obvious duty of the Government at least to try to foresee the calamity. Even if they could not realise the magnitude, it was obviously their duty to take all possible steps as a precautionary measure. I am quite confident, Sir, that if this Government had made in May and June that appeal which it made in September and October, and had received in May and June that help which came from outside in September and October, lakhs of people would not have died for want of food. I am sure the charges on the provincial exchequer would have been much less than what has been actually incurred. Government fought shy of giving relief at the time when relief was possible and necessary. The result of all this was that when they were actually forced to give relief, the magnitude of that relief was more than what it would have been if that relief were given in proper time. The conduct of Government supplies a glaring, bitter and tragic instance of that common proverb—a stitch in time saves nine. There was not one stitch in time and the nine stitches have not saved the province. On the contrary, valuable food worth lakhs of rupees has been lost and what is even more tragic, valuable lives have been lost. This is the background, Sir, and this is the reason why we cannot accept the Bill without modification.

I have already stated at the outset that I am not against an agricultural income-tax as such, or any other taxation measure, provided the taxation aims at the benefit of the people of the country. Taxation is an instrument for diverting the superfluous wealth of the rich and providing social services and utilities, such as health, education and other services for the poor. Therefore, I am not against taxation as such. But when the record of this Government is so black—and I have suggested they themselves know that their record is black—how can we give a blank cheque to this Government? I consider it necessary to state the reason and purpose of my supporting the reference of this Bill to a Select Committee. There are, on the one hand, the recommendations of the Floud Commission. On general principles, without

going into the merits or demerits of any Government whatever, they laid down the policy that any money derived from an agricultural income-tax should be devoted solely to the amelioration of agriculture and the welfare of the agriculturist. These are general principles which we all accept; but in addition to that, when we have a Government whose *bona fides* are subject to question, whose ability has been proved to be almost nil and whose efficiency is at the very lowest ebb, which has branded itself by lack of imagination as one of the most callous of Governments that a country can tolerate, when we have a Government like this, how can it be expected—against the background of the general principles laid down by the Floud Commission—how can it be expected that this Government should be trusted with so much funds? We know the way in which the present Government is spending money. I might again briefly refer, as I referred on the last occasion, to the fact that if this Government has excelled in anything, it is certainly in creating new departments which with all their paraphernalia of officers and other things do not know what exactly to do. Elsewhere, with expansion in the number of civil servants, the amount of civil service actually increases; but here in Bengal we have a paradoxical situation. In all other countries, the increase of civil servants always means an increase of service available to the people; but here we have a strange paradox, namely, that increase in the number of civil servants is attended with a decrease for civil service almost in the reverse ratio. In such a situation, how can it be expected that Government should be given this blank cheque?

These things, Sir, could be thrashed out much more conveniently in the Select Committee than on the floor of the House. It is known to everybody in this House that if a suggestion is made on the floor of the House, it is rarely accepted by Government. In the Select Committee, in the relatively calmer and cooler atmosphere, it is possible for Government to take the members into confidence and approach the problem in a spirit of co-operation. This is not always possible on the floor of the House. There, the Hon'ble Minister who presides over the Select Committee may take the members into confidence. For all these reasons, it is very desirable that the Bill should be sent to the Select Committee. I will not go into greater details. I have already taken more time than it was my intention at first to take and I leave this argument here. But before I conclude, I must say one thing. It is that Government always take this House in a casual manner. They have considered important Bills elsewhere and sprung them upon us and rushed them through—got them through—without even changing a comma or semi-colon. If there were joint select committees of the two Houses, we could discuss these Bills in a more detailed manner When the Bills came before the House later on, so much criticism and discussion would not then be necessary. But as it is now, we are asked to father a baby which is sprung upon us. Plans completed, constructed, without any possibility of modification by this House are thrust upon us. How can we accept a thing in the planning of which, in the shaping of which we have no hand? Whatever emerges as an Act, you know very well, is an Act of the Legislature in which both Houses concur. We always find that important Bills are discussed in detail in the Select Committee elsewhere. After the Select Committee has given shape to it and the Bill is passed elsewhere, it is brought before this House. Now, Sir, as a revising Chamber, it is the duty

of this House to examine every Bill thoroughly instead of hurrying or rushing through them. If we hurry, we would be failing in our duty. A joint Select Committee would I think meet the situation and obviate the difficulty at present experienced. It is up to this House to see that its rights are not trampled in this manner, and it is not asked to rubber stamp and merely endorse what has actually taken place in another House.

There is another consideration why this motion for Select Committee should be accepted by Government. Government wants to hurry the Bill through. If so, they can ask for an earlier date by which the Select Committee report will be completed. The date of the Select Committee report could be modified, provided there is general agreement. In the motion which has been moved, it is proposed that the report of the Select Committee should be submitted by 31st July. This is a short period. I think it would not be a longer period than if the Bill is actually considered clause by clause on the floor of the House. With the consent of the House you may, if you so choose, have an earlier date. Unless some such accommodation is made by Government, this House—at least those members who lack blind faith in the Government—are not prepared to give a blank cheque to the Government. I know that some honourable members on the other side think that whatever they do in this House is right. Only this afternoon I was saying to a friend—a member of this House—that when the Delphic Oracle said that Socrates was the wisest man of Greece, Socrates was at first surprised, for he was conscious of his own lack of knowledge. Later on, he admitted the correctness of the Oracle, for while he knew little and knew that this was so, the others did not know and yet thought that they knew everything. I would ask the Hon'ble Finance Minister who often gives lectures on Economics to members on this side of the House to remember the prophecy of the Delphic Oracle. The findings of Economics are varying today. The economics in which my friend might have been brought up or the economics in which his youthful days were passed have already been largely discarded. I would ask him to cultivate something of the humility of Socrates, something of the attitude which is not cocksure and dogmatic about everything. These considerations should persuade Government to accept this motion for a Select Committee. If it goes to a Select Committee, I am quite sure that in this House we can thrash out different clauses and make of it a better Bill than the one which has come here. You will bear me out that on more occasions than one this House has materially improved Bills. When Bills are brought here, this House has to apply its mind and it has often done so in the past. Unfortunately, we do not have here today one of my honourable friends who is a specialist in what we call technical amendments. If this technical specialist had been present amongst us today and lent his services, it might have been of great value to the Government. Therefore considering all these things, I would urge very strongly upon Government to accept the motion for Select Committee.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, at the very outset I hasten to say that there is no question about the equity of the measure and there is no question that the agricultural income-tax should not be one of the principal sources of revenue in Bengal. That is what I said when I moved by motion for circulation of the Bill for eliciting public opinion

thereon. There has been difference of opinion with respect to time. In my opinion, it is not the opportune time when this tax should be imposed. War is on and the condition of Bengal is not what it is in normal times. But the Hon'ble the Finance Minister has expressed an opinion which has been supported by the Party that is behind him that this is the most opportune time for such a measure. In fact, my honourable friend Mr. Hamidul Huq Chowdhury opined that many people have piled money upon money by Government contracts and therefore this is the time when a tax like this should be imposed. I am of opinion, Sir, that those persons who have made themselves rich by war contracts will go scot-free. In fact, these are the people who have made bank balances, and whenever they wanted to invest their money, they did so by acquiring lands and buildings in urban areas, and the rest of the money they devoted to business purposes. Most of this class of people will not be affected at all by the provisions of this Bill; and those who will be affected, Sir, are big agriculturists and rent-receivers and revenue-payers. These people are mostly over head and ears in debt. The Finance Minister knows this fact very well. Now, I would like to ask the Finance Minister to remember that these big agriculturists, rent-receivers as well as revenue-payers in the mufassil have got to respond to 101 local calls, to contribute to different funds, particularly to those related to the War. Last year they contributed nobly to Sir Herbert's call for 40 lakhs for Indian Red Cross. This year Mr. Casey, the Governor, has appealed to them to contribute Rs. 44 lakhs for the same Indian Red Cross. This huge amount of money will also be realised mostly by contributions taken from these big agriculturists, rent-receivers as well as revenue-payers. Sir, is it the proper time when the Finance Minister thinks that they must be overwhelmed with taxes? I think, Sir, that Government ought to remember one important fact in this connection that whenever there is a proposal for imposition of a fresh tax, people's grievances ought to be met. Sir, our grievances are many, but our particular grievance is that the prices of the necessaries of our life have gone sky high. The price of rice in spite of control is rising everyday. The price of mustard oil, the price of kerosine, sugar and coal and the price of everything that is necessary to keep our body and soul together have gone sky high and beyond control. Government have so far failed to enforce controlled prices in order to enable us to live a peaceful life. The economic life of Bengal is at a very low ebb today, and the people are feeling the pangs of hunger. Is it the opportune time when Government should have come forward to overwhelm the people of Bengal with a new tax like this agricultural income-tax?

Sir, I say that although agricultural income-tax should be one of the principal sources of revenue in Bengal, yet if it is not imposed for the improvemnt of agriculture solely, it is apt to be misspent. The money should be spent for the right purpose; otherwise it will be misused. Sir, the Government is very cryptic as to the reason why this taxation should be imposed. All that has been stated in the Statement of Objects and Reasons for the Bill is that the Government want money. In order to add to the revenues of Bengal, this taxation is going to be imposed. These are the words: "Whereas it is necessary to make an addition to the revenues of Bengal and for that purpose to impose a tax on agricultural income derived from land situated in Bengal." That is what is stated to be the purpose of

the Bill. I would like to say that one reason why the Finance Minister has not come forward to ear-mark this revenue for the needs of agriculture is that he desires to meet the deficit from the proceeds of this tax. Now, Sir, if that is his object, then we should refuse him this tax, or if we at all allow him to get this tax, we should say that at least this tax should not be spent on meeting the deficit as he wants to do. Sir, I may say that in the course of one or two years we have raised the revenue of this province from Rs. 16½ crores to Rs. 23 crores. That is a good achievement in all conscience. The expenditure side now has come to 33 crores and if that is so, whose fault is this? How could expenditure go up so much if a huge amount had not to be spent on famine and extraordinary charges in India? The famine was the offshoot of the war and the extraordinary charges in India are also the result of the war effort. So far, therefore, as the deficit is concerned, it should be met by the Government of India and not by us. In whatever way this huge deficit may be met, my contention is that not a pie of this agricultural income-tax should be spent for the purpose of meeting this deficit. Now, Sir, our view is that this tax should be devoted solely to the purpose of the improvement of agriculture and projects connected with agriculture. Is it at all possible, Sir, that we shall be able to carry any of our points in the open House here with the Finance Minister shadowing over the members of the Government party? On the contrary, Sir, if the Bill is referred to a Select Committee, in its cool atmosphere, we can get certain amendments passed. As I deal with this point as to whether there is any such possibility in the Select Committee, I may remind members as to what happened in connection with the Land Alienation Bill which Government introduced and got passed for the purpose of helping those who were obliged to sell lands at the time of the last famine at a price not exceeding Rs. 250. I may mention that the Bill as originally introduced in this House was full of errors, so much so that we had to submit a large number of amendments and our amendments were many and various. This was found out by the Hon'ble Mr. Tarak Nath Mukerjea, Member in charge of the Bill, who turned to us for help in order to have his Bill passed and suggested that in order to improve the Bill we might meet at a conference. Well and good; we readily agreed but we found afterwards that he was economising, that is to say, he did not call us but he called his party, gave them tea which was promised to us and considered our amendments. They accepted at that meeting almost all the amendments of which we had given notice, so that when a new draft of the Bill emerged we found to our surprise that our amendments were all accepted.

The result was that the Bill was passed into law without much hitch. The Hon'ble Revenue Minister came out with leaflets containing full page photograph of himself and took credit for himself. Another experience of ours is this. There was the Animal Diseases Act. A Select Committee were called. When we went there, we found the members of the Government party were very reasonable and listened to our suggestions in a co-operative spirit: there were many changes and many amendments were accepted and the Bill was passed without much controversy. That is our experience. So in the Select Committee many things could be amicably settled which it is not possible on the floor of the House. We have however our bitter experience in respect of the Sales Tax Bill, which was not

referred to a Select Committee. There the members of the Government party wanted to get through the Bill without any change or modification, and the Opposition could do nothing because the Government party with overwhelming majority blindly voted for it. Now, Sir, coming back to the question of improving the condition of agriculture with the proceeds of this tax and ear-marking the same for this, the Hon'ble the Finance Minister objected to the term "earmark" and said that it is bad finance. I would like to tell you, Sir, that the Floud Commission did not use the word "earmark" but specifically recommended that the tax which will be raised out of agricultural income should be devoted solely to effecting agricultural improvement. Now, Sir, the Floud Commission, some of the members of which are now among the Government party, and some of them were also experts, expressed their opinion that the tax should be devoted solely for the purpose of agricultural improvement. But the Finance Minister said that it would be bad finance if this fund is applied solely for agricultural improvement. I do not understand how it could be so. I hope the Hon'ble Minister will enlighten the House on this point. I am just saying why it is possible for the proceeds of this tax to be devoted for the purpose of agricultural improvement and even ear-marked. There is such a thing as the Railway Board of the Government of India. The Railway Board has a separate finance. There the Railway Board raises its own revenue and spends it for the purpose of improving the railway system throughout India. Of course whenever there is excess, it gives it to the general budget but its finances are separate. Why can't we have an Agricultural Board——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Are you quite sure that the amount expected to be raised by this tax will cover the agricultural budget or even a fraction of it?

Mr. LALIT CHANDRA DAS: No question of covering the whole agricultural budget—it may meet part of it. I may now tell you how an Agricultural Board which would be presided over by the Hon'ble Minister in charge of Agriculture——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We have Agricultural Advisory Board——

Mr. LALIT CHANDRA DAS: Not the Agricultural Advisory Board but I say, an Agricultural Board like the Railway Board of the Government of India.

Sir, the Hon'ble Finance Minister told us that even without ear-marking the amount for the purpose of agricultural improvement they had lavishly financed the Agriculture Department. Their contribution of 2 crores of rupees has been devoted to the improvement of agriculture. Well and good. Add to this amount the agricultural income-tax proceeds and give that Board sufficient amount for the purpose of agricultural improvement and for projects connected with improvement of agriculture, such as irrigation, transport facilities and many other things, and let the Board be responsible for improvement of agriculture in Bengal. Agriculture is one of the nation-building subjects. Sir, I think that in order to avert a future famine, the Agriculture Department must remain responsible to

the people. Burma has gone at least for the present, and with Burma export and import have also gone for the present. Now, every other province will be trying to be self-supporting. But we are having deficits every year and are expecting help from other provinces. We should also try to be self-supporting in respect of the essential supplies. The Agriculture Department should have a separate Board like the Railway Board which will be entirely responsible for the improvement of agriculture, so that Bengal may not have to look to the provinces for help or may not have to import food supplies from outside. Bengal is a rich and fertile country and so it can certainly stand on its own provided a competent Agricultural Board with a competent Agriculture Minister to preside over it is set up to utilise all the money that can be received from the Government for the purpose of averting famine in future.

Sir, the most important reason why this Bill should be sent to a Select Committee is that there it may be considered in a calm atmosphere. Take for instance, the question that if Government say that the Bill will come into operation from April, 1944, we will say in the Select Committee that it is not the proper time for the Bill to come into operation until the war is over, and that until Bengal returns to its normal time the provisions of this Bill cannot be given effect to; and as Government has at its back a big majority there is some hope in the Select Committee, while there is none in the open House. We hope the Select Committee members of the Government will be reasonable men. What hope we have here?

The taxation limit has been placed a bit high. In fact, all the electors and voters, every member of this House will be brought within the ring of this measure, although many members of the Lower House and their constituencies may get away scot-free. Not a single voter not a single member of this House will escape from the operation of this Bill. I say, therefore, that this is a Bill which should be considered very carefully by each and every member of this House and that is best done in a Select Committee. If the matter does not go to a Select Committee but is considered here straightaway on the floor of the House and the Bill is passed without the change of a comma or a semi-colon —that is a proposition which each and every member of the House will consider not to be fair.

Now, Sir, there are very important sections in the Bill, for instance, sections 4, 6, 7 and particularly 8 which provide as to how the assessment and allowances are to be made. With regard to allowances, my contention is that they should be very carefully considered. With regard to the allowances, in our opinion, one very important omission has been made and this has been pointed out by my friend Mr. Bankim Chandra Mukherjee, who quoting from the relevant English Act, showed what the position in England was. He pointed out that the cost of maintenance of family members will not be taken into account in estimating the costs which should be deducted for the purpose of arriving at the net agriculture income. What hope have we here, in this House, when we move our amendments, that my friends on the other side will consider the propositions coolly and vote according to reason?

There are other sections also, such as section 49 and others, in regard to which European members think seriously. In fact, Mr. Laidlaw referred

to this and pointed out certain inequities but after examining these points he ended by blessing the Bill and supporting it. That is to say, if those inequities of which they complain go off, then "Devil take the rest" was his idea. He did not care what would happen to us. As regards clause 49, Khan Bahadur Momin—I do not find him here, perhaps he would be coming up when the bell would ring for a division, if a division is called—Khan Bahadur Momin has suggested that one should pay income-tax in the country where it is actually earned and should not escape payment here by paying his tax in some other country. That is a point of great importance and we would like to know whether it is covered by section 49. It is such a beautifully-worded section that it may mean anything—both for and against giving relief. The Hon'ble Minister will attempt to show that it does not mean what we think it means. Is there any possibility for us in the open House to have any changes in the wording of this section brought about? It will be said that the section is an intricate and a technical one and very few members could understand it. Finance Minister will rise as an expert and say that it does not convey the sense that we think it does. But if the matter is discussed in Select Committee we can express our ideas fully and state our views with reasonable chance of success and may also know in what respect they differed from the amendments that were adopted in the Select Committee of the Lower House. There are various other matters connected with the Schedule also where there is room for serious difference of opinion between the Government and ourselves. It is a very contentious measure which touches the economic life of a very large body of people in the whole of Bengal. Under such circumstances, it is but fit that this measure should go for consideration in a Select Committee in a cool atmosphere where things can be decided coolly. With these words, I support the motion for reference of the Bill to a Select Committee.

Mr. SHRISH CHANDRA CHAKRAVERTI: Mr. President, Sir, I rise to suport the motion for reference of this Bill to a Select Committee. I must at the outset make clear to the House what the Congress Group of this House think about this Bill. I may say that so far as the principle of this Bill is concerned, we agree and we have no objection to such measures being brought for the benefit of the people at large. We have always favoured an equitable liquidation of the vested interest. But the question is: how is the money which will be realised going to be spent and how will it be utilised? All these things are not at all clear from the Statement of Objects and Reasons. I think that the Statement of Objects and Reasons is a necessary part of any Bill that is presented before this House. It has been so vaguely worded. It has not been printed even and has been typed on a slip of paper——(The Hon'ble Mr. Goswami: Paper shortage. Mr. Amulyadhone Roy: What about *Bengal Weekly*, where do you get paper for that?) The previous speakers, my friends Mr. Kabir and Mr. Das, have both exhaustively pointed out that Government should have some policy for which a tax is to be imposed. The Floud Commission recommended that the agricultural income-tax could be levied with a view to gradually lowering down the prices of zemindari, so that in future it could be acquired: that was the real motive underlying their suggestion for the imposition of the agricultural income-tax. But the present Bill goes

nowhere near that. The Government do not care whether the conditions of agricultural people improve or not. It is not with a view to give a fillip to agriculture itself that the tax is being imposed.

So, for what purpose this money is going to be spent, they do not care to tell us. It is evident that this money they want to spend for extra-ordinary expenditure, the expenditure which Government have to incur on account of war. In this view of the matter, the Congress Party cannot agree to any taxation unless the proceeds thereof are especially ear-marked for the purpose for which the Floud Commission had already recommended it.

There is another point. Our Finance Minister has always been in the habit of saying that this measure is imposed to counteract inflation——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I have never said it in connection with this Bill.

Mr. SHRISH CHANDRA CHAKRAVERTI: But we have read in the papers that you have said this elsewhere. I am also anticipating his argument. Another argument that he has placed before us is that Government is competent enough to spend money in whatever way it likes. These are the arguments that are at his disposal. But, as for inflation, it is such an important matter that it cannot be discussed in the time that is at our disposal. It is really a technical subject and this inflation is more caused by the action of the Government——

Mr. PRESIDENT: Mr. Chakraverti, the Hon'ble Finance Minister never referred to inflation.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I wish to say here that I have never said that this particular measure is principally an anti-inflationary measure. I have never adduced that argument in support of an agricultural income-tax. I did not consider it in that light, although any measure of taxation is in some way or other anti-inflationary.

Mr. SHRISH CHANDRA CHAKRAVERTI: As for the propriety of the tax, it has been argued rather threadbare by our friend, Mr. Kabir, and I fully endorse his views. The only thing on which our friends are depending is Government majority in the House. They have very little to say by way of refuting the cogent reasons advanced by the Opposition in support of the motion for referring the Bill to a Select Committee. With these words, I resume my seat.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the other day my honourable friend, Mr. Humayun Kabir, spoke at great length of the various disadvantages from which our Province was suffering, namely, the Permanent Settlement and several other evils. This afternoon he continued his speech and mentioned other ills to which this Province has been a prey, viz., famine and pestilence. I listened to him with great interest and a great deal of patient attention. The speeches on both the occasions have been instructive; but I was wondering how by sending this Bill to a Select Committee he would be able to cure all these evils or prevent the recurrence of famine and pestilence. This is a taxation measure and I think the House is competent to discuss the provisions of the Bill calmly and dispassionately in this air-conditioned Chamber.

It has been said of this Bill that the yield of this tax will be swallowed up in paying the staff that will be needed for its collection. I may inform the House that I have had for some time now an approximate idea of the total amount of cost for collecting this tax. As regards the proportion that it will bear to the total receipts—that will depend on what the total yield is. Competent persons have estimated the yield at various figures. The divergence is so great that it would not be proper for me to express any opinion upon it at the present moment. If we take the most conservative figure, then I am told that the cost of collection would be something like 5 or 6 per cent. of the total receipts. If the yield is greater, according to the optimistic estimate, the cost of collection would be proportionately lower. I do not, therefore, think that there is any substance in the apprehension that the yield of this income-tax will be all consumed in paying salaries.

Then the question, a very old question, of ear-marking the proceeds of this tax for a particular purpose was again discussed this afternoon. Well, Sir, I have given my reasons for not being able to accept the proposition that a certain tax should be ear-marked for a certain purpose. My honourable friend, Mr. Lalit Chandra Das, tried to draw an analogy between the Railway Board and what he proposed, namely, a Board of Agriculture for Bengal. The Railway Board has a self-contained budget The Board does not only provide for a budget for railway expenditure; but also contributes a large sum of money to the Central Exchequer, that is, to the general revenues of the Government of India. Here we only expect a certain amount of money which will help the Government to devote more attention to nation-building activities. I can very well understand why the Floud Commission recommended that the proceeds of this income-tax should be devoted to the improvement of agriculture. Agriculture had been a neglected subject in this province. That is unfortunately true. But if honourable members will be good enough to look at the budget which I presented to this House last September and particularly the budget which I presented last February, and if they will further kindly total up the items that come under "Agriculture" and the items representing agricultural improvement, they will find that more than two to three crores of rupees are being spent for agricultural improvement. It is true that perhaps we would not have undertaken this heavy expenditure but for the lessons of the famine. I admit that; but the fact is that the expenditure that has been made and will be made in the next few months will be of such a character as will find favour with the House. And I may also say that the character of this expenditure commits Government to further expenditure in future years.

With agriculture you must, of course, take into account projects of irrigation. I am afraid it will be necessary for Government to come before the appropriate House of Legislature for a large supplementary grant to finance our projects which were not included in the budget, but which were fore-shadowed in my Budget Speech.

Sir, I can assure you that it is the intention of Government to devote as much money as possible to the improvement of agriculture. Our rehabilitation projects are also very important because they are for the improvement of the condition of agriculturists and should automatically change the face of the countryside in Bengal. There was perhaps another idea in the mind

of the members of the Floud Commission. They probably regarded the agricultural income-tax as a kind of compulsory investment. If the land is to be improved by Government, Government will have to get money to effect that improvement. It is well-known that there are certain common tasks to which the revenues of the country must be devoted. The proportion in which they are to be distributed in a particular year must be determined by the Government of the day. It is said that much of the extra expenditure last year and much of the extra expenditure which will be incurred during this year in this province are due to the famine and aftermath of famine: and that that amount is chargeable not to the provincial revenues but to the Government of India. It was possible to tell this House during the last budget discussion that the Government of India had already promised a subvention which the honourable members of the House and I considered very inadequate. I am grateful to the honourable members of all sections of the House for their support in my demand from the Government of India for a larger subvention. It is my expectation that as a result of negotiations which are still in progress it will be possible for the Government of Bengal to get out of the Government of India a very much larger subvention. I have placed my figures before the Government of India. They are neither too high nor too low. I have tried to be as reasonable as possible. But I can assure the House that while I am not in a position to divulge at what stage the negotiations are at present, I may say that I have reasonable expectation that Bengal will not have a bad deal from the Government of India. It is quite true that much of the deficit from which we are suffering is due to causes which are external to the normal requirements of the province; and, therefore, I feel that it is the duty of the Government of India to come to our rescue. I hope honourable members will not expect me to say very much more on this subject at this stage. All that I wish to plead on my behalf is that I have not been neglectful of my duty in this matter.

But as regards the agricultural income-tax, its equity has been admitted by economists in India. I happen to belong to a community which will be affected by this tax, and I can realise the feelings of members of that community, because I feel that this Bill will certainly be an additional burden. It is an inescapable burden. It was said that we have not followed the English income-tax with regard to deductions for maintenance of families in this Bill. This, Sir, is not a comprehensive income-tax Bill. Nor is the incidence of the tax anything as high as that in the United Kingdom; and if we were to allow deductions for cost of maintenance of the families on the United Kingdom basis we would find that our rates would be higher and not lower than what they are mentioned in the Bill.

I hope, Sir, that honourable members will not insist on sending this Bill to a Select Committee. I want to say this plainly that it has never been my idea or intention to treat the Upper House lightly. I have considered it a very salutary provision of the Constitution which compels Government to come to the Upper House, because in the Upper House we can discuss things in a calmer atmosphere. I wish to make it quite clear that it is not my intention that the Bill should come out of the House without a change of a comma or a semi-colon in case a change is necessary, and I am not sure

that I shall not myself be asking this House to accept some amendments proposed by myself. So I hope the House will absolve me of the charge that Government treat this House lightly. Sir, I do not wish to detain the House any longer.

Mr. PRESIDENT: Order, order. There are two amendments before the House. I shall put them one after another.

The question before the House is: that the Bengal Agricultural Income-tax Bill, 1944, as passed by the Assembly be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
(2) Mr. W. B. G. Laidlaw,
(3) Mr. Shrish Chandra Chakravarti,
(4) Mr. Lalit Chandra Das,
(5) Mr. Nur Ahmed,
(6) Mr. Khorshed Alam Chowdhury,
(7) Mr. Sultanuddin Ahmed,
(8) Mr. Hamidul Huq Chowdhury,
(9) Khan Bahadur M. Abdul Momin, C.I.E.,
(10) Mr. Biren Roy, and
(11) the mover,

with instructions to submit their report by the 31st July, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that the Bengal Agricultural Income-tax Bill, 1944, as passed by the Assembly be referred to a Select Committee consisting of—

(1) The Hon'ble Mr. Tulsi Chandra Goswami, Minister in charge of the Finance Department,
(2) Mr. Lalit Chandra Das,
(3) Mr. Kamini Kumar Dutta,
(4) Mr. W. B. G. Laidlaw,
(5) Mr. Humayun Kabir,
(6) Mr. Nur Ahmed,
(7) Khan Sahib Nurul Amin,
(8) Khan Bahadur M. Abdul Momin, C.I.E.,
(9) Rai Bahadur Radhica Bhusan Roy,
(10) Mr. Biren Roy, and
(11) the mover,

with instructions to submit their report by the 31st July, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The amendment was negatived.)

Mr. PRESIDENT: Now I shall put the substantive motion to vote.

The question before the House is that the Bengal Agricultural Income-tax Bill, 1944, as passed by the Assembly, be taken into consideration.

(The motion was agreed to.)

Mr. PRESIDENT: I understand that Government propose to fix the 12th of June as the date for consideration of the Bill, clause by clause. So all amendments that are sent to the office by 11 o'clock on the 5th of June, will be in order.

Mr. LALIT CHANDRA DAS: Can you not make it 7th, Sir?

Mr. PRESIDENT: Why, that will be more than 7 days. Consider, Mr. Das, for how many days this Bill has been before this House.

Mr. PRESIDENT: The office will require sufficient time to consolidate those amendments and to circulate them——

Mr. LALIT CHANDRA DAS: Government has given time till the 12th June and it is for consideration whether this space of time should be divided up between the members of this House and the office—I think, Sir, 5 days would be sufficient for the office.

Mr. PRESIDENT: No, that cannot be done, because there are two holidays intervening.

Mr. HUMAYUN KABIR: There is one difficulty, Sir. 5th is a Monday and many members will be returning from week-end on that day; therefore Tuesday, the 6th would be a more suitable day.

Mr. PRESIDENT: Mr. Kabir, honourable members must be very anxious to put in amendments and they are already considering them, no doubt. In this view the week-end is no obstacle.

Well, this concludes the business on the agenda. Now it may be remembered——

Mr. LALIT CHANDRA DAS: Can you not change the time from 11 a.m. to 1 p.m. Sir, on the same day, because 11 o'clock is too early?

Mr. PRESIDENT: Well, there is no objection to that, if it suits your convenience.

Dates for putting in amendments to Bills.

Mr. PRESIDENT: The House will remember that a point was raised as regards the time for putting in notices of amendments to the substantive motion that the Bill be taken into consideration and also on the clauses of the Bill, and the Chair was asked to give a ruling on the interpretation of the Rules of Procedure in this respect. There is also an impression that it had been the invariable practice in the past that only after the motion that the Bill be taken into consideration had been accepted, notices of amendments to the clauses of the Bill were put in. I went into the whole question very carefully and I find that the impression was not correct. The procedure regarding the consideration of a motion falls into two stages. The member has at first to move the motion that the Bill be taken into consideration. The period of notice for such a motion is 21 days in the case of Bills introduced in this House and not referred to a Select Committee; 15 days in the case of a Bill introduced in this House and referred to a Select Committee, and 10 days in the case of a Bill coming from the Assembly. Power is,

however, reserved to the Chair in all these cases to allow such a motion to be moved at shorter notice. If the motion that the Bill be taken into consideration is carried, the Bill is actually taken into consideration. For this no period of notice is prescribed. This will be clear from the language of rule 66 and rule 80 which indicates that the actual consideration may be taken up at any time after the motion that the Bill be taken into consideration is carried. As regards the amendments to the clauses of a Bill, the position appears to be this: Notice of such amendments must reach the office at least 10 days in the case of a Bill introduced in this Council and at least 7 days in the case of a Bill coming from the Assembly, before the first day on which the Bill is actually taken into consideration. No power is reserved to the Chair to reduce this period of notice except that on an oral request made by a member at a meeting of the Council, the Chair may admit an amendment at shorter notice than that mentioned above.

But the question to which such short-notice amendment relates cannot be taken into consideration on the day on which the amendment is thus admitted unless the Chair directs otherwise

There appears to be an impression that notice of amendment to the clauses of a Bill should be given after the motion that the Bill be taken into consideration is carried. There does not, however, appear to be anything in the rules to justify this assumption. The misconception appears to have been created by the expression "agreed to" in rule 62 and the word "carried" in rule 80. But it will be seen that rule 62 merely provides that after a motion that a Bill be taken into consideration is agreed to, any member may "propose"- that is to say, move an amendment to the Bill. Rule 80 again provides that after a motion that a Bill be taken into consideration is carried, the Bill shall be taken into consideration. I should add here that for purposes of convenience the Chair has sometimes fixed dates for amendments to the motion that the Bill be taken into consideration and also dates for amendments to the clauses. I have had all the Bills which have passed into law since the inception of the Council examined, and the analysis furnishes the following information:—

The total number of Acts passed since 1937 were 72.

Cases in which dates for amendments to the motion that the Bill be taken into consideration and amendments to clauses were both fixed simultaneously on the same day were 18.

Cases in which dates for amendments to the motion that the Bill be taken into consideration and amendments to the clauses were fixed on different days were 4.

Cases in which dates for amendments to the motion that the Bill be taken into consideration and amendments to the clauses were fixed by circular were 10.

Cases in which dates for amendments to the motion that the Bill be taken into consideration only were fixed and no dates were fixed for amendments to the clauses were 3.

Cases in which dates for amendments to the clauses of the Bill only were fixed and no dates for amendments to the motion that the Bill be taken into consideration were fixed were 5.

Cases in which no dates were fixed either for amendments to the motion that the Bill be taken into consideration or for amendments to the clauses were 32.

It will be seen that only in 4 cases, dates of the two kinds of amendments were fixed on different dates; whereas in 18 cases which included important Bills like the Bengal Finance (Amendment) Bill, 1940, Bengal Co-operative Societies Bill, 1940, Bengal Finance (Sales Tax) Bill, 1941, and Bengal Raw Jute Taxation Bill, 1941, the dates were fixed simultaneously. The practice has not been uniform. I may add that a circular issued on tne 29th February, 1940, to all the members informing them that the matter was left entirely to them.

As I have already stated there appears to be no doubt that amendments must reach the office at least 10 or 7 days as the case may be before the first day on which the Bill is actually taken into consideration. In fixing this date Government must, therefore, give the members sufficient time to enable them to send their amendments so as to reach office within the prescribed period of 10 or 7 days.

The Council stands adjourned till 1-30 p.m. on Monday, the 12th June next.

Adjournment.

The Council then adjourned till 1-30 p.m. on 12th June, 1944.

Members Absent.

The following members were absent from the meeting held on the 29th May, 1944:—

(1) Khan Bahadur Naziruddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Mr. Kader Baksh.
(4) Rai Bahadur K. C. Banerjee.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. N. C. Datta.
(7) Mr. K. K. Datta.
(8) Mr. M. R. Jaipuria.
(9) Maulana Mohd. Akrum Khan.
(10) Mr. Abdul Latiff.
(11) Mr. N. N. Mohalanabish.
(12) Mr. N. N. Mookerji.
(13) Mr. R. S. Purssell.
(14) Khan Bahadur Muklesur Rahman.
(15) Dr. K. S. Ray.
(16) Mr. S. N. Sanyal.
(17) Khan Bahadur M. Shamsuzzoha.
(18) Mr. J. W. R. Steven.

BGP-44/5-3596A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 45.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 12th June, 1944, at 1-30 p.m., being the forty-fifth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Obituary Reference.

Mr. PRESIDENT: Order, order. It is the melancholy duty of the Chair to announce the death of Khan Bahadur Muhammad Asaf Khan who was a member of this House from 1937 to 1943. The Khan Bahadur was a member of the Rangpur Bar for over 40 years. He was closely associated with the local self-governing institutions in his district and was elected Vice-Chairman of the District Board of Rangpur. The Khan Bahadur represented in this House the Rangpur Muhammadan Rural constituency and was a man of sound and sober views. He always impressed those who came in contact with him by his gentlemanly and dignified bearing. I request you, gentlemen, to rise in your seats as a mark of respect to the deceased.

(Honourable members rose in their places.)

Thank you, gentlemen. I take it that it is the desire of the House that the Chair should convey the sense of condolence of this House to the members of the bereaved family.

(Honourable members: Yes, Sir.)

QUESTIONS AND ANSWERS

Export of rice from Birbhum and Midnapore.

176. Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if rice has been exported from the following places to places outside the district—

(*i*) Dubrajpur, East Indian Railway, district Birbhum,

(*ii*) Bolpur, East Indian Railway, district Birbhum,

(*iii*) Sainthia, East Indian Railway, district Birbhum,

(*iv*) Nalhati, East Indian Railway, district Birbhum, and

(*v*) Ghatal (in boats), district Midnapore;

(*b*) if so, if such export was effected at the instance of the Government of Bengal or Government of India; and

(*c*) if it is in the contemplation of the Government to stop immediately all export of rice or paddy from districts where there is a deficit; if not, why not?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): The position on the 13th September, 1943, was as below—

(*a*) Yes.

(*b*) No, the exports in question were normal trade movements.

(*c*) Exports to places outside Bengal have been prohibited by the Government of India as well as by the Government of Bengal. Government do not at present contemplate prohibiting exports of rice and paddy from districts where there is a deficit. In their opinion, it will be inadvisable to interfere with trade movements until such a course becomes absolutely inevitable.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state when this question was received in his office?

The Hon'ble Mr. H. S. SUHRAWARDY: A few days before the 13th of September, 1943.

Security prisoners.

177. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the total number of security prisoners now in the custody of the Government detained under the different sections of the Defence of India Act and Rules made thereunder;

(*b*) the total number of such prisoners released by the present Ministry since it assumed office; and

(*c*) the total number of security prisoners taken into custody under the operation of the said Act and Rules, made thereunder since the assumption of office by the present Ministry?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Political security prisoners—1,275 and (*ii*) Criminal security prisoners—2,516.

(*b*) (*i*) Political security prisoners—528 and (*ii*) Criminal security prisoners—figures not readily available.

(*c*) (*i*) Political security prisoners—151 and (*ii*) Criminal security prisoners—figures not readily available.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether these figures refer to the present or some previous dates and if so to what period of time?

The Hon'ble Khwaja Sir NAZIMUDDIN: (I ask for notice—may I correct the answer?) I think it is about the end of April.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether there have been any releases since the end of April?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think there has been some so far as the criminal security prisoners are concerned.

178. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many of the security prisoners taken under the Defence of India Act and Rules, have so far been released by the Government since the present Ministry took its office;

(*b*) how many of the security prisoners referred to in part (*a*) are still in jail or in detention;

(*c*) whether he promised to set up a tribunal to go through the cases of the security prisoners;

(*d*) if so, when that promise was made and if such a tribunal has been set up; and

(*e*) if not, why that promise has not been implemented yet?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) 533.

(*b*) Criminal security prisoners—2,507 on 14th May, 1944, and ordinary security prisoners—1,277 on 14th May, 1944.

(*c*) No.

(*d*) and (*e*) Do not arise.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether it was not intended that the cases of these security prisoners should be scrutinised by a Special Tribunal?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it. As far as I know, there was no suggestion of any judges being deputed for that purpose. But Government on its own decided to have the cases of these men examined by a retired District and Sessions Judge who has gone into their cases and submitted a report.

Mr. LALIT CHANDRA DAS: Is it a fact that as a result of that report the release of the political prisoners is so slow?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am referring to the security prisoners and not to political prisoners.

Mr. LALIT CHANDRA DAS: Regarding political prisoners—were not charges placed before them?

The Hon'ble Khwaja Sir NAZIMUDDIN: According to the revised rules framed under the Defence of India Act, Special Ordinance, we are taking action.

Mr. LALIT CHANDRA DAS: Does this mean that charges have been placed before them for answering them?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether on the charges being placed before them they replied to those charges?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if all the political security prisoners have been informed of the charges for which they have been apprehended?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not accept the word "charges". All I want to convey is that according to law action is being taken and I would refer the honourable members to the provisions in the new Ordinance in this connection.

Mr. HUMAYUN KABIR: In accordance with the provisions under the new Ordinance have the charges against these political security prisoners been conveyed to them?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I said, action is being taken as contemplated in that Ordinance.

Mr. HUMAYUN KABIR: Is the action being taken in all the cases of political security prisoners up till now?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. HUMAYUN KABIR: How many of the political security prisoners have, as a result of such information being given to them, replied to those charges or accusations or in whatever other term the Hon'ble Minister might choose to call them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice. As this question does not directly arise out of this question, naturally I was not prepared to reply to this question.

Mr. LALIT CHANDRA DAS: Since when the charges are being made known to them?

The Hon'ble Khwaja Sir NAZIMUDDIN: Since the new Ordinance came into force.

Release of persons detained under Defence of India Rules.

179. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if the Government are considering the question of releasing the persons detained under the Defence of India Rules; and

(*b*) if the Government are also considering the question of any policy of releasing those detenus?

The Hon'ble Khwaja Sir NAZIMUDDIN: No; but a general review of all their cases is constantly being made in consultation with Government's Security Advisers and persons whose continued detention is considered no longer necessary are being released.

Mr. KAMINI KUMAR DATTA: Will the Hon'ble Minister be pleased to explain what is meant by Security Advisers?

The Hon'ble Khwaja Sir NAZIMUDDIN: Persons who advise Government on questions of security prisoners.

Mr. KAMINI KUMAR DATTA: It is naturally a paraphrase of the expression used. So, will the Hon'ble Minister please state what is meant by Security Advisers? How is that body constituted?

The Hon'ble Khwaja Sir NAZIMUDDIN: Very likely the Director of Civil Supplies, Bengal, and the Home Department.

Mr. HUMAYUN KABIR: Have the Government actually set up any body called the Security Advisers?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, the Hon'ble Minister has not separately answered part (*b*) of 179.

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the last line of the reply.

Arrest of Mr. Iswar Chandra Mal, M.L.A.

180. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether he is aware that Mr. Iswar Chandra Mal, M.L.A., was arrested in August, 1942?

(*b*) Was he arrested as a result of any activity on his part or out of mere apprehension on the part of the Government?

(*c*) Was his arrest followed by any demonstration or other open outburst?

(*d*) Are the Government aware that Mr. Mal has always been a confirmed believer in non-violence?

(*e*) Is it a fact that his arrest removed from Midnapore one of the strongest supporters of the non-violent political activity?

(*f*) Are the Government aware that the presence of Mr. Mal would be a powerful influence in the organisation of relief in the affected areas of Midnapore?

(*g*) Are the Government prepared to release him unconditionally?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) He was arrested as a result of his activities in furtherance of the mass movement.

(*c*) to (*e*) and (*g*) No.

(*f*) That is a matter of opinion.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state under what rules or Act Mr. Iswar Mal was arrested?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. HUMAYUN KABIR: Was Mr. Mal arrested as a result of conviction in any court?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not as far as I am aware and here I am speaking from memory.

Mr. HUMAYUN KABIR: Has the Hon'ble Minister any evidence that Mr. Mal had any direct activities in furtherance of the mass movement as described in answer (*b*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Mal was arrested during the regime of the previous Ministry and I assume that the arrest was made because they had definite information that Mr. Mal was involved in those activities.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please enquire whether there was any evidence about his activities in furtherance of any alleged movement?

The Hon'ble Khwaja Sir NAZIMUDDIN: It should be assumed that Government will not arrest and certainly will not detain any person if they were not sure that there were grounds for keeping him there.

Mr. HUMAYUN KABIR: Arising out of (*d*) and (*e*), is the Government answer based on the result of an inquiry or is it merely an opinion on the part of the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I think that in this respect I would like to amend that answer and say that we are not in a position to state what a man definitely means or not.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware of any activities of Mr. Mal during his long political career which can be suggested as contrary to the principle of non-violence?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a purely debatable point, but all I can say is that there was reason and justification for his arrest.

Mr. BANKIM CHANDRA MUKHERJEE: Is the Hon'ble Minister aware that representations were made from the people of Contai to the effect that Mr. Mal should be released, so that he might be able to take part in the relief organisations and save thereby the lives of many people of Contai subdivision?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so, but on the ground of public security it was not advisable to release him.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state whether this representation on behalf of the people of Contai was made in 1942 or thereafter?

The Hon'ble Khwaja Sir NAZIMUDDIN: During the régime of the previous Government.

Mr. HAMIDUL HUQ CHOWDHURY: Is the Hon'ble Minister in a position to say what action, if any, was taken and what order was passed by that Government in respect of that representation?

The Hon'ble Khwaja Sir NAZIMUDDIN: It should be obvious to the honourable members that the petition was rejected, as he is still under detention.

Mr. KAMINI KUMAR DATTA: Will the Hon'ble Minister be pleased to state whether these representations were made after the outbreak of famine in 1943?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think representations were made at the time of the cyclone and since then there have been further representations.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the decision of his Government with regard to the representation regarding the release of Mr. Mal?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that Mr. Mal is being detained on grounds of security, and we are still of the opinion that it is not advisable on the ground of public security to release him.

Mr. Narayan Chandra Bhattacharjee.

181. Mr. HARIDAS MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware—

(*i*) that Mr. Narayan Chandra Bhattacharjee, who is on military service on leave, was knocked down by the military lorry No. 345 on the 24th April, 1944, between 12 and 1 p.m. near Tollygunge;

(*ii*) that after having been knocked down the lorry in question ran away without taking the wounded to the nearest hospital;

(*iii*) that a member of the military police who chanced to pass that way took him to the Sambhunath Pandit Hospital for first aid and thence to the Alipore Military Hospital;

(*iv*) that cases of accidents by military lorries have become very frequent; and

(*v*) that the military lorries generally fail to carry the wounded to the nearest hospital after accidents due to their contributory negligence or careless and rash driving?

(*b*) If the answer to above be in the affirmative, what steps, if any, do the Government propose to take to stop recurrence of accidents of this nature in Calcutta and its suburbs by controlling rash and negligent driving?

(*c*) Do the Government consider the advisability of making a sifting enquiry into the matter in co-operation with the military authorities concerned without further loss of time?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes; the number of the military lorry is not yet known.

(*ii*) I have no information on the point.

(*iii*) and (*iv*) Yes.

(*v*) Such cases have occurred.

(*b*) and (*c*) The need for tightening up control over military vehicles has been brought to the notice of the military authorities and they have done a great deal to improve matters. The number of military traffic police has been substantially increased and military police patrols are now operating regularly in the Calcutta area. There has been a marked improvement owing to the insistence of the military authorities on the control over the traffic of military vehicles.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state whether it is still a fact that at night military trucks and lorries are running without masks over the headlights?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as that question is concerned, a certain number of vehicles do so perhaps because it is unavoidable when they are outside the Calcutta area where mask is not compulsory and especially on the mufassil roads when it is necessary that the headlights should be without masks; and as they come into Calcutta area it is not possible to put on the masks immediately. So there is that difficulty, and that is why you see some of the military vehicles without masks in the Calcutta area.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that the number of military vehicles without masks is far greater than the number of military vehicles with masks in the street area?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe that may be so.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister please assure the House that necessary representations will be made to the military authorities and also to the police that masks be put on the headlights of military lorries that are being extensively used in the streets of Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already pointed out, Sir, it is very difficult for motor vehicles which may have to go out of Calcutta at short notice or may be coming to Calcutta and being used both inside Calcutta and outside Calcutta, to have masks on their headlights. I myself found it difficult to do so when once I had occasion to go to Hooghly and Chinsura and came back at night. And while I wanted that there should be a mask put on the headlight it was not possible to do so.

Mr. HAMIDUL HUQ CHOWDHURY: Does not the Hon'ble Minister consider it important that from the point of view of the safety of the pedestrians or the users of the roads at night, some steps should be taken even by the military authorities in respect of military lorries which come on the streets of Calcutta at least for the first time during the night, to have necessary arrangements for putting on masks on headlights in the streets of Calcutta which are in darkness during the night?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have made representations to the military and they are trying their best to help and co-operate with us as far as possible.

Mr. HAMIDUL HUQ CHOWDHURY: Is the Hon'ble Minister aware that in spite of military police being posted at some points, the road rules are being very often violated by military lorry drivers in the sense that they do not know on which side to drive?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think these complaints have become things of the past: at present there is a marked improvement and there is very little violation of the traffic rules.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please take steps so that military lorries without any mask should move at a strictly enforced speed limit of ten or five miles per hour, that is to say, at a considerably lower limit than cars which have got masks?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will take a note of the suggestion of the honourable member; but I doubt very much if they are a practicable proposition.

Mr. HAMIDUL HUQ CHOWDHURY: Is the Hon'ble Minister aware that just at the corner of this House there are military lorries which pass round this building and rush down this lane at such excessive speed that it often endangers the safety of the people who cross it, to enter the building —I mean members of this Legislature?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister consider the desirability of issuing instructions and notices to the Calcutta police that it should remove cases of accident caused by these military lorries to the hospitals immediately?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, that is already being done.

Illness of Mrs. Leela Roy.

182. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that Mrs. Leela Roy, a security prisoner in Dinajpur, is seriously ill?

(*b*) Will he please state the nature of her illness?

(*c*) Is it a fact that her immediate transfer to a Calcutta hospital has been recommended by the jail authorities of Dinajpur?

(*d*) What steps have the Government taken for her treatment?

(*e*) Will the Government permit her husband Mr. Anil Roy, a security prisoner at Dum Dum, to be with her in view of her serious illness?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*c*) Yes.

(*b*) Her case has been diagnosed as a fibriod of the uterus.

(*d*) Dr. M. N. Sarkar, a specialist now attached to the Eden Hospital, was sent to Dinajpur to examine Mrs. Roy and prescribe treatment. As soon as she was fit to undertake the journey, she was transferred to Calcutta and is now in the Eden Hospital under the treatment of Dr. Sarkar. An operation was performed on the 29th May, 1944.

(*e*) Arrangements have been made to enable Mr. Anil Roy to visit his wife in hospital for one hour every day for 7 days.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state what is her present state of health?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Disturbances at Dacca.

183. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if he is aware that disturbance of the nature of local riots took place at Dacca on the 14th May, 1944;

(*b*) if so, what are the causes of such disturbance;

(*c*) what steps have been taken by the Government to prevent recurrence of riots at Dacca; and

(*d*) if the Government propose to give effect to the recommendations of the Larkin Report in this connection?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) There was no general rioting. The trouble which began on the 14th May is now confined to cases of stray stabbing and assault.

In answering part (*a*) of this question the Hon'ble Minister added the following at the end: This was the state of affairs when the answer was drafted, but by the grace of God for a number of days there has been no incident and restrictions are being gradually relaxed.

(*b*) It would not be in the public interest to make a statement on this point at present.

(*c*) The Defence Scheme has been brought into operation. Extra police have been drafted into the town. Collective fines have been imposed in the affected areas.

(*d*) The recommendations of the McNair Committee are being implemented.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state why the recommendations of the Larkin Report, as suggested in the question, were not adopted and what are the differences between the Larkin Report and the McNair Committee Report?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to answer the first half of my supplementary question regarding Larkin Report?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not know what he is referring to about Larkin Report.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what are the recommendations of the McNair Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. J. W. R. STEVEN: Will the Hon'ble Minister be pleased to state if any fines have been collected? It so, how much?

The Hon'ble Khwaja Sir NAZIMUDDIN: Here again I ask for notice. I do not know whether any fines have been collected. But certain fines have been imposed and I think the total amount will come to something about Rs. 80,000.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister be pleased to state if the McNair Committee's recommendations and those of Larkin Report have been published?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware the recommendations of the McNair Committee have been published. But I do not know what the honourable members mean by the Larkin Report. We are not dealing with the Secondary Education Bill, Sir.

Mr. HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state how many persons have been killed in the riots?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state whether there was such a thing as the Larkin Report with regard to disturbances in Dacca?

The Hon'ble Khwaja Sir NAZIMUDDIN: Whenever there is a riot the Commissioner of the Division concerned sends a report. If the honourable members mean that report, I do not know. But at present no report about what action will be taken in case of a riot has been received from Mr. Larkin.

Mr. BANKIM CHANDRA MUKHERJEE: May I ask the Hon'ble Minister whether he knows of any report of Mr. Larkin, Commissioner of the Dacca Division?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, I am not aware of it.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, may I ask Mr. Haridas Mazumdar to enlighten us about what he means by Larkin Report?

Mr. PRESIDENT: Mr. Mazumdar, are you prepared to answer this?

Mr. HUMAYUN KABIR: Is it admissible to ask cross questions like this? I submit, Sir, if you permit such cross questions we shall also put such questions to other members. But will it be regular?

Mr. PRESIDENT: Yes, it will be regular.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state if he is aware of any recommendations made by the Commissioner of the Dacca Division, Mr. Larkin, in connection with the riots that took place in 1940-41?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice. I do not know what recommendations Mr. Larkin made in 1940-41.

Centres for the Apprenticeship Admission Examination.

184. Rai Sahib JOGENDRA NATH ROY: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state whether an examination known as the Apprenticeship Admission Examination is held by the Board of Apprenticeship Training, under the Industries Department and that the Principal, Calcutta Technical School, is the Secretary to the said Board?

(*b*) If so, when and at what places is the said examination held?

(*c*) Is it a fact that according to rule 2 of the printed rules the said examination is held in Calcutta and at such centres as may be fixed from time to time by the Board and that Kalimpong, Kharagpur, Asansol and Pahartali are generally other centres for the examination?

(*d*) Is it a fact that whenever candidates were forthcoming the examination was held at Asansol at the St. Vincent School for the European and the Anglo-Indian boys?

(*e*) Will the Hon'ble Minister be pleased to state for how many years the examination was held at the Asansol centre and when was it last held there?

(*f*) What arrangements have been made by the Board for holding the examination at Asansol now that the St. Vincent School, where the examination used to be held, is not functioning there?

(*g*) Is it a fact that some six Indian students applied in time for permission to sit for the said examination to be held in the middle of May, 1944, at the Asansol centre?

(*h*) Is it a fact that in disregard of the printed rules the Secretary to the Board declined to arrange for their examination at the Asansol centre? If the answer is in the affirmative, why was this permission refused? Was the matter placed before the Board? If so, when? Will the Hon'ble Minister be pleased to lay on the Table, a copy of the resolution or minutes of the Board on the subject?

(*i*) Will the Hon'ble Minister be pleased to state why and when the centre at Asansol was abolished?

(*j*) Is it a fact that Asansol is proposed to be a centre for the examination for the Anglo-Indian and European candidates only, and that Indian candidates are to be denied the privilege and compelled to come down to Calcutta to appear at the examination?

(*k*) Are the Government aware that Asansol is a centre for the Matriculation Examination of the University of Calcutta as also for the School Final

(Science Side) Examination held by the Education Department, Bengal? If so, will the Hon'ble Minister be pleased to state why arrangements for holding the Apprenticeship Admission Examination cannot be made at Asansol?

(*l*) Did the Secretary request the authorities of any of three recognised high schools at Asansol to lend accommodation for the said examination? If so, with what result? If not, why not?

(*m*) Did the Secretary request the Inspector of Schools, Burdwan Division, or the local civil authorities to lend one responsible officer for conducting the examination at the Asansol centre? If so, with what result? If not, why not?

(*n*) Are the Government aware of the grave risk and the serious hardship caused to mufassal candidates, on account of the prevalence of epidemics and the difficulty of securing accommodation in Calcutta now-a-days?

(*o*) Will the Government be pleased to issue immediate instructions to the Secretary, Board of Apprenticeship Training, to have these candidates examined at Asansol?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Khwaja Sir Shahabuddin): (*a*) Yes. Mr. E. J. Hogben, Principal, Calcutta Technical School, is the present Secretary of the Board in his personal capacity.

(*b*) The examination is held twice annually, usually in the months of May and December and is generally held in Calcutta but other centres such as Kalimpong, Kharagpur, Asansol and Pahartali are opened from time to time under special circumstances at the discretion of the Board.

(*c*) and (*n*) Yes.

(*d*) The examination was held in Asansol only on two previous occasions and the centre was open to all candidates irrespective of race, creed and community.

(*e*) For two years. The last examination was held in December, 1941.

(*f*) None at present. A venue other than the St. Vincent School can be fixed if and when the Board decide to hold the examination at Asansol.

(*g*) Yes; but the applications were received too late for making necessary arrangements.

(*h*) Does not arise, in view of reply to part (*g*) of the question.

(*i*) Does not arise, as places other than Calcutta are not regular centres under the rules.

(*j*) No.

(*k*) Yes. As the Board have no staff for carrying on the examination work outside Calcutta, new centres are not generally opened unless special circumstances justify it.

(*l*) and (*m*) No. As it was not proposed to hold the examination there this year, any such reference was not necessary.

(*o*) This is not practicable at present but I am prepared to consider this before the next examination is held in December next, if necessary.

Rai Sahib JOGENDRA NATH ROY: Arising out of (*g*), will the Hon'ble Minister please state when were these applications received?

Mr. BIREN ROY: I want notice.

Rai Sahib JOGENDRA NATH ROY: What was the actual date of examination?

Mr. BIREN ROY: In May.

Rai Sahib JOGENDRA NATH ROY: I want the specific date.

Mr. BIREN ROY: In the second week of May.

Rai Sahib JOGENDRA NATH ROY: I want definite date.

Mr. BIREN ROY: As for actual date and hour, I want notice.

Non-provision of medical assistance at Laksam and Barkanta.

185. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) if the Government are aware of the fact that no provisions for medical assistance have been made at Laksam (Paschimgaon) and Barkanta (Chandina) where subordinate civil and criminal courts have been shifted from Comilla;

(*b*) if the Government are aware that there is an outbreak of diseases, like cholera, small-pox, dysentery, malignant malaria in those places, affecting seriously the health of the people of those places; and

(*c*) if the Government propose to make suitable provisions for medical relief in those places without any further delay?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Minister in charge of the Public Health and Local Self-Government Department, the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Medical assistance has been provided at both places. An Assistant Surgeon was appointed for each place in February, 1944. Prior to this a Sub-Assistant Surgeon was appointed at Chandina; construction of necessary hospital buildings were completed in November-December, 1943. A 10-bed hospital is now functioning at each place, in addition to famine relief medical measures.

(*b*) Yes.

(*c*) Suitable provision has been made already.

Mr. KAMINI KUMAR DATTA: Will the Hon'ble Minister or rather the Parliamentary Secretary please state whether Government has taken any step preventive or curative to meet the situation arising out of the recent outbreak of malignant malaria in those areas?

Mr. BIREN ROY: Hospitals have been established and also famine relief centres have been opened and they are capable of preventing these diseases.

Mr. KAMINI KUMAR DATTA: It would be quite apparent that hospitals can never provide for the epidemic outbreak of malignant malaria. My question is: whether Government has taken any step either preventive or curative to stop the menace of the outbreak of malignant malaria?

Mr. BIREN ROY: Yes, quinine is being supplied and injections are also being supplied.

Mr. KAMINI KUMAR DATTA: To whom the quinine is being supplied —to the hospitals or to the people affected?

Mr. BIREN ROY: To the hospitals and to the Extra Assistant Surgeons appointed who are working in those areas.

Mr. KAMINI KUMAR DATTA: Is the quinine supplied sufficient to meet the outbreak of malignant malaria in the two subdivisions?

Mr. BIREN ROY: That is a matter of opinion.

Deaths due to malaria in Bengal.

186. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the total number of deaths due to malaria in the different districts of Bengal, during the months of October, November and December, 1943;

(*b*) what are the sources of information utilised by the Government in collecting these figures;

(*c*) what arrangements have been made by the Government to ascertain the correct census of the wide prevalence of this disease; and

(*d*) if he is aware that in the Sadar subdivision of the Mymensingh district the distribution of quinine has been this year less than nominal; if so, why?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) The honourable member may be referred to statement placed in the Library in reply to clause (*d*) of question No. 153 of the current session.

(*b*) Village chaukidars, presidents of union boards, sanitary inspectors, Subdivisional Officers, District Health Officers and the Director of Public Health in districts. In municipalities, the local registrars of births and deaths and the District Health Officer and the Director of Public Health.

(*c*) It is impossible to "ascertain the correct census" of this disease in existing circumstances. Malaria cases treated in hospitals and dispensaries form the basis of the information available to Government regarding the prevalence of the disease.

(*d*) No; 1,286 lbs. of quinine and 229 lbs. of cinchona were distributed in the Sadar subdivision of Mymensingh district from November, 1943, to date.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Is the supply more or less than it was last year?

Mr. BIREN ROY: It is more than last year.

Point of Information.

Khan Bahadur ABDUL HAMID CHOWDHURY: Sir, may I rise on a point of information? The question regarding the supply of copies of the Civil List to the members of the Legislature had been referred to the Committee of Privileges, and that Committee made its recommendations urging the Government for revival of the privilege hitherto enjoyed by the

members. We do not know if any action has been taken by the Government on that recommendation. Now, may we enquire through you, Sir, whether the Hon'ble the Leader of the House or any of the Hon'ble Ministers present to-day will enlighten the House as to what action, if any, has been taken in the matter?

Mr. PRESIDENT: Will the Hon'ble Leader of the House enlighten the House on the point?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Government have taken note of the decision of the Privilege Committee, and they will try to accede to the request of the Privilege Committee, as far as possible.

Point of Privilege.

Mr. HUMAYUN KABIR: On a matter of privilege of the House, Sir. We find from the list of outstanding questions which has been circulated that the Civil Supplies Department have got as many as 72 questions outstanding. If the Hon'ble Minister replies at the rate of one question per week, then this House will not certainly thank him for such a performance. As regards the Home Department, there are about 22 questions outstanding. I hope, Sir, that you will kindly look into the matter and see that the answers, especially those relating to questions about the Civil Supplies Department are expedited; for, with regard to this department, the questions are mostly of an extremely topical nature and if they are not answered in time, it very often happens that the whole point of the question is lost.

The Hon'ble Mr. H. S. SUHRAWARDY: I admit the force of the argument of the honourable member and it is not for me to say that the fact that there are so many questions pending in my name is to my credit. At the same time, Sir, I must say that I have been very much hard pressed for time. Moreover, most of the questions have, as a matter of fact, been already answered in the last session in connection with the various debates on the Food situation that took place from time to time. This session, fortunately, there have not been so many debates and, consequently, if I may say so, most of these questions have probably become out of date and members must have lost interest in them. (Mr. HUMAYUN KABIR: No, no. They are still interested in them.) In this view, Sir, I have tried to collect some questions which I believe are wholly out of date, and I do not know how to proceed with them. I believe there are about 10 questions which I have collected in this way. I can answer them if honorable members are not prepared to withdraw them as they have become wholly out of date and members have lost all interest in them and will only mean expenditure of paper, ink and printing, and may also tire the House.

Mr. HUMAYUN KABIR: Sir, I would only draw attention to two points: one is that in many cases it will be found that the questions are of a similar nature and very often different members have put questions almost on the same topic and therefore the figure 72 outstanding questions is not as forbidding as it seems, if the Department really takes up the questions seriously. Then, with regard to the second point, the Hon'ble Minister has just now stated that he has collected about 10 questions which he

considers to be out of date, and if Government has failed to answer them, they simply condemn themselves by this statement. Therefore, it is not for honourable members to say which questions may be answered, but on the contrary it is for the Government to see to it how best they can avoid such lapses in future; the House will, at any rate, take this as a permanent evidence of the incapacity of Government to deal with them.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I am afraid the honourable member has not appreciated the first portion of my remark, namely, that all these questions have been answered in some form or other in the course of the debates held in this House or in another place——

Mr. LALIT CHANDRA DAS: Sir, may I refer to a short-notice question of which I gave notice regarding the rise in prices at Dacca, which has become due for answer more than a month ago and yet the Hon'ble Minister for Civil Supplies has not cared to answer that question.

Mr. PRESIDENT: It is a short-notice question, Mr. Das. Has the Hon'ble Minister accepted it?

Mr. LALIT CHANDRA DAS: I do not know if he has accepted the short notice, but even in the ordinary course it is time now that it should be answered.

The Hon'ble Mr. H. S. SUHRAWARDY: I would like at this stage, if I may, to make a suggestion, because I want to meet the wishes of the honourable members. A short-notice question has to go through the Chair and if the Chair admits it, then it comes to me and then it is not always that they reach me in time. In view of this difficulty, may I suggest that honourable members may kindly contact me through the Secretary to the Legislative Council regarding any short-notice question that they want to be answered. I shall do my level best to answer short-notice questions as such, provided, of course, they are answerable in time.

Mr. LALIT CHANDRA DAS: Sir, I think the Hon'ble Minister is making things very funny——

The Hon'ble Mr. H. S. SUHRAWARDY: He sends a short-notice question and if he wishes to have a reply, he should contact the Minister through the Secretary——

Mr. LALIT CHANDRA DAS: Sir, I have sent a short-notice question to the Department and why should I again contact the Secretary just to enable the Hon'ble Minister to give an answer? The whole thing is funny. As you know, Sir, you have actually admitted the question as a short-notice question and given your consent——

The Hon'ble Mr. H. S. SUHRAWARDY: May I suggest that the honourable member does not realise the "very funny" situation. He does not realise that after the President has consented to short-notice, the Hon'ble Minister has got to accept it. Therefore, Sir, I was suggesting, as I wished to accommodate the honourable members, that, lest I should lose sight of the question, if the honourable member really desires to have an answer of his short-notice question, he may contact me through the Secretary. If he does not wish to do so and if he considers the situation very funny, he will have to take the risk of refusal of his short-notice question.

Mr. LALIT CHANDRA DAS: But why should we contact the Hon'ble Minister through Secretary in the case of a short-notice question? We put questions through the Council and in due course we expect answers from the Ministers concerned. We cannot take upon ourselves the burden of contacting the Minister in order to remind him.

Mr. PRESIDENT: May I repeat the suggestion I made the other day in this connection? Evidently, a large number of questions are outstanding in the Department of the Hon'ble Minister for Civil Supplies and some of them may have become out of date. I would request the Hon'ble Minister to go through them and with regard to those which have become out of date he should make suggestion to me that the honourable member or members who have put those questions may be requested to withdraw them. I am prepared to discuss the matter with the members who put the questions and if they are willing to do so, the questions will be withdrawn. I think this will reduce the number. But I should impress upon the Hon'ble Minister that his Department should try to answer the questions that are outstanding more quickly. Delay in reply to questions is one of the reasons why the number of short-notice questions are increasing. The members having failed to receive reply to ordinary questions, try to get answer by putting short-notice questions in the hope that Government will pay more attention to short-notice questions. That is really what has happened. I would request the Hon'ble Minister to look into the whole matter more carefully and try to expedite the answers as far as possible. Everybody knows and appreciates that he has a very heavy department to run. But it is the privilege of the House to receive replies to questions put by the honourable members. It is certainly not, if I may say so, for the honourable members to go and contact the Ministers personally for eliciting replies to short-notice questions. Short-notice questions are put through the Chair. I go through each and every one of them very carefully and unless I feel that a particular question should be admitted at short-notice, I do not admit it as such. I never allow members to overburden the department for nothing. So I suggest that the Hon'ble Minister should go through the questions and if he is impressed of the urgency of the questions, he should expedite answers. I think that will solve the problem.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, there are certain questions put to the Hon'ble Minister regarding the formation of food committees and complaints regarding the formation of these food committees——

Mr. PRESIDENT: Will you please specify to which particular question you refer? There are more than one such question and your observation refers to all of them generally.

Mr. HARIDAS MAZUMDAR: Sir, with regard to my question regarding *bhog* ration, the Hon'ble Minister promised to announce the decision today, if not earlier by a press *communiqué*.

The Hon'ble Mr. H. S. SUHRAWARDY: I wanted to pass order on the file regarding *bhog* ration, but considering the sentiments and religious duties of the Hindus, I feel that the matter is of such importance that I shall take Cabinet decision on it. I think, therefore, that I will have to take a little bit of more time.

Mr. SHRISH CHANDRA CHAKRAVERTI: When is the decision expected?

The Hon'ble Mr. H. S. SUHRAWARDY: I think by Thursday the decision will be announced. [Mr. HUMAYUN KABIR: Sir, there is a Bengali proverb called *ranga* (red) *Sukraber* (Friday). The Hon'ble Minister has got a red Thursday.] After all, the deities are still being fed and none of them are starving.

Statement on milk situation in Calcutta.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, in connection with the short-notice question of Mr. Haridas Mazumdar, I promised to make a statement regarding the milk situation in Calcutta. Sir, Government are aware of deficiency of milk supply in Calcutta. This is due to the fall in the imports of milch cattle from other provinces into Calcutta during the last two years and also to the very large increase in demand owing to the increase in the population of the city. This scarcity is however not peculiar to Calcutta alone as owing to the depletion of the cattle population there has been a fall in the milk production throughout the province while there has been increase in demand. Government are prepared to recommend transport facilities to persons wishing to bring milch cattle to Calcutta from other provinces, but as there is an overall shortage of milch cattle in the province, it does not seem possible to relieve the situation by bringing more milch cattle from the districts to Calcutta. In any case the supply of milk has hitherto been in the hands of private individuals and if any person asks for special facilities to produce more milk in Calcutta, his request will certainly be considered Government are also considering a proposal for prohibiting the use of a milk for non-essential purposes. I should like also to add that the milk question cannot be solved satisfactorily unless private individuals and farms start dairy farms in extensive scale.

Adjournment Motions.

Mr. HARIDAS MAZUMDAR: Sir, I have got a motion for adjournment.

Mr. LALIT CHANDRA DAS: Sir, I have also got two adjournment motions standing in my name.

Mr. PRESIDENT: There are four adjournment motions.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. Mr. Lalit Chandra Das has given notice of two motions. I submit that it is not in order. I want to know whether a member can give notice of a number of adjournment motions and wait for his chance to pick up one of them. I submit again that that is not the rule. That is an irregular practice.

The Hon'ble Mr. H. S. SUHRAWARDY: That shows that neither is urgent.

Mr. PRESIDENT: That would be considered according to the time of the notice. The earliest one was given on 5th June, 1944. Mr. Das, I would like to know which one you want to move.

Mr. LALIT CHANDRA DAS: First, I shall move the adjournment motion notice of which was given on 9th June, 1944.

Mr. PRESIDENT: Then I take it that you have withdrawn your first motion.

Mr. LALIT CHANDRA DAS: Why, Sir?

Mr. PRESIDENT: Don't you realise that you cannot move more than one motion at a time?

Mr. LALIT CHANDRA DAS: The other will remain standing in my name.

Mr. PRESIDENT: You must make up your mind which one you want to move.

Mr. HUMAYUN KABIR: Sir, I would like to have a direction from you on this question. It is a very relevant question which has been raised. For it may sometimes happen that two or three incidents take place which are all of great importance, and it may be difficult for a member to decide which of these he is to move first by way of an adjournment motion, because all of them require discussion on the floor of the House. I would therefore request you to consider this question and let us know what procedure should be followed——

Mr. PRESIDENT: Mr. Kabir, I have considered that question. It depends on the member. He is to decide which is most important. He cannot keep another motion as a second string to his bow. Now, Mr. Das, which one do you propose to move?

Mr. HUMAYUN KABIR: Sir, I have not finished my submission. The point on which I wanted clarification is that if a member gives notice of two motions both of which may be of importance - -

Mr. PRESIDENT: Mr. Kabir, I am not prepared to discuss this question generally today. Let us first of all dispose of these motions.

Mr. HUMAYUN KABIR: All right, Sir.

Mr. PRESIDENT: Order, order. Mr. Lalit Chandra Das has given notice of a motion for the adjournment of the business of the House which runs as follows:—

> "That this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the very serious situation which has arisen in Chittagong by the sudden rise in the price of rice this month, reaching the level of about rupees sixty per maund at present, causing great hardship and sufferings to the people, resulting from the failure of the Government to maintain supply and enforce its controlled prices."

Now, first of all, this is merely an allegation, Mr. Das. What evidence have you to support your motion?

Mr. LALIT CHANDRA DAS: Sir, these are facts. I don't think you are going to take evidence. All that I can state is that I have got facts in my possession. From these facts I have drawn up my adjournment motion. I undertake responsibilty for all the facts stated therein, and I also undertake responsibility for the truth of the statement embodied in this motion.

Mr. PRESIDENT: But how do you substantiate those facts?

Mr. LALIT CHANDRA DAS: Sir, these facts are gathered from very responsible and reliable sources.

Mr. PRESIDENT: Apart from the assertion that these are facts, have you got any documentary evidence or anything of the kind?

Mr. LALIT CHANDRA DAS: No documentary evidence but oral.

Mr. PRESIDENT: Then it is unsatisfactory. Suppose when an incident takes place, it is either reported in the Press or it is alleged in a document. Have you got anything of the kind in your possession?

Mr. LALIT CHANDRA DAS: Sir, I put a short-notice question about the price of rice in several districts, and I sent to you a cutting from the paper. Upon that also I wanted to move an adjournment motion. But so far as the district of Chittagong is concerned, the situation has assumed an unprecedented seriousness since June——

Mr. PRESIDENT: But you must appreciate the point, Mr. Das, that the business of the House cannot be suspended merely on the assertion of a particular fact. The fact should be substantiated by reference to documentary evidence.

Mr. LALIT CHANDRA DAS: So far as that is concerned, when a member asserts that he has got information from very reliable persons, for instance, from Mrs. Nellie Sen Gupta, Haji Badi Ahmad Chowdhury and several other people of Chittagong, who have definitely said that as a matter of fact the situation in Chittagong is abnormal, so much so that the prices of rice have risen to about Rs. 60 per maund, and that the people are under very great hardship and suffering—I think what you are to see is not to question me about this—it is the inherent right of members of a legislature to put in adjournment motions on matters of urgent public importance. But a member cannot stand cross-examination here——

Mr. PRESIDENT: It is not a question of cross-examination. But if the Chair has to admit each and every adjournment motion because an honourable member of the House asserts that it is a matter of definite public importance, that will place the Chair in an awkard position. Therefore, I am afraid I cannot give my consent to your motion: I refuse my consent. You should be ready to substantiate the facts stated in your motion——

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I have got an adjournment motion also.

Mr. PRESIDENT: Yes.

Mr. BANKIM CHANDRA MUKHERJEE: The motion runs thus:—

> That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen owing to the banning of the Hindu Sanmelani which was to be held at Lora in the district of Barisal on the 3rd and 4th of June, 1944, under the presidency of the Maharajadhiraja Bahadur of Burdwan and also banning of all meetings for a period of fourteen days in certain divisions in the districts of Barisal, Faridpur, Khulna and Jessore from the 2nd June, 1944, to 16th June, 1944.

I have now read my motion, Sir, but I do not know if I have the permission of the Chair to move it.

Mr. PRESIDENT: Yes, the Chair gives you the permission. Is there any objection?

(The Hon'ble the Home Minister objected.)

In that case those who support the motion will kindly rise in their places.

(The requisite number of members rose.)

The motion is admitted, and will be taken up after Question hour tomorrow.

Mr. LALIT CHANDRA DAS: Will that give us the usual two hours' time to discuss the motion?

Mr. PRESIDENT: Yes, full two hours are available under the Rules.

Mr. HARIDAS MAZUMDAR: With reference to my adjournment motion, may I take it up tomorrow?

Mr. PRESIDENT: Yes, one has already been admitted today. You may mention it tomorrow.

Message from the Bengal Legislative Assembly.

Mr. SECRETARY: Sir, the following message has been received from the Bengal Legislative Assembly:—

"The Bengal Legislative Assembly at its meeting held on the 26th May, 1944, agreed to the Bengal Non-agricultural Tenancy (Temporary Provisions) Extending Bill, 1944, as passed by the Bengal Legislative Council, without any amendments.

SYED NAUSHERALI,

Speaker,

Bengal Legislative Assembly."

SECRETARY (Dr. S. K. D. Gupta): Sir, the following communication has been received from the Government, intimating the action taken by them on the motion regarding grant-in-aid for the improvement of the conditions of the sailors, seamen and soldiers, etc., moved and adopted by the Council on the 12th March, 1943, under rule 112 of the Bengal Legislative Council Procedure Rules:—

Since the above resolution was passed, the Government of India have shown themselves alive to the post-war interest of the enlisted classes and have established a post-war reconstruction fund for the betterment of these men. With this end in view, the Provincial Government also are considering, at the instance of the Central Government, a proposal for the establishment of agricultural headquarters as a post-war reconstruction scheme for the rehabilitation of certain areas of this province. The question of granting scholarships to the children and dependants of the enlisted men at approved agricultural and industrial institutions in this province as a post-war reconstruction measure is also under consideration.

In the circumstances, the Governor does not consider it necessary to make any further representation to the Government of India on the subject.

Governor's Assent.

Mr. PRESIDENT: I have to inform the honourable members that the Bengal Non-agricultural Tenancy (Temporary Provisions) *Extending Bill,*

1944, which was passed by both Chambers of the Bengal Legislature, has been assented to by His Excellency the Governor under the provisions of section 76 of the Government of India Act, 1935.

Mr. PRESIDENT: The next item is: discussion clause by clause of the Bengal Agricultural Income-tax Bill, 1944, as passed by the Assembly.

Clause 1 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that before clause 1 of the Bill,——

Mr. PRESIDENT: Wait a moment Khan Bahadur. There are certain difficult points that have arisen about this Bill. I would like to consider them. One is, for instance, the definition of the term "person" in clause 2. The Ruler of an Indian State has been included there. But there is no corresponding definition in the Indian Income-tax Act including the Ruler of a State. The Bill has some penal clauses. Suppose, the Ruler of an Indian State is served with a notice and he does not comply with the notice: he may be criminally proceeded against—that will create an unprecedented situation. So whether that definition is *ultra vires* or *intra vires* of this Legislature has to be considered. In that view of the matter, I suggest that we adjourn today and take up the matter tomorrow.

The House stands adjourned till 1-30 p.m. tomorrow.

Adjournment.

The Council then adjourned till 1-30 p.m. on Tuesday, the 13th June, 1944.

Members Absent.

The following members were absent from the meeting held on the 12th June, 1944:—

(1) Mr. Nur Ahmed.
(2) Mr. Sultanuddin Ahmed.
(3) Khan Sahib Nurul Amin.
(4) Mr. Kader Baksh.
(5) Rai Bahadur K. C. Banerjee.
(6) Mr. Humayun Reza Chowdhury.
(7) Mr. N. C. Dutta.
(8) Khan Bahadur Abdul Gofran.
(9) Maulana Muhammad Akrum Khan.
(10) Mr. N. N. Mookerji.
(11) Mr. R. S. Pursell.
(12) Khan Bahadur Muklesur Rahaman.
(13) Dr. K. S. Ray.
(14) Mr. S. N. Sanyal.
(15) Khan Bahadur Mr. Shamsussoha.

BGP-44/8-4112A-360

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 46.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 13th June, 1944, at 1-30 p.m., being the forty-sixth day of the First Session of 1944, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Adjournment Motion.

Mr. LALIT CHANDRA DAS: Sir, I have got an adjournment motion standing in my name.

Mr. PRESIDENT: We are discussing today another adjournment motion. You may mention your adjournment motion tomorrow.

Mr. LALIT CHANDRA DAS: Sir, will you waive the question of urgency tomorrow?

Mr. PRESIDENT: Yes.

Mr. BANKIM CHANDRA MUKHERJEE: Mr. President, Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen owing to the banning of the Hindu Sanmelani which was to be held at Lora in the district of Barisal on the 3rd and 4th June, 1944, under the presidency of the Maharajadhiraja Bahadur of Burdwan and also banning of all meetings for a period of fourteen days in certain subdivisions in the districts of Barisal, Faridpur, Khulna and Jessore from 2nd June, 1944, to 16th June, 1944.

Sir, I have got a notification before me and I would like to place the notification itself before the honourable members of this House and before you, Sir. The notification appeared——

Mr. PRESIDENT: Order, order. I may just remind the House that the mover of an adjournment motion can speak for 20 minutes, the other members for 10 minutes and the Hon'ble Minister in charge for 20 minutes.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, the notification was published in the *Calcutta Gazette*, Extraordinary Edition, on the 1st June, 1944, and it runs as follows:—

Whereas the Governor is satisfied that for the purpose of securing the public safety and the maintenance of public order it is necessary to prohibit the holding of or taking part in public processions, meetings or assemblies in certain areas;

Now, therefore, in exercise of the powers conferred by sub-rule (*1*) of rule 56 of the Defence of India Rules the Governor hereby prohibits during the period from the 2nd to the 16th June, 1944, inclusive, the holding of or taking part in public processions, meetings or assemblies consisting of more than five persons in the areas shown in the Schedule:

Provided that this order shall not apply to assemblies held *for bona fide* religious or marketing purpose.

Mr. LALIT CHANDRA DAS: Sir, may I mention that the Hon'ble Minister is to reply to the debate on this adjournment motion but I see the Home Minister is not present in the House. Shall we wait till he comes?

Mr. MESBAHUDDIN AHMED: The Home Minister is on his way.

Mr. BANKIM CHANDRA MUKHERJEE: The Schedule is as follows:—

(1) The Bagerhat subdivision of Khulna district;
(2) The Gopalganj subdivision of Faridpur district;
(3) The Pirojpur subdivision of Bakarganj district; and
(4) The Jhenidah, Narail and Magura subdivisions of Jessore district.

Therefore, we find that a requisition has been made of the Defence of India Rule 56. Now, let us consider what the Defence of India Act is.

I would, first of all, refer for the information of the honourable members of this House to the preamble to the Defence of India Act (Act No. XXXV of 1939). The preamble runs as follows:—

"And whereas the Governor-General in his discretion has declared by proclamation under sub-section (*1*) of section 102 of the Government of India Act, 1935, that a grave emergency exists whereby the security of India is threatened by war; it is hereby enacted as follows:"

The preamble, therefore, makes it clear that the necessity for enacting the Defence of India Act was the emergency created on account of war and the rules framed under the Defence of India Act have reference to the main purpose of the Act itself. Now, Sir, I submit for the consideration of the honourable members of this House whether this banning had anything to do with the emergency that has arisen on account of the war that is now prevailing on the borders of India.

Sir, the Hindu Conference which has been banned was organised mostly by the Scheduled Castes people in the district of Barisal for the purpose of consolidating the Hindus and for the purpose of improving their socio-economical and educational facilities. It was to be a conference not merely of the Scheduled Castes but the entire Hindu community and was to be presided over by the Maharajadhiraja Bahadur of Burdwan, a man well-known for his calm temperament, cool judgment and moderate views. The order for banning the conference was issued on the 2nd of June on the eve of the conference—the days when the conference was to be held being the 3rd and 4th of June. Mr. P. R. Thakur, a member of the Bengal Legislative Assembly belonging to the Scheduled Castes, was the Chairman of the Reception Committee and the conference was advertised for more than a month. The order was served on the site of the conference in the presence of a large number of armed constables less than 24 hours before the meeting of the conference on the 3rd June. This did not in any way damp the enthusiasm of the people. All arrangements for the conference were complete and huge sums were spent for the pandal and other necessary equipments. The pandal was large enough to accommodate over 50,000 people and it was expected that there would be a gathering of one lakh of

people from all over the province to hear the deliberations of the leaders who were invited. It is alleged that for the preservation of peace and order, it was necessary that the conference should be banned and people should not be allowed to congregate in large numbers because of the communal disturbance which had taken place in the Bagerhat subdivision of Khulna district. Sir, the disturbance in Bagerhat arose on account of a land dispute between two rival parties and the disturbance is said to have taken place some time between 25th and 27th May. It is said by the Chief Minister that the Superintendent of Police of the district of Barisal sent out an alarming report and that a conference was held in his presence with the Deputy Inspector-General, Presidency Range, the Intelligence Branch of Police, Additional Secretary, Home Department, Deputy Inspector-General, Bakarganj, the Commissioner of the Presidency Division and the Chief Secretary of the Government of Bengal. It was unanimously decided that the conference should be banned. Sir, we have it that neither the District Magistrate of Barisal nor the Subdivisional Officer of Bagerhat, the venue of the original disturbance, nor the Subdivisional Officer of Pirojpur had been consulted nor had they asked that the conference should be banned. It is said that they asked for the additional police help. I would ask the honourable members to consider whether the Chief Minister was justified in banning the conference without reference to the local authorities who were mainly responsible for the preservation of peace and order. Sir, we do not know whether Sir Nazimuddin before he took the drastic step had consulted His Excellency the Governor. After all, under the present Government of India Act the Government of Bengal is practically carried on by His Excellency the Governor, although nominally it is being conducted by the Ministry.

It is a matter of considerable importance affecting the entire Hindu community in the province; and I have no doubt that it will be realised that it is a matter in which Sir Nazimuddin, if he acted without consulting His Excellency the Governor or without calling a meeting of the Cabinet, has done something which he ought not to have done. Sir, we would like to know the opinion of the Hindu Ministers, specially the caste Hindus and the Scheduled Caste Ministers individually as to what they think of this action of the Chief Minister. Now, Sir, the Chief Minister has stated that before he took the drastic step he had consulted Dr. Syamaprasad Mookerjee and requested him to stop the conference. We do not know what conversation actually took place between the Chief Minister and Dr. S. P. Mookerjee as it was left in the dark. One thing is clear, however, that Dr. Mookerjee did not agree with Sir Nazimuddin and did not agree to stop the conference. Now, Sir, I would like to emphasise upon the honourable members of this House as to whether Sir Nazimuddin, while banning the Hindu conference in one part of the province on the ground of peace and order, was justified in holding a "Pakistan" conference at Dinajpur in another part of the province which was opened by him and presided over by the Hon'ble Mr. H. S. Suhrawardy, his first lieutenant. It may be suggested that he expected no *golmal* at Dinajpur. May be, the Chief Minister had been accompanied by a sufficient number of police force in order to safeguard and prevent any disturbance not only from the

members of the non-Muslim communities but also from the Muslims themselves who were opposed to "Pakistan" and who do not belong to the Muslim League. It is thus clear that the present Ministry headed by Sir Nazimuddin is bent upon consolidating the "Pakistan" movement in Bengal and in suppressing all other organisations where Muslims or non-Muslims dare to oppose the "Pakistan" movement. I would like to emphasise upon the Hon'ble the Chief Minister that the Hindus of Bengal, both Caste Hindus and the Scheduled Castes, will not take this insult lying down. They consider that it is a serious encroachment on the civil liberties of the Hindu population of Bengal. I would like further to emphasise that the Hindu Ministers and the few Hindus who are at present supporting the Ministry are doing so purely in self-interest. I would challenge them to have a mandate from their respective constituencies on this specific issue. I would challenge the Hindu Ministers to come out and speak what they have to say in support of this action on the part of the Government. We have heard the Scheduled Caste Ministers in support of the action of the Government. We have also heard Mr. Mukunda Behari Mullick supporting the Government. I am sorry, Sir, that I cannot approve of what they have said and I take it that it was their personal view. We have it on very good authority that one Scheduled Caste Minister went out about a week before the conference and held meetings and tried his best to persuade the people not to attend the conference and to see that the conference is wrecked by the people themselves. It is also said that as these gentlemen failed in their efforts to stop the conference with the help of the local people, at the last moment they got this order issued by the Government of Bengal banning the conference. It is surprising to note that Sir Nazimuddin was trying to keep back from the House the statement of the Superintendent of Police, Barisal, who had reported to the Deputy Inspector-General that permission to hold a Hindu conference at Lora in the district of Barisal had been asked for. The police had nothing to say against such a conference. It seems clear that he returned the petition to the District Magistrate with the remark that the conveners of the conference might be asked to give full facilities to the police to take down notes of the proceedings. The Police Superintendent is understood to have added that he felt that it would be impossible to allow the conference to be held now at the spot selected, as it was the junction of four districts, without adequate police arrangements. It was only when the Opposition pressed hard that Sir Nazimuddin read out the entire letter of the Police Superintendent containing the aforesaid statement in the Lower House.

Mr. PRESIDENT: The less you refer to the proceedings of the other House, the better.

Mr. BANKIM CHANDRA MUKHERJEE: I am only referring to some facts. I am not making any personal attacks.

Mr. PRESIDENT: Yes, the less you do that the better.

Mr. BANKIM CHANDRA MUKHERJEE: This permission was given. As a matter of fact, the Police Superintendent had added that he wanted adequate police arrangements in order to preserve peace. The permission was given by the District Magistrate of Barisal to hold the conference

some time between the 29th and 30th May. The conference was banned at the last moment, as I have stated; although the permission was given after the so-called disturbance somewhere in the subdivision of Bagerhat in the district of Khulna. There was no report by the Subdivisional Officer of Bagerhat that the conference at Lora which is 7 or 8 miles from Bagerhat should be postponed on account of the disturbance at Bagerhat. There was no report from the District Magistrate or the Subdivisional Officer that they were afraid of disturbances there if the conference was allowed to be held. So, I submit for the consideration of the honourable members of the House as to whether the Government of Bengal were really unable to quell the disturbance which was going on in a small part in the Khulna district; and even so I would ask the Hon'ble Minister whether that would afford any justification for banning the conference in the way he did. It is painful to note that Sir Nazimuddin tried to suppress these material facts and wanted to give an impression that permission to hold the conference had been given before the disturbance in Bagerhat. The disturbance was of an agrarian nature connected with land dispute between two communities, Moslems and Namasudras. I submit it would be necessary for the honourable members of this House to consider whether there was any justification for an action like this after the permission that was granted by the District Magistrate. I would now request particularly the honourable members sitting to my left, I mean the European members, to ponder whether the Chief Minister had any justification to encroach upon the civil liberties of the Hindus of Bengal in the manner he did. I would ask them to consider whether they would have supported such action if it had taken place anywhere in their country. Whether or not the very promulgation of such an order would have led to bloodshed and murder which the order intended to prevent. As a matter of fact, we have it on the authority of very responsible people that when the order was served in the pandal in the presence of a large force of armed constables, there was a large gathering and the people were very much excited on hearing the news of the ban, and that in response to an urgent call Dr. Shyamaprasad Mookerjee had to start from Khulna to the site of the conference and could with great difficulty pacify the huge concourse of men and women on his giving a promise to hold the conference at the same spot at an early date.

Sir, I would remind Sir Nazimuddin of the declaration he made in April, 1943, when he formed the present Ministry and the promises he held out in the said declaration. Is the action of Sir Nazimuddin in the present instance in consonance with the said declaration, or is it not a direct negation of the same? The challenge thrown out by Mr. A. K. Fazlul Huq, the Leader of the Opposition in the Lower House, has an important bearing on the present question. After all, under the present Government of India Act it is the responsibility of His Excellency the Governor of Bengal and he is the supreme authority so far as every matter, which is of a controversial nature, is concerned. We Hindus—members of the minority community in Bengal—would request His Excellency to consider whether or not this was a serious inroad upon our civil liberties.

We would also request His Excellency to state whether he approves of the action of the Chief Minister in this matter; if so, what are his reasons

for this discriminating treatment so far as the Hindus and a portion of the Muslims belonging to the Muslim League are concerned? If the District Magistrates of Barisal, Faridpur, Khulna and Jessore were not consulted, if they did not request the Hon'ble Chief Minister to ban the conference, had the Chief Minister any justification to hold a conference with the other officers without reference to the District Magistrates concerned or without even asking their opinion with regard to this matter? We would request His Excellency to issue a *communiqué* on all these points. On the contrary, if this action on the part of the Chief Minister has not his approval, whether or not he would like to take action under section 52 of the Government of India Act, where under clause (*b*) he has special responsibility of safeguarding the legitimate interest of the minority communities. Whether or not His Excellency considers that the legitimate interests of the Hindus have been flouted by the action of the Chief Minister and that it is essentially necessary that action should be taken under section 52, sub-clause (*b*) of the Government of India Act of 1935.

In the next place, I would request His Excellency the Governor to consider whether the action taken by the Chief Minister helps to preserve a contented base in Bengal so far as the Hindus are concerned. May we not request Sir Nazimuddin to remember that, as the Chief Minister of the Province of Bengal, it is his duty to hold the scales even between the different communities over whom Providence has given him the power to rule? Is it not a flagrant breach of duty on his part when he thus rode roughshod over the feelings of the Hindus and at the same time he himself went to open the "Pakistan" conference thereby giving a section of the Muslims in the province the idea that he would not hesitate to support a section of the population of Bengal and act against the interest of another section of the province? I would request Sir Nazimuddin to consider the far-reaching effect if such an idea is allowed to grow in the Province of Bengal among the different sections of the population over which he is ruling. I would request Sir Nazimuddin to consider whether or not even now he would take steps to prevent the growth of such a feeling and whether or not he would retrace his steps and act in accordance with the declaration he made when he formed his Ministry to ensure communal harmony; and declare even now that he would allow the conference to be held at Lora on the spot where the conference was to be held, if necessary, with requisite safeguards.

I would remind Sir Nazimuddin that the good name which he had earned during the long time he was in the political field and in the Legislature is practically going to be lost because he has allowed a conference to be held by a section of the Muslims who are supporting the *Pakistan* movement and at the same time banning a conference of the Hindus for the purpose indicated in my speech.

With these few words, I move my motion for adjournment of the House.

Mr. PRESIDENT: Order, order. Motion moved: that the Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen owing to the banning of the Hindu Sanmelani which was to be held at Lora in the district of Barisal on the 3rd and 4th June, 1944, under the presidency of the Maharajadhiraja

Bahadur of Burdwan and also banning of all meetings for a period of fourteen days in certain subdivisions in the districts of Barisal, Faridpur, Khulna and Jessore from 2nd June, 1944, to 16th June, 1944.

Mr. HARIDAS MAZUMDAR: Mr. President, Sir, I beg to support the adjournment motion so ably moved by my friend Mr. Bankim Chandra Mukherjee. Sir, all the present activities of the Ministry spring from one source, namely, a consuming fear least it might be unseated by the rising volume of public opinion and the banning of the Lora conference is a case in point. To curb public discontent against one member of the Cabinet it has gone to the length of imagining hostile attack on the benighted town of Howrah in preference to the second city of the Empire. To check the consolidation of all classes of Hindus which might soon become so powerful as to make it impossible for a single Hindu to be on the Muslim League Cabinet, it stopped the Lora conference on the plea that it might lead to a breach of the peace.

Sir, but those who suggest that a conference presided over by the Maharajadhiraja of Burdwan, who may be described as the first Lord of the Realm and whose illustrious House has been a bulwark of Law and Order since the establishment of British rule in the country may aggravate a disturbed situation, are either fools or knaves or both combined. The Government, if it were sincere in restoring normal conditions at the earliest opportunity, would welcome the visit of the Maharajadhiraja at Lora as his presence and sage counsel would more powerfully influence the masses than the fear of the police and the military. This visit for the first time of the doyen of Bengal landlords to an East Bengal village might be a Red-letter day in the history of rural Bengal and usher in a period of goodwill among all sections of the Bengalee community living in villages. That what I say is no exaggeration is proved by the fact that soon afterwards when Srijut Syamaprasad Mookerjee visited those areas, poor Muhammadans made a present of water melons to him. These men of the good Earth are incorruptible and having no sons to apply for posts of Deputy Magistrates or become M.L.A.'s or M.L.C.'s are not interested in our political squabbles. These poor, down-trodden men are the salt of the Earth and keep going many of us here and definitely the Ministers and Parliamentary Secretaries with their immaculate trouser creases. They instinctively know, as a suckling knows its mother's breast, who are their real well-wishers and who simply trade in their name. Large numbers of such men were on their way to the conference and the banning order came as a rude shock to all of them. Sir, as far as my information goes, at least a sum of Rs. 10,000 was spent, and the conveners of the conference should make a test case for recovery of all losses from the Government. If the conference be held on the expiry of the banned period, heavy extra expenditure will have to be incurred as the monsoon will break out by that time. All this pecuniary loss has been inflicted by a Ministry nervous about its position. The District Magistrate did not withdraw the permit issued by him for holding the conference on account of an agrarian riot. Such ebullition of communal passion is bound to occur so long as the law of the land in the shape of the Government of India Act puts a premium upon communalism and so long as mass illiteracy continues. For a minor disturbance

of this type to ban a conference organised chiefly by the Scheduled Castes Hindus is to deprive the Hindus of their civil liberties which are being encroached upon more and more during the regime of the Moslem League Ministry in Bengal. Mr. Jinnah and the Moslem League brought charges against Congress Ministries that they trampled upon Moslem rights. These charges have since been refuted and a challenge has been thrown against the League to substantiate the allegations. Whatever that may be, we in Bengal are having a foretaste of how *Pakistan* will ride roughshod on Hindu feelings. It should be the duty of Ministries in the Hindu majority provinces to treat the Moslem residents not only fairly but generously and take extra caution that their feelings and sentiments are respected. Such has been the case with Hindus in all times. The great Sivaji looked upon imprisoned Muhammadan women as his own mother and made a present of every copy of the *Qoran* that came his way during military operations to devout Moslems.

The Ministry will not be far wrong—here I mean the Muslim League Ministry—if in this Muhammadan majority province it treats Hindu questions with lenience and takes an extra degree of caution that Hindu feelings may not be wounded. Righteousness exalteth a nation and this noble attitude born of real, inner strength will consolidate Moslem position in India far more effectively than any threat or attack which this the most ancient race in the world knows how to ward off. At a time when save and except Orissa no Hindu majority province has a Ministry, the Muhammadan Ministries had a golden opportunity of setting up patterns of good government acceptable to Hindus. But here in Bengal while four District Magistrates, members of the heaven-born service by whom the Cabinet swears in season and out of season did not recommend banning the conference, the Ministry on the strength of a got-up conference of police officers prohibited a meeting of tens of thousands of Hindus of rural areas who intended to discuss among other things measures of economic progress and relief so badly needed after famine. I had a mind to go to the conference myself and of moving a resolution urging *Namasudras* and *Bagdis*, the fighting clans of ancient Bengal, to enlist themselves as soldiers and police constables. The movement has already been initiated and would have been accelerated if the conference were allowed to take place. While this monstrous Government will exact its pound of flesh even from the handloom weaver by way of the hitherto unimposed Sales Tax and will do nothing tangible for our *Muchis*, *Kamars*, *Kumars* and *Doms*, we Hindus have to do something to keep the বর্ণাশ্রমধর্ম, which is another name for society composed of trade guilds, intact as far as possible and thus assure even the humblest citizen a living. Why should the Government hinder us from doing our rightful duty? The famine has proved that the contrivance of protecting the interests of backward Hindus through English-educated Scheduled caste representatives in the legislature is a failure. This division of the community into caste and Scheduled Castes may serve the purpose of Imperialists but cannot fill the sunken bellies of poor men's children. They can be filled only by Hindus of all castes sitting together and devising measures for the preservation of the Hindu society as a whole. Such a sitting has been banned. At the same time the other side of the picture

is that a *Pakistan* Conference was held under the very nose of the Government. In the end, I want to sound a note of warning that it will not help anybody in Bengal; particularly I should like to tell my friends who are sitting to my left that their interests will suffer in the long run if this state of affairs is allowed to go on. With these words, I support the motion of my friend Mr. Bankim Chandra Mookerjee.

Mr. MD. HABIBULLAH: Mr. President, Sir, it has become a fashion now-a-days to move any number of adjournment motions. Only yesterday we received notices of as many as four such motions of which two were from one and the same person. Due to the war situation the population of Calcutta has increased. Prices of different commodities have gone up and from the notices of motions for adjournment it seems that the number of matters of urgent public importance has also increased. This reminds me of an article entitled "*Charka*" contributed by the late Dr. Rabindranath Tagore at the time of the Non-co-operation movement. It was preached at that time by Congressmen that *charka* would bring swaraj. Dr. Tagore warned the people not to give undue importance to unimportant things.

Undue importance to unimportant things minimise the importance of really important things. *Charka* could improve the economic condition of the people. But to say that *charka* would bring swaraj was dangerous, because by putting premium on insignificant things all effective methods to attain freedom were being relegated to the background.

In our Legislature also, by bringing in so many adjournment motions we are minimising the importance of matters of real public importance. Today's adjournment motion seeks to discuss the situation that has arisen owing to the banning of the Hindu Sammilan which was to be held at Lora. Only the other day the Hon'ble Home Minister was condemned for his failure to stop riot at Dacca and also at Bagerhat. Now, Sir, he is being criticised for banning a conference which was likely to have serious results with terrible loss of life and property—that is to say, for his failure to encourage riots. Through you, Sir, I would like to put a question to my friends opposite. What do they want the Home Minister to do? It seems that they want him to allow interested persons to stir up discord—to rouse up communal feelings even in hot-beds of rioting and then to maintain order and peace. They must remember that they cannot have it both ways. Members of the Opposition are now delivering sermons to the Government. Many difficulties would be solved if the physicians would try to heal themselves. I would only request my friends to recapitulate the principles followed by the Government which they so enthusiastically supported only the other day, I mean the Fazlul Huq Government. Under that regime public meetings—even processions—were banned throughout the Province. On one occasion, I remember, Sir, I went to Faridpur to preside over a literary conference and the meeting was banned on the plea that there was bad blood among the conveners of the conference. At Noakhali, Sir, during the Shyama-Huq Ministry there was apprehension of black flag demonstration against some of the Ministers. The Government not only banned the meetings—they put the organisers including the Secretary of the District Muslim League under detention. At Laksmipur respectable gentlemen

including lawyers were beaten, at Feni and other places students were arrested, rusticated, home-interned, deprived of their rights to appear at the examination. Defence of India Rules were used most arbitrarily. I can cite many other instances but time at my disposal would not allow me to do so.

Let us look for a moment to the doings of pure congress Governments of the United Provinces, Bombay, Madras, Bihar and other places. Public memory is not so short as to forget that congress Governments everywhere resorted to section 144 to stop meetings. Our nationalist friends are now-a-days very enthusiastic in supporting the actions of Malik Khizir Hyat Khan and his predecessor Sir Sikandar Hyat Khan. But what is the policy that was followed by them? Is it not a fact that they banned meetings and processions on many occasions?

When Sir Nazimuddin took office as the Chief Minister, he gave an assurance that he would work conscientiously and sincerely to maintain the civil liberties of the people of the province and we are glad to note that he has kept his promise to the letter. He availed of the first opportunity to lift the ban on meetings and processions imposed by Mr. Fazlul Huq, and supported by the leader of the Hindu Nationalist Party, Dr. Shyamaprasad Mookerjee. Not only that, since the assumption of office by the present Ministry, 533 security prisoners have been released. Certainly, this is not a proof of the trampling of civil liberties by the present Government. It has been pointed out by our learned friend Mr. Bankim Chandra Mukherjee and others that the present Government was not always impartial. I can assure them, Sir, that they are absolutely wrong to form such a notion. You may be aware that a meeting of the Provincial Muslim League Council was to be held by the middle of this month at Dacca. The Secretaries of the Provincial League and the District League made all arrangements. But at the instance of, I think, Sir Nazimuddin the venue and date of this meeting have been changed. We think, Sir, there was absolute justification for the banning of the meeting to be held at Lora. A few miles away from the place there was a full-fledged riot during the last week of May and as many as 300 houses were burnt and looted. Responsible leaders both of the Muslim and the Scheduled Castes people have said that communal feeling had been strained in the neighbouring areas. Local officers apprehended bloodshed. The place itself was a hot-bed of communal feeling. Not only that: only three years back a serious disturbance took place there involving loss of life and property. Under the circumstances, what alternative the Home Minister had but to ban the meeting? It has been argued that the disturbance at Mollarhat was of an agrarian nature. But, Sir, when the quarrel between boys on the playground could develop into a communal riot, what was the guarantee that agrarian riots would not be converted into large-scale communal riots? It seems, Sir, that the gun powder was ready and the Home Minister did not allow it to be ignited. Our information is, Sir, that the local peace-loving Muslims and Hindus are blessing Sir Nazim for his prompt action which has saved thousands of people from death and destruction.

We on this side, Sir, are not less enthusiastic about protecting civil liberty than friends opposite. Most certainly we prize civil liberty—but, Sir, we value human life more.

With these words, Sir, I oppose the motion for adjournment moved by my learned friend Mr. Bankim Chandra Mukherjee.

Mr. NAGENDRA NATH MAHALANOBIS: Mr. President, Sir, I beg to support the adjournment motion and in doing so I would like to tell my honourable friend who has just taken his seat that the civil liberties which they like are not liked by the people of Bengal. It is perfectly clear to the people of Bengal that the supporters of the present Ministry like a particular brand of civil liberties manufactured in their own factory. By civil liberties we mean right of free association, freedom of speech, right to ventilate our grievances, right to tell the authorities what we want and what we do not want. Honourable members would remember the circumstances under which the notification complained of was issued by the Governor banning that Hindu conference. There was that Secondary Education Bill hanging. There was certainly enthusiastic support for this Bill from one section of the population and there was equally determined opposition by another section. The Ministry was anxious to pass that Secondary Education Bill and there was no doubt that a certain section was equally determined to oppose that Bill. That was the situation in the country when a Hindu conference was arranged for whose agenda did not include any controversial matter. The Caste Hindus were to meet the Scheduled Castes there under the presidency of a very enlightened zemindar of the province who could have given a lead to the Scheduled Castes of this Province.

But that has been banned only on the ground that an agrarian riot had taken place a few days before a few miles away. What that agrarian riot had to do with this conference one cannot understand. We have found that that power was exercised under the Defence of India Rules. Now, as it has been pointed out that the Defence of India Rules have got absolutely nothing to do with the banning of a meeting of this nature, I say, Sir, that the notification banning this conference was an abuse of the Defence of India Rules. I say that it is an instance of the prostitution of the Defence of India Act and Rules. They had got absolutely no power to do that under the ordinary law. Nothing was proved or suggested why this Hindu conference should have been banned at all, and but for the Defence of India Act they could not have usurped that power to ban this conference. I should say that it was most cowardly: because, you know, when an order is passed or purported to be passed under the Defence of India Rules, it cannot ordinarily be tested in a court of law. You have got that power from the Central Government only for a particular purpose. It is for the efficient prosecution of the war, for the defence of India and the like. Why do you abuse those rules? I would submit to the House that almost simultaneously the Hon'ble Ministers themselves, I am sure at public expense, went to hold a *Pakistan* meeting at Dinajpur in North Bengal. I do not know, Sir, if the Government of India Act allows the Hon'ble Ministers to draw their travelling allowance and travelling charges when they make a trip to further their *Pakistan* scheme. I think that the Government of India Act does not allow it. But still you issue a *firman* here, stop and ban the meeting at Lora of the Hindus and you go merrily to Dinajpur, where we understand there was a strong opposition by a section

of the Hindu community to the meeting being held on the Government ground and to the forcing of Hindu shopkeepers and others to contribute to the funds of that conference. I say, shame, shame and shame.

Mr. KAMINI KUMAR DUTTA: Sir, I rise in support of the motion of my friend, Mr. Bankim Chandra Mukherjee. In doing so on behalf of my Party, I would first of all make our position quite clear. We do not view this action of the Government from a communal standpoint at all. Our party does not think that it is a case of the suppression of any conference of the Hindu community. Rather, our party thinks that this action of the Government aims at the suppression of the real grievances of a considerable section of the public of Bengal. It is a pure accident that this conference was convened at the instance of the Scheduled Castes. They do form a very important section of the public, an important class of the people of Bengal, and they have every right to ventilate their grievances, to discuss about the ways and means for the promotion of the welfare of their community. So, as an important section of the people of Bengal they convened this conference, and the action of the Government in banning it was nothing but a suppression of the desire of the public to ventilate their grievances and to devise ways and means for their future welfare.

It seems that for the first time we can notice a particular system in the action of Government. They have been utilising the extraordinary powers given them by the emergency legislation, viz., the Defence of India Act for subserving their own political objects. Whenever they find that other means fail, they just employ these extraordinary powers. This is one instance and the other instance is close at hand, namely, their action regarding the Howrah Municipality. In both these cases, the history is the same. First, a preliminary attempt is made to put the situation under control and when that fails, the application of this extraordinary power comes in. If I may be permitted to say, this action on the part of Government in refusing the holding of meetings is nothing but a base imitation of the Fascist methods. Sir, what is the Fascist method? It is nothing but this: let not the voice of the people be uttered. There should be only one voice in the country and that is the voice of the Nazis. That is the basic philosophy of the Fascist method and it seems that the system followed by the present administration day in and day out is the same Conferences can be held only under the auspices of the Moslem League but other conferences must be suppressed because there is the apprehension of a breach of the peace and also because the war-efforts in this province may be hampered. It is the same thing that Hitler and the Nazis would say One voice in the country, one opinion in the country and other voices and opinions must be suppressed under the semblance of law. So, Sir, this action on the part of the Ministry is nothing but a faked imitation of the Nazi methods. What, after all, are the facts? It was not a conference called by any political party. It was a conference called by the members of the Scheduled Castes. The president-elect was a non-party gentleman and it was well-known that no political party was taking any active part in the organisation of this conference. (A VOICE: Mr. Majumdar was going to attend the conference.) Well, Mr. Haridas Majumdar might be going to attend; but it is quite recently that Mr. Majumdar has grown up to !

a party man at all; he belongs to a political party of which you are not afraid. You are afraid of another party, and the party of which you are really afraid was not in the field there. That is why I say that no political party was on the scene. Really, no political party had organised the meeting: it was an organisation of the Scheduled Castes members of the Province only and there were good reasons for it. During the last famine,—for which the credit or discredit goes wholly to the present Ministry,—it was these people who were most hard hit. Millions of people from this community had died on account of starvation due to the magnificent tackling of the food situation by this Ministry and this class of people was apprehending a similar fate this year too. So they wanted to discuss the future of their society and other things in this conference. Sir, all other countries are now planning what they should do after the war. Of course, we are not in a position to discuss that but the Scheduled Castes people could very well discuss at least what their welfare should be and what provision they should make to face a famine which they apprehended would arise out of the scarcity of food this year also. They had no confidence in the administration, and also in their tall talks about there being no scarcity in the country at all. They had very bitter memories of last year's famine which was brought on by the inefficiency of the administration and by the unimaginative handling of the food problem last year; and that is why the Scheduled Castes people had organised this conference to consider how the situation in the country affected their interests and to find out ways and means how to keep themselves alive from the starvation which seemed to stare them in the face once again.

It is further known to all that epidemics of cholera, malaria and other diseases have broken out in a violent form not only in that particular district but in all parts of Bengal. So it is the common interest of everybody to meet and discuss how to avert that menace. Therefore, Government ought to have encouraged such assemblage which sought to discuss the economic problem and to discuss the problem of epidemic diseases which is threatening to assume serious proportions. Instead of that we find that though the District Magistrates of the four districts concerned, who were the best persons to judge the situation, did not report apprehending any danger—though they did not apprehend that there was any risk of breach of the peace, there was some apprehension somewhere else. There was some guilty conscience which apprehended that there would be ventilation of grievances about inefficient administration and of their misdeeds, if the conference was to be allowed. They apprehended that if the conference was allowed to take place, their misdeeds will come out. I repeat that it is a base imitation of the Nazi method. (Khan Sahib FARIDUDDIN AHMED: It is the Congress method.) I am not here to defend the Congress. Meet me on that platform and I will reply to you there. Now, as I was saying, the local authorities did not report against it. There were no political agitators behind the conference. It was convened by the members of the Scheduled Castes. They first of all tried their utmost to frustrate the meeting by other means and when that failed, that weapon, the Defence of India Act, ready at hand, came to their rescue, as it did in the case of a very important municipality in Bengal also only the other day. It is apparent that the whole action is indefensible. Instances have been cited that such and such

things were done while Mr. Fazlul Huq was the Chief Minister. But why do you imitate Mr. Fazlul Huq——

(Here the member reached time-limit.)

Mr. KAMINI KUMAR DUTTA: May I have 5 minutes?

Mr. PRESIDENT: I think you should finish your speech now.

Mr. KAMINI KUMAR DUTTA: May I have half a minute to finish my sentence?

Mr. PRESIDENT: Yes.

Mr. KAMINI KUMAR DUTTA: So I would say that this action on the part of Government is indefensible on the principle of equity and good government.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, will there be no exception in the case even of party leaders in the matter of time-limit?

Mr. PRESIDENT: Rules do not allow that: rules are very definite.

Mr. LALIT CHANDRA DAS: Sir, Khan Bahadur Habibullah—— (Mr. HABIBULLAH CHOWDHURY: I am not a Khan Bahadur). Oh! you are not yet? We are hoping that you will be one soon. Sir, in him we have got a very worthy successor to our much-lamented friend, Khan Sahib Maulvi Abul Quasem. Mr. Habibullah Chowdhury asked us: what we would expect of the Home Minister to do? We certainly want the Home Minister to keep to his own promises. During the regime of the present League Ministry and as the leader of the League party he made at least one promise and that promise is about civil liberty. Mr. Habibullah Chowdhury with pride said that during the regime of his Ministry, Sir Nazimuddin redeemed his promise and released as many as 550 political prisoners. But it ought to be known to every one here that this release took place in 15 long months and in the course of this period as many as 151 fresh political prisoners were taken inside the jail. Then again, 1,300 political prisoners are still rotting in jail. When they took office, they promised that one of their main programmes would be to tackle the problem of the release of the political prisoners and that they were in sympathy with the hard lot of these prisoners.

If this is the measure of the sympathy he promised, then we must say that this is no sympathy at all.

Sir Nazimuddin made another promise—promise of two Freedoms and not Four Freedoms like that of Mr. Roosevelt. Those two freedoms are—freedom of association and freedom of speech. Now, Sir, where is the freedom of association and where is the freedom of speech? He has his own freedom of speech. There is no doubt about it. He can hold a conference for his own benefit in Dinajpur; but he could not allow a conference of the Hindus which was to have been held at Lora. That has been banned, and why? This reminds us of the story of the wolf and the lamb in Aesop's Fables. The wolf was drinking water in the up-stream and the lamb was drinking in the down-stream. The wolf asked the lamb why he was mudding his water, Whereupon the lamb retorted: how could he spoil the water when the wolf was drinking in the up-stream? Then the wolf

said if it was not the lamb, it must be his forefather; and so saying he finished the lamb. Now, here Lora is in the down-stream and Mollarhat is in the up-stream. Moreover, the riot was an agrarian one and it had nothing possibly to do with the holding of this conference at Lora. Lora is six miles away from the place of the riot and the mighty Madhumati river intervenes. Then, why should the conference be banned? It has been said that the S. P. thought that there was likely to be a breach of the peace; but there was the District Magistrate as well who did not consider the situation to be at all grave. The District Magistrate is really the man who is responsible for the peace of the district. The District Magistrate neither promulgated section 144 nor did he take any such step. Lora although not far from the four districts, none of these four District Magistrates ever asked the Home Minister to issue an order banning the conference. The whole thing is this: the Hindu community was very much agitated over the Secondary Education Bill as well as over the Agricultural Income-tax Bill. They wanted to express their grievances at that conference. The Secondary Education Bill is one of the most important things which the Leaguers want to pass and it is so to say the foundation upon which they want the edifice of the *Pakistan* to be built up. They cannot allow the muffasil people to come forward in very large number and state their grievances against the Bill—particularly the Schedule Caste people who called the conference. There is no other meaning of banning the conference at Lora. If the *Pakistan* conference could be held directly against the wishes and feelings of the Hindus, there is no reason why the conference of the Hindus should have been banned. It was a non-political meeting. It was to express opinion upon the Secondary Education Bill. And this was not even allowed. We heard from somebody who once belonged to Government party that the report at first was that the meeting was to have been scantily attended and that would show that the Hindus were not very earnest about the Secondary Education Bill. They allowed the preparations to proceed which were completed at the cost of Rs. 10,000. But when it was feared that the meeting would be attended by nearly 50,000 people, mostly belonging to the Scheduled Castes, the Ministry could not allow the conference to be held and so taking advantage of the lawless law, the Defence of India Rules, they suddenly banned the meeting. This was *zooloom*, pure and simple. With these words, Sir, I beg to support the motion of my friend Mr. Bankim Chandra Mukherjee.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I am really surprised at the speeches that have been delivered to-day from the other side of the House; and what surprises me most was the air of righteous indignation and assumed innocence displayed by the Opposition and the mis-representation of facts made by their speakers. I have never, I think, defended a better case than the one I am doing to-day. I cannot understand how the honourable members after having read the Government case in the papers can get up one after another and make such speeches. Most of the members who have spoken to-day are great lawyers, and naturally they can always speak in defence or support of any case that comes before them. Now, Sir, I would like to place before the honourable members of the House what the real facts are as regards this matter and particularly the general proposition that has been put forward accusing us of depriving the gentle-

men opposite and the Hindu community of their rights and civil liberties. Sir, those members sitting over there supported a Government which banned all public meetings, all processions and all freedom of speech. It is surprising that they accuse us of depriving them of their civil liberties. As a matter of fact, at present except in one or two places you can hold meetings without permission anywhere you like and speak whatever you like; and yet look at the air of righteous indignation, because one particular conference has been banned at a place where there was a serious danger of rioting and spreading of communal tension over a wide area including four districts. Now, Sir, I am surprised that Mr. Bankim Chandra Mukherjee, of all people, should read out the statement of the Superintendent of Police of Barisal and not finish up that portion in which he said that he was definitely of the opinion that if this conference was allowed to be held there was the likelihood of a terrible loss of life and property. This portion he omitted, and he read out only the front portion of the statement where the Superintendent of Police dwelt purely on the legal aspect of the question. As a matter of fact, the question of permission did not arise about this conference. There was no ban on the conference. (Mr. LALIT CHANDRA DAS: The District Magistrate gave permission to hold the conference and he did not ban it.) The District Magistrate did not ban the conference, because he did not realise the full magnitude of the situation. As a matter of fact, the communal tension in the various subdivisions became so intense and the situation was so serious and the demand for more police from the Superintendents of Police of various districts was so urgent that we had no option—Government had no option —but I shall deal with this aspect of the matter later on—but let me again ask gentlemen who get up and glibly declared that the Mollarhat affair had been an agrarian riot, how can these gentlemen knowing the facts and having read in the papers what has happened in those districts, treat this as a mere agrarian riot when a large number of people were killed and as many as 400 houses were burnt. An agrarian riot takes place when Hindus and Mussalmans combine together and fight another Hindu-Moslem group. But in this case it was not so. It was a case of dispute between the Moslems and the Namasudras and how can gentlemen opposite try to make out a case which is not here, I do not know. (Mr. HARIDAS MAJUMDAR: The riot was over land, and therefore it is an agrarian riot.) If, Sir, the dispute starts over land and if it takes a communal turn, is it still to be termed an agrarian riot? In this instance let them go to the place and find out whether the riot did not take a communal turn. If it was an agrarian riot, then how is it that the Namasudras and Moslems from Gopalganj crossed over in support of the people at Khulna and in Bagerhat subdivision? (Mr. HARIDAS MAJUMDAR: They were the relatives of those men.) Sir, can it be supposed that the people at one place had so many relatives as 2,000? I am surprised that they should be deliberately trying to mislead the people. I cannot understand this attitude. And what is more——

Mr. NAGENDRA NATH MAHALANOBISH: On a point of order. The Home Minister accused us of having deliberately misled the people. Is he in order?

The Hon'ble Khwaja Sir NAZIMUDDIN: Then, look at the situation in the district of Jessore. There again the trouble started owing to the murder of a Moslem which led to a disturbance of the peace and it immediately took a communal turn. The Scheduled Castes, Namasudras and Moslems started the disturbance, the tension grew among them and very quickly that tension spread into a riot. And, Sir, where is that place where the conference was going to be held? It was a junction of the river where the boundaries of four districts meet and the area was inhabited mostly by Namasudras and Moslems, people who may be described as very war-like. And what is more, after the incidents at Mollarhat large numbers of people were making attempts to cross the river and a riot was apprehended. They poured forth from Faridpore, Khulna and Jessore. It was definite that in those districts there was high tension. As a matter of fact, the Superintendent of Police, Jessore, asked for police reinforcements; the Superintendent of Police, Khulna, also asked for police reinforcements and the Superintendent of Police, Bakarganj, declared that he had not sufficient force to cope with the situation in view of his having sent a number of police to Dacca. Instead of these gentlemen being grateful for having avoided what might have otherwise developed into a very serious situation in Bengal involving hundreds of square miles and affecting lakhs of people, they find fault with the administration. (Mr. LALIT CHANDRA DAS: That is your reading.) There can be no other reading. If you judge this question impartially, then you cannot have any other conclusion. This particular conference in the circumstances in which it was going to be held was fraught with the gravest possible danger and the safety and tranquillity of the people of the subdivision would have been jeopardised if it were allowed to be held. If the conference was allowed to be held, riots would have started and after that Government would have had no legs to stand upon. The honourable members themselves would then have got up and said—"knowing the circumstances, why did you allow this conference to be held; knowing that there was high communal tension in the three subdivisions of the Jessore district and knowing that the people there were excited in that vast and wide area where communication is bad and where the mobility of the police is restricted—knowing these things fully well—why did you allow the conference to be held"—you yourselves would have blamed the Government in that case for not stopping the conference. I ask these gentlemen, Sir, supposing this had happened, what would have been the reply of Government? (Mr. HARIDAS MAZUMDAR: This would not have happened.) You may say "this would not have happened", but we know that there was grave danger of riots. So instead of taking a reasonable attitude and without realising the gravity of the situation you have taken a perverse attitude. That is not the way of ventilating a genuine grievance. You are not ventilating a genuine grievance here; but because you have got an opportunity of attacking the Government you are doing so without any genuine purpose: because a particular conference has been stopped at a place where there was high communal tension, you are trying to make a grievance.

Now, Sir, members of the Opposition have mentioned more than once the name of the Maharajadhiraja Bahadur of Burdwan. We have also

great respect for the Maharajadhiraja because every one knows that his family has never taken part in communal matters. The Maharajadhiraja of Burdwan was informed about this delicate situation without my knowledge by the Inspector-General of Police and as soon as he was informed of it, he decided not to leave Darjeeling.

Mr. HARIDAS MAZUMDAR: We are issuing a statement very soon contradicting that. It is far from the truth.

Mr. PRESIDENT: Order, order Mr. Mazumdar.

Mr. Hon'ble Khwaja Sir NAZIMUDDIN: I know he came down from Darjeeling on the same day as I came down from Dinajpur and he could not have therefore gone there on the day of the conference if he wanted to attend it. There is no point in the argument that because the Maharajadhiraja of Burdwan would preside, the conference should have been allowed. It is a fact that there was communal tension, that there was communal trouble in Mollarhat. The honourable members opposite cannot deny that under the changed circumstances—the situation having so changed since the Maharajadhiraja accepted the invitation—no Government could allow this conference to be held in spite of the fact that the President-elect of the conference was a person of such a high position and character as the Maharajadhiraja.

But the important point is this: that there was going to be a huge gathering. I do not believe that there would have been 60,000 to 100,000 persons, but the information was that local people were very strongly divided over this qustion of holding a conference there. (Mr. LALIT CHANDRA DAS: What is your estimate of the likely attendance?) Nobody can estimate about a thing which did not occur. Sir, the fact remains that apart from all these things, communal tension at those subdivisions was at its height and there was a riot at Mollarhat which is only 6 miles across the river and if anything happened on this side of the river there would have been a flare-up in all the four subdivisions of the four districts. It would have been almost impossible for the police available there to cope with the situation. We have had experience of communal troubles in the rural areas. We know how communal riot spreads like wild fire and with such rapidity that no police can cope with it. Therefore, I maintain that as far as this question is concerned, Government were justified in stopping the conference. As I said somewhere else, the banning of meetings has been only for 14 days in those subdivisions. There is precedent all over India for such action. Sir, there is nothing to prevent the holding of a conference in any other place. In fact, the Hindu Mahasabha is holding conferences *galore*. Even this year more than one conference was held by the Hindu Mahasabha in other parts of Bengal and no notice has been taken of those meetings. These gentlemen opposite forget that they have never been prevented from holding conferences. They are making a fuss over this conference which has been postponed owing to certain unavoidable circumstances.

Now, Sir, I submit that the issue of the Secondary Education Bill was not before the country. (Mr. HARIDAS MAZUMDAR: It was before the country.) How can these gentlemen get up and talk about the curtailment of civil liberties day in and day out? They are holding conferences against the Secondary Education Bill, declaring from house-top their

decision against the Bill, criticising Government and opposing the Bill. With what face these gentlemen now get up and say——(Mr. HARIDAS MAZUMDAR: There was a special significance in this conference.) My friend Mr. Ambica Datta, I am sorry, Mr. Kamini Kumar Datta, speaks of the Nazis. But his leaders are holding conferences in the parks of Calcutta about the Secondary Education Bill. They talk now of the curtailment of civil liberties. Have they no sense of proportion? This is a most irresponsible attitude. This can only incite communal feelings. Nothing can be more objectionable than this deliberate attempt to make out a case that Government are biassed against a particular community.

Here, this Government has given all the facilities and all the privileges which the Hindu community have never enjoyed under any Government; and yet they get up and say that they are being unfairly treated at the hands of the present Government. While we are trying to restore them their rights and privileges they come forward and say that they are being prejudicially treated by us. As a matter of fact, the Government that they supported and the Government they stood for put members under detention whom we released; and especially some members of the official Congress block in the other House whose benches are now full and one-third of whom were in jail are the loudest in their protests.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, having heard the Hon'ble the Chief Minister with regard to the incidents that are being discussed in the House today, I could not but admire the way in which the Hon'ble Chief Minister was laying out his case before the House. I am sorry, Sir, that he could not dare to utter a single word in support of his action in allowing the *Pakistan* conference at Dinajpur to be held on the same day as the Hindu conference at Lora was banned. I thought that he altogether forgot what he himself spoke in opening the conference at Dinajpur, and what his first lieutenant the Hon'ble Mr. Suhrawardy spoke as President of the *Pakistan* conference at Dinajpur. I am sorry, Sir, that he did not dare utter a single word in justification of his action in allowing this *Pakistan* conference to go on on the same day in one part of the province while banning the conference at Lora in another part of the province which was conveyed by the Scheduled Caste people for the purpose of consolidating the Hindus. I am surprised to see that the Hon'ble Sir Nazimuddin had nothing to say in justification of the banning of the conference, although the District Magistrate had permitted the conference to be held after the disturbance at Bagerhat which was over by the 27th of May. The permission granted by the District Magistrate of Barisal was after the 27th May. Sir Nazimuddin could not refer to this matter because he had nothing to say in justification. He had no case so far as this matter was concerned. That is why he chose the best course of remaining silent on the point where he had no answer to make. Now, Sir, I think that Sir Nazimuddin knew very well that this conference had been announced a month before and that thousands and thousands of rupees had been spent for this purpose. It is reported that Rs. 20,000 were spent for the purpose of erecting the pandal and making other necessary arrangements for holding the conference. This was not done in a day. This was going on from

day to day preparatory to the conference which was actually to take pla on the 3rd of June.

What were the facts which necessitated Sir Nazimuddin to promulga the order on the 1st of June? The order of banning was printed on t 1st of June and I believe it was decided to issue the order on the 31 May. And yet we find that the District Magistrate of Bakarganj permitt the conference to be held on the 29th or 30th of May. But Sir Nazimudd without referring to the District Magistrate of Bakarganj and only police report banned the conference. I submit that when Sir Nazimudd was speaking, he accused me of not placing one single sentence in t report of the Superintendent of Police, Barisal. The sentence reads th the Superintendent of Police reported that if the conference is allowed take place, there would be a riot and so forth. I do not know what we the actual words used by that officer; but I have stated that the Superinte dent of Police definitely stated that—and I have mentioned all these in n opening speech—that adequate police arrangements should be made if t conference is allowed to be held. The District Magistrate of Bakarga no doubt had the report of the Superintendent of Police before permitted the conference. The Superintendent of Police may have sa these things but the District Magistrate who was superior to t Superintendent of Police was certainly entitled to exercise his judgme and the District Magistrate did not rely on that statement of the poli chief. The District Magistrate is an I.C.S. officer—I understand he is Muslim—and there is no doubt that with a full sense of responsibility his mind he allowed the conference to be held. I submit, therefore, th Sir Nazimuddin's utterance in this House that there was ample justificati for the order has no basis to stand upon. What Sir Nazimuddin w saying surprised me most of all. He was quoting instances of such actic on the part of the last Ministry. We are not here to support the action the last Ministry nor are we holding a brief for the last Ministry. We a judging the acts of the present Government with reference to the facts th are existing now. Having regard to the facts that I have placed before t House in moving the adjournment motion—facts which have not bee controverted by him—I submit that there was absolutely no justificatic for the order that he has promulgated.

I have failed to notice in his speech any reference to the poi that I mentioned in my opening speech, that is, as to whether t Cabinet was consulted or whether His Excellency the Governor was consul ed by him in this matter. Sir Nazimuddin has nothing to say so far this matter is concerned. What is wrong, he asks. He says that in oth parts of this province the Hindus have no grievance; they have held an can hold any number of meetings and conferences they like, and that the were not allowed to hold only one conference at Lora. And he asked wh were the grievances on this account? As a matter of fact, he stated i support of his action that the last Ministry had banned all public meetin throughout the province. We do not know, Sir, under whose orders thos banning orders were passed. We do not know whether the last Ministr was really responsible for those orders or whether those orders were issue by the then Governor behind the back of the last Ministry. We do n

know these facts. But even then they are quite irrelevant to the present case. If the last Ministry had no justification for issuing those orders, then I hope Sir Nazimuddin is not supporting these actions of the last Ministry.

Is it that Sir Nazimuddin is quoting the instances of the last Ministry as a precedent, as a justification, for the present order passed by the Government banning the meeting? Is it his contention that he wants to justify the order passed by him in the present instance because the last Ministry passed such and such orders? I submit, Sir, that Sir Nazimuddin will not say anything of the kind. If that is not so, why cite this precedent to justify your action? Why bring in these irrelevant matters? That is not the issue. You are clouding the issue by bringing in irrelevant matters, only to throw dirt and for the purpose of misleading some of the European members who are supporting the Government. (Here the member reached time-limit.) I hope that the House will adopt the motion which I have moved.

Mr. PRESIDENT: The question before the House is the motion of Mr. Bankim Chandra Mukherjee: that this Council adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen due to the banning of the Hindu Sanmelani which was to be held at Lora in the district of Barisal on the 3rd and 4th June, 1944, under the presidency of Maharajadhiraja Bahadur of Burdwan and also banning of all meetings for a period of fourteen days in certain subdivisions in the districts of Barisal, Faridpur, Khulna and Jessore from 2nd June, 1944 to 16th June, 1944.

(The motion was negatived.)

The Bengal Agricultural Income-tax Bill.

Mr. PRESIDENT: The points raised in connection with the Agricultural Income-tax Bill will take more time to consider. So the House stands adjourned till 2-15 p.m. on Friday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 16th June, 1944.

Members absent.

The following members were absent from the meeting held on the 13th June, 1944:—

(1) Mr. Nur Ahmed.
(2) Mr. Sultanuddin Ahmed.
(3) Khan Sahib Nurul Amin.
(4) Mr. Kader Baksh.
(5) Rai Bahadur K. C. Banerji.
(6) Mr. Humayun Reza Chowdhuri.
(7) Mr. N. C. Datta.
(8) Khan Bahadur Abdul Gofran.
(9) Mr. Mahomed Hossain
(10) Mr. Humayun Z. A. Kabir.
(11) Maulana Mohamed Akrum Khan.
(12) Mr. N. N. Mookerjee.
(13) Mr. R. S. Purssell.
(14) Khan Bahadur Muklesur Rahaman.
(15) Dr. K. S. Ray.
(16) Mr. S. N. Sanyal.
(17) Khan Bahadur M. Shamsuzzoha.

BGP-44/5-4160A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 47.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 16th June, 1944, at 2-15 p.m., being the forty-seventh-day of the First Session of 1944, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Rice deficit in Dinajpur.

188. Mr. KADER BAKSH: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) whether the local authorities reported, after the Food Census in the district of Dinajpur was over, that Dinajpur was a deficit area so far as rice was concerned;

(*b*) if so, what is the quantity of deficit apprehended by the local authorities in each of the three subdivisions;

(*c*) whether any rice and paddy were exported out of the district when the Food Census was going on and thereafter up till August, 1943; and

(*d*) if so, what quantity of rice and paddy was exported during the aforesaid period mentioned in part (*c*)?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes, the Balurghat and Thakurgaon subdivisions were reported to be deficit areas while the Sadar subdivision was reported to be a surplus area.

		Maunds.
(*b*) Balurghat subdivision	...	−258,237
Thakurgaon subdivision	...	−166,329
Sadar subdivision	...	+6,760

(*c*) Yes.

(*d*) 22,654 maunds approximately, of which 11,654 maunds were despatched ex-Government stocks to other deficit areas where distress was more severe. The balance of 11,000 maunds belonged to the Bengal and Assam Railway.

Mr. LALIT CHANDRA DAS: What are the deficit districts in Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: This question does not arise out of this.

Mr. PRESIDENT: You have mentioned the other deficit districts.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, he does not ask to which deficit district the rice was sent but he asks what are the deficit districts of Bengal. That is a general question.

Mr. LALIT CHANDRA DAS: What are the deficit districts to which rice has been sent?

The Hon'ble Mr. H. S. SUHRAWARDY: As far as I remember, to Dacca and Faridpur.

Standard cloth.

189. Mr. NUR AHMAD: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) what quantities of standard cloth had been indented by the Government of Bengal up to the 30th November, 1943; and out of the total quantities received how much has been distributed to each district of Bengal;

(*b*) whether any standard cloth has been sent to the Chittagong district;

(*c*) if so, what is the quantity of the same;

(*d*) what are the agencies through which standard cloth has been sold in each district; and

(*e*) how much standard cloth has not been supplied to Bengal as yet?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The total quantity of standard cloth indented for up to 30th November, 1943, was 179·08 million yards. The total quantity indented for up to 30th April, 1944, was 283·75 million yards. A statement showing the distribution, district by district, up to 30th April, 1944, is laid on the Table.

(*b*) Yes.

(*c*) 0·77 million yards were sent up to 30th November, 1943. The corresponding figure for the period ending 30th April, 1944, is 1·82 million yards.

(*d*) Union boards, municipalities, co-operative societies, selected retail dealers, large employers. Standard cloth was also sold to charitable institutions for free distribution.

(*e*) Out of an allotment of 200·96 million yards made by the Textile Commissioner, 121·89 million yards remain to be supplied yet.

Statement referred to in reply to Council Question No. 189.

Districts.	Quantity distributed up to 30th April, 1944. Figures are in million yards.
1. Calcutta	13·75
2. Howrah	1·72
3. Hooghly	1·76
4. 24-Parganas	2·57
5. Dacca	2·74
6. Mymensingh	4·68
7. Tippera	2·50
8. Noakhali	1·17

	Districts.	Quantity distributed up to 30th April, 1944. Figures are in million yards.
9.	Faridpur	1·78
10.	Chittagong	1·82
11.	Chittagong Hill Tracts	0·17
12.	Bakarganj	2·08
13.	Rangpur	2·11
14.	Dinajpur	0·78
15.	Bogra	0·67
16.	Jalpaiguri	0·65
17.	Darjeeling	0·10
18.	Rajshahi	1·46
19.	Malda	0·74
20.	Pabna	0·96
21.	Nadia	0·78
22.	Murshidabad	0·70
23.	Midnapore	1·97
24.	Bankura	1·20
25.	Khulna	0·97
26.	Jessore	0·74
27.	Burdwan	0·90
28.	Birbhum	0·38

Failure of crop in the Contai subdivision.

190. Mr. BANKIM CHANDRA MUKERJEE: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if his attention has been drawn to the fact that in the Contai subdivision in the district of Midnapore, there has been failure of crops in the flood-affected area inundated by Kalighai and Subarnarekha floods with the result that the total paddy output of the subdivision will not meet its requirements?

(*b*) If so, will he be pleased to state if he intends to stop export of paddy from the subdivision?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) It is not proposed to stop exports of paddy from *the subdivision*. Exports from the *district* are already banned except under permits granted by this department.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state why exports will not be stopped so that the output of paddy in the subdivision may meet its requirements?

The Hon'ble Mr. H. S. SUHRAWARDY: It is administrative area and not a geographical area. Consequently, it is not possible to stop export of paddy from the subdivision.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister take steps so that the subdivision may not be affected for want of paddy crops?

The Hon'ble Mr. H. S. SUHRAWARDY: Steps have already been taken and stocks have been built up in Contai and in 28 different places.

Mr. LALIT CHANDRA DAS: Is the stock sufficient for meeting the requirements of the population of the subdivision?

The Hon'ble Mr. H. S. SUHRAWARDY: That is the purpose of the stock.

Rationing in Barrackpore.

191. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state when rationing will be introduced in the Barrackpore subdivision of 24-Parganas?

(*b*) Have shopkeepers for the supply of rations been selected?

(*c*) If so, what is the percentage of Muslim shopkeepers so selected?

(*d*) If not, do the Government propose to fix the percentage of Muslim shopkeepers at 50?

(*e*) If the reply to part (*b*) be in the negative, on what basis or principles will the shopkeepers be selected?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Rationing has already commenced in the area with effect from the 1st May, 1944.

(*b*) Yes.

(*c*) 11 per cent.

(*d*) and (*e*) Do not arise.

Mr. LATAFAT HOSSAIN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state why a very small number of Muslim shopkeepers have been selected?

The Hon'ble Mr. H. S. SUHRAWARDY: It is possibly due to the fact that there has been paucity of Muslim shopkeepers in that area and possibly it is also due to the fact that the selecting agencies were not well disposed towards the Muslims.

Mr. LATAFAT HOSSAIN: Is it not a fact that the Muhammadan shopkeepers were not invited at the time of the selection?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think, Sir, that invitations were issued to any class of shopkeepers either Hindu or Muslim. So far as I remember, certain local authirities were asked to send a list of names of the shopkeepers to the selecting authority, *i.e.*, the Deputy Controller of that area, and it is from that list that the Deputy Controller has made a selection.

Mr. LATAFAT HOSSAIN: Is it not a fact that the officers who submitted the list of names omitted the names of Muhammadan shopkeepers at the time of preparing the list?

The Hon'ble Mr. H. S. SUHRAWARDY: Does the honourable member mean to say that the persons who sent up the names of the shopkeepers were affected by communal bias and consequently they did not send the names of

the Muhammadan shopkeepers? If he wants to say that, then it is much more than I can say, Sir.

Excavation of river Dakatia.

192. Mr. MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether any representation has been received by the Government from the people of Raipura thana of Noakhali, for the excavation of the river Dakatia? If so, what action has been taken by the Government?

Mr. BIREN ROY, PARLIAMENTARY SECRETARY (on behalf of the Minister in charge of the Communications and Works Department the Hon'ble Mr. Barada Prosanna Pain): The information wanted is being collected and will be supplied as soon as available.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state whether any representation was received by Government from the Raipura thana of Noakhali for the purpose of excavating the river Dakatia?

Mr. BIREN ROY: A representation has been received by the Department of the Hon'ble Minister but not by him personally.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Is it a fact that some of the Ministers gave an assurance to the people that the *khal* would be excavated in the near future?

Mr. BIREN ROY: I am not aware.

Mr. LALIT CHANDRA DAS: When was the representation received?

Mr. BIREN ROY: I want notice.

Mr. NARESH NATH MOOKERJEE: Sir, may I know why the Hon'ble Mr. Pain is not present in his place in the House today.

Mr. PRESIDENT: That is not a question that arises out of this question.

Mr. NARESH NATH MOOKERJEE: I asked that question because the question is one which is to be answered by that Minister.

Relief staff at Rajbari.

193. Mr. RANAJIT PAL CHOWDHURY (on behalf of Dr. Kumud Sankar Ray): Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if the Communal Ratio Rules were maintained in appointing the relief staff at Rajbari; if not, why not;

(*b*) if the Government sanction was obtained for making these appointments;

(*c*) if these appointments were made after due advertisements in newspapers;

(*d*) if any of the original appointments have been rescinded; and

(*e*) if so, how many and on what grounds?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) The communal ratio was maintained in

appointing the general clerical and menial staff but not in the case of camp hospital and workhouse staff. It was not possible to maintain the communal ratio in the appointment of medical staff for dearth of suitable candidates with the requisite technical knowledge. In the case of workhouse staff preference had to be given to persons having the necessary educational qualification and special fitness for the posts.

(*b*) Sanction of Government was accorded in some cases to the creation of the posts, actual appointment being made by the Collector.

(*c*) and (*d*) Yes.

(*e*) Appointments of three nurses were set aside in order to maintain the communal ratio.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister please say if these three nurses were Hindus, Muhammadans or Christians?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice: I am not sure.

Mr. NARESH NATH MOOKERJEE: Will the Hon'ble Minister please say whether efficiency has been impaired by this decision?

The Hon'ble Mr. TARAK NATH MUKERJEA: No, Sir; information goes to show that efficiency has not been impaired.

Mr. PRESIDENT: Questions over.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I gave notice of certain questions in connection with the Bengal Agricultural Income-tax Bill——

Mr. PRESIDENT: You gave notice——?

Khan Bahadur NAZIRUDDIN AHMAD: Yes, Sir, I gave notice of certain questions in connection with the Bengal Agricultural Income-tax Bill, and I think it would be very convenient if answers to these questions were given before the Bill is taken up. In the circumstances, may I pray that the questions may be treated as short-notice questions?

Mr. PRESIDENT: Those questions are with me at present and I am considering their admissibility.

Adjournment motion.

Mr. LALIT CHANDRA DAS: Sir, there is an adjournment motion standing in my name.

Mr. BANKIM CHANDRA MUKHERJEE: In my name also, Sir.

Mr. HARIDAS MAZUMDAR: There is an adjournment motion standing in my name also.

Mr. PRESIDENT: Order, Order. The first adjournment motion stands in the name of Mr. Haridas Mazumdar. But in view of the fact that the subject-matter of the motion is at present under adjudication of a court of law, it cannot be discussed here. So, that motion does not arise. The next motion standing in Mr. Das' name is also on the same subject. So, on the same ground it cannot also be moved. The third and the fourth motions, standing in the names of Mr. Haridas Mazumdar and Mr. Bankim Chandra Mukherjee respectively, are also on the same subject and cannot similarly be moved. The last motion is that of Mr. Lalit Chandra Das, which runs

as follows:—That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government to build up and maintain an adequate supply of rice to make an equitable distribution of the same at controlled price to the population in the deficit areas of the South-Eastern coastal districts of Bengal where the price of rice has gone skyhigh as evidenced, besides other informations of quite recent time, by the *Calcutta Gazette* of 15th June, 1944, resulting in a very serious situation so much so that most people generally are in great distress and misery and in fact starving.

I have considered this matter and in view of the fact that the grievance is a continuous one and that it is supported by the price-list given in the *Calcutta Gazette* of last week, I give my consent to it. Is there any objection?

Mr. MESBAHUDDIN AHMED: Yes, Sir.

Mr. PRESIDENT: Hon'ble members who are in support of the motion please rise in their seats. (Members of Opposition rose in their seats.) Thirteen members have risen; consequently Mr. Das has the leave of the House to move his motion. I suggest that we take it up immediately. Is there any objection? (There was no objection.) I may remind that under the Rules the mover will have 20 minutes to speak and the Hon'ble Minister 20 minutes to reply and 10 minutes for each other member who wishes to speak on this motion.

Mr. LALIT CHANDRA DAS: I beg to move: that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government to build up and maintain an adequate supply of rice to make an equitable distribution of the same at controlled price to the population in the deficit areas of the South-Eastern coastal districts of Bengal where the price of rice has gone sky-high as evidenced, besides other information of .....

Sir, a complacent mood has been maintained by the Hon'ble Minister in charge of Civil Supply since his assumption of office and that complacency still persists. There was a time immediately after the assumption of his office when he declared that there was sufficient rice in Bengal to meet the situation last year. He maintained that complacency for quite long. We persisted in saying that the situation was worse and we raised such a row that our voice was heard from all parts of the world—not only from different parts of India, but from different parts of the world. Later on, the Hon'ble Minister admitted that famine condition existed; and although we moved that famine should be declared in Bengal, the Government refused to declare famine but only admitted that famine conditions existed in some parts of the province. That was another indication of the complacent mood on the part of the Hon'ble Minister while Bengal was suffering from famine. This year at least, bounteous Nature has dowered Bengal with bumper crop and we had hoped that we would be able to tide over the difficulty at least for a year.

We are in the middle of the year and we are not yet out of the wood. Many feel that the remaining six months are difficult months and that food difficulties may reappear in certain districts of Bengal, particularly in

Chittagong, Cox's Bazar and Noakhali. From the estimates prepared by the experts it was understood that due to the bumper crop of last year there should not be any difficulty to meet the requirements of the people. It is quite clear, therefore, to me at least, as I will presently show, that the Government has failed to make adequate procurement of rice in Bengal and to stock them up in deficit areas, so that when necessary the stocks might be distributed among the population according to their needs. It will be said on the Government side by the Hon'ble Minister that sufficient stock of rice has been purchased by Government and kept in different parts of Bengal. Again, there is the question of transport of rice from one place to another. If transport is not in the hands of the Provincial Government, by forethought and proper action from the very beginning of the crop-harvesting, arrangements should have been made to transport rice from the surplus areas to deficit areas in such large quantities as to meet the dire necessities of the people at any time of the year. In Cox's Bazar, the price of rice is 12 chittaks per rupee. It is awful! On Noakhali side, rice is selling at Rs. 20 per maund and above, as will appear from the *Calcutta Gazette* of 15th June, 1944. In Chittagong Sadar, rice is selling 1 seer 2 chhittaks per rupee. If this is the situation, we want to know what the Government was doing so long. It is not that the situation developed suddenly. It will appear from the Gazette that the situation has been steadily deteriorating from the first half of April, 1944. Now, we are in the middle of June. Our information is that the situation has not improved. Acute distress is prevailing there. There is control of the price of rice but Government cannot enforce the control price. Rice is being sold at such a high price that it is not possible for ordinary people to purchase rice even when it is available. It has been argued that because of the higher wages paid by the war industries in that locality, labourers are in a position to purchase rice. I say, Sir, that is a myth. The labourers get at best Rs. 2 per diem while the price of rice has gone over Rs. 40 per maund. If that is the situation, one can easily conceive how matters are faring there. We have also received reports to the effect that hunger has driven many females to take to a life of shame and their number is not small. The number can be counted by thousands. It is disgraceful to say the least. I want to know what policy the Government is pursuing in this matter. It is necessary that their policy should be known. Is it to the effect that there should be perpetual stringency in the acquirement of foodstuffs in districts which are near the war zone with a view to force the people to become recruits in the army or labourers or to help the war efforts in different ways? Or is it that the policy of Government to supply rice to the people has been much hampered for lack of proper facilities of the movement of rice from one part of the country to another? We want to know what policy Government are following. In April and May, the *Calcutta Gazette* showed that the price of rice in the south-eastern coastal districts of Bengal went up by over Rs. 30 and in some places over Rs. 40 per maund. I do not know what the Government were doing all these days. Why there should be still inadequacy in the matter of supply of rice in these parts of Bengal? I would invite the attention of the Hon'ble Minister of Civil Supplies to the *Calcutta Gazette* of June 1. The prices ruled sky-high in April and May, and we are now in the middle of June.

What explanation can be given by the Hon'ble Minister for Civil Supplies for continuation of such high prices?

It is surprising, Sir, that although these are sea-side coastal districts, the people there cannot get even salt at controlled price, at the price at which we are purchasing salt in Calcutta or at the price the salt is available in other parts of the province.

Now, Sir, as regards war effort, Noakhali and Chittagong have supplied a large number of seamen to the Navy and they are reported to be doing splendid work; and as regards labour force, these two districts have supplied a very large number of labourers who are helping the war efforts considerably. Now, Sir, the families and the kith and kin of these people who have been left behind in their homes are starving. Instances are not rare where they have been compelled to leave their own localities and fly elsewhere in search of food. These are the condition of the families of absentee labourers and other poor people. Sir, the condition of the middle-class *bhadralog* people can better be imagined than described. The male members of these families have been compelled to come to Calcutta and other places for earning their livelihood. But owing to the high price of foodstuffs in their home districts, whatever they send to their families is scarcely sufficient to procure them food and the result is that their family members are starving.

There is another class of people who are very hard hit, namely, the teachers. The condition of teachers is horrible, so much so that they have been reduced to a very indigent condition and their family members are also starving. This is the situation, Sir, in Noakhali as well as in Chittagong and Cox's Bazar.

I wonder, Sir, why relief should be so late in arriving at those places. It may be said by the Hon'ble Minister that the Civil Supplies Department had no information of this sort regarding the price of rice and that their information is different; but we shall have to rely upon the statement that has appeared in the *Calcutta Gazette* and that statement cannot be brushed aside—although our information is something different from that statement. The real facts have not appeared even in the *Calcutta Gazette*. What appears therein is that the price is somewhere over Rs. 40 per maund and somewhere below, but over Rs. 30, in Noakhali, Chittagong and Sadar, but our information is that it has reached the level of Rs. 50. There is another difficulty, Sir. When communications are sent from those parts of the coastal districts, they hardly reach the addressees or even if they do reach at all, they reach very late and that after being censored. When such facts are known they are required to be ventilated and sent to the Press, so that others may know and so that there may be conjoint efforts on the part of the public to come to the rescue of the suffering people. But when this information is sent to the Press and it is expectantly looked to to appear next morning in the Press, we find no mention of these correspondences or these news-items or anything of the sort in the newspapers. We do not know what happens to them; it may be that they are censored by the Press Advisor as a thing which should not be published. The only opportunity, therefore, that we get is to move an adjournment motion in the Legislature and that is the only opportunity that we have got to ventilate the grievances of those people so that redress may reach

them as early as possible. With these words, I move my motion and commend it to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government to build up and maintain an adequate supply of rice to make an equitable distribution of the same at controlled price to the population in the deficit areas of the south-eastern coastal districts of Bengal where the price of rice has gone sky-high as evidenced, besides other informations of quite recent time, by the *Calcutta Gazette* of 15th June, 1944, resulting in a very serious situation so much so that most people generally are in great distress and misery and in fact starving.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the adjournment motion that has been moved by my friend Mr. Lalit Chandra Das, in connection with the food situation in the Chittagong district town and its subdivisions. Sir, it is surprising to note that in spite of numerous actions taken by the Government under the Defence of India Rules prohibiting the public from entering into the rice trade and notifications issued under the Defence of India Rules under which the Hon'ble Minister for Civil Supplies has sought to fix the price of rice to a certain figure in the district, we find that in the week ending 15th June the price of rice in Chittagong has risen up to the figure of Rs. 60 a maund, the official figure as published in the Gazette being a little lower.

Sir, I would like the Hon'ble Minister of Civil Supply to answer why, since rice is selling at a price varying between 12 and 13 rupees in the district of Dinajpur, no arrangements were made in time to transport rice to Chittagong side and again if sufficient stocks are available from the rice purchased by the agents of Government and are now in the possession of Government, as is admitted by the Hon'ble Minister—why these stocks of rice could not be sent in time so that the price of rice in Chittagong would be the same as in the other districts? The normal trade channel has been completely blocked and Government have practically taken the control of the entire rice trade in Bengal. If that is so, it is the duty of the Government to see that the price is maintained all over Bengal on the same level or slightly different on account of the difference in the cost of transmission. Now, Sir, the position is that no rice is available in Chittagong while there is plenty of rice in other districts—for instance in Dinajpore. Who is responsible for this shortage? Why was it not anticipated that due to want of transport facilities it would not be possible for the Hon'ble Minister to keep sufficient stocks in Chittagong? Why did he not anticipate this and so organise the trade channel and the local traders that they might have been able to bring sufficient stocks of rice in time for the consumption of the people? The position is that we have been informed that not only the price of rice is very high in Chittagong but that even at a high price it is not available and that the people there are starving for want of foodstuff. As a matter of fact, we have been informed, and it is a matter of shame for the present administration that about 30,000 women of middle-class families have been brought down to Calcutta for the purpose of prostitution—simply because these unfortunate women could not make their living in Chittagong. We have been further

informed that a regular trade is being carried on with these women in Calcutta and that numerous brothels have been started for their accommodation. Sir, my friend Mr. Nur Ahmed sponsored a Bill for the suppression of brothels and that Bill was referred to a Select Committee and when we pressed that the Select Committee Report should be published immediately so that steps might be taken for the suppression of this trade, the matter was adjourned and it has not been allowed to be brought in again. I submit that it is a shame for the present administration that they could not supply rice and other foodstuffs, could not take steps for the purpose of keeping a stock of foodstuffs for the people of Chittagong so that they may not be in want and they may not be compelled to leave the district of Chittagong and come out to Calcutta for the purpose of making their living. I do not think it necessary to dilate on this point. With these words, I support the motion of my friend Mr. Lalit Chandra Das.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir,——

Mr. NUR AHMED: Mr. President, Sir, may I say a few words——

Mr. PRESIDENT: Mr. Nur Ahmed, I have already called upon the Hon'ble Minister to reply. I waited for some time but you did not get up.

Mr. NUR AHMED: Sir, I thought that other members of the Opposition would speak and that is why I was waiting.

Mr. PRESIDENT: However, as you belong to the Government party and as no other member of the Government party has spoken, I allow you to speak.

Mr. NUR AHMED: Sir, I wish to say a few words in connection with the adjournment motion which is under consideration. I have come back from Chittagong very recently. I tried to gather real facts regarding the condition prevailing in Chittagong while I was there.

As regards the price of rice, I found that in three thanas, namely, in Fatikchari, Mirsari and Banskhali, the rice was selling at 1½ to 2 seers a rupee. In other thanas, rice is at present selling at 1-4 chittaks per rupee and with the approach of monsoon in some of the thanas the price is going up, namely, the rice is selling 1 seer per rupee. Sir, it is not a fact that rice is not available. Rice is available in the black market, and not in the open market. The reason is that the people very much fear to bring rice for sale in the market for fear of the *bakshis* system of the police.

Then, Sir, in Chittagong town the rationing system has been fully introduced and it is working there very satisfactorily. There is no complaint about the rationing there. The District Magistrate has made excellent arrangements, so much so that even guests and people who go to Chittagong for a short period get their ration cards within a few hours of their arrival. Only vegetables are selling at abnormally higher prices. Wheat and other things are there in sufficient quantities. Rationing system has been introduced in suburban areas to the extent of 25 per cent., *i.e.*, in Double Moorings and in Panchailish. It is true that the poor and the middle-class people are in real difficulty in the rural areas. Workhouses have been opened in Chittagong and the District Magistrate controls these workhouses. At present there are 31 workhouses, which I think is very insufficient. Government have 643 free kitchens in Chittagong in 1943; in their place, there are only 31 workhouses.

Then as regards arrangement for medical treatment, it is not adequate in Chittagong. During my visit there I have not found a single smiling face. About 70 per cent. of them are suffering from malaria. I must thank the Hon'ble Minister in charge of Civil Supplies for I always found him very sympathetic towards the situation in Chittagong. My experience of the previous Ministry tells me that this was not so during their time. At that time Chittagong was very hard hit and in spite of my efforts I could not succeed in getting supplies sent to Chittagong.

In February, 1943, I got from my son a letter saying that the price of rice was rising rapidly. I did not believe it, because I myself had purchased rice at Rs. 13 a maund only a few days ago. Again, after 15 days I got another letter from my son informing me that rice was selling at Rs. 40 a maund. I did not believe even this; but subsequently I had to believe it. I drew the attention of the past Ministry to this state of affairs in Chittagong but they did not send any supplies there. But with the advent of the present Ministry, the Government sent some supplies to Chittagong.

As regards the present situation in Chittagong, I find that the District Magistrate is personally inspecting every centre of relief. Government have opened some controlled shops in the mufassil area and one of the features of rationing in Chittagong is that Government have fully utilised the normal trade agency. There is no Government-owned shop. All shops of ordinary shopkeepers have been employed by Government for selling foodstuffs at controlled price. Some of these shopkeepers resort to malpractice, because some of the Sub-Inspectors whom Government have employed to inspect these control shops and who draw Rs. 75 a month as salary extort moneys as bribes from these shopkeepers. One of my relations who happens to own such a control shop has said to me that he has got to pay bribe every month to the Sub-Inspector. I told the District Magistrate about this fact. He assured me that he would pay a personal visit to such shops in order to find out such cases of malpractice. I must thank him for the energy and the activity that he is showing for the good of the people of Chittagong.

I did not receive any information about the death of people due to starvation. Of course, the vitality of the people has been lowered owing to undernourishment. I fear that if Chittagong is not organised more fully on the famine basis, then with the advent of the coming monsoon there may occur deaths due to disease and starvation. Therefore, I appeal to the Hon'ble Minister, whom we thank for all the help that he has rendered, to take steps in this direction. The District Magistrate of Chittagong told me that he had some stocks at his disposal. But I told him to augment his stock by 50 per cent.

I oppose the motion on the ground that the facts have been exaggerated as regards Chittagong. I have tried to give a correct statement of the facts as I have seen and as I have been able to gather from the people of Chittagong.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I think it is an extremely unfair indictment on the part of Mr. Lalit Chandra Das that as regards Chittagong or as regards the general food situation in the province I am in a complacent mood. Sir, I realise the difficulties of Chittagong.

I will not in the course of this debate embark upon what I consider are the difficulties of the province as a whole or how we are attempting to meet them. I feel, Sir, speaking shortly, that this province will never be out of the woods. It is a deficit province as every one knows and it will be our constant duty to keep a watch on the situation and to make the best of the difficulties with which we are confronted. The policy of procurement and of feeding the deficit areas on which we have embarked has—I think it must be admitted even by honourable members of the Opposition—proved to be somewhat of a success,—far better than we had hoped for. The price of foodgrains is fairly low in most parts of Bengal—so much so that from certain sections there is already a cry for the fixation of a minimum price. We have endeavoured to bring down the price of foodgrains as well as the price of other commodities which the agriculturist has to purchase. The price of neither has come down to an extent which we can regard with complacency. Consequently, we shall always have to be on the watch.

As regards Chittagong itself, one must realise that it is a forward area in very close proximity to the war zone. It is perhaps rather difficult for honourable members here to realise what that means. It means that the entire movement to that place is dislocated. It means that storage is dislocated; it means that distribution and movement within the district is dislocated. It means too that labour is diverted to other channels; it means that arable lands have to be given up for military purposes. It also means, as honourable members know, that boats which used to form a very important asset of a Chittagonian are no longer available. He is not able to carry on business, to move foodgrains or to fish—and one of his most lucrative methods of earning, namely, through dry fish, has been denied to him. These difficulties are there and we greatly sympathise with them. We have tried our best to move foodgrains on to that area. The Military have placed certain space at our disposal and we have utilised it to the full. We tried to send foodgrains from Dinajpur by the metre-gauge line but we do not know what has happened to the wagons—(Mr. HUMAYUN KABIR: Since what time?) Some time back, and I believe they are still on the way. They do not reach in time. But in spite of that we have built up a sufficiency of stocks. In spite of these difficulties, in Chittagong itself today there is a sufficiency of stocks to enable the District Magistrate to ration the urban area hundred per cent., to ration 25 per cent. of the suburban area and to ration 10 per cent. of the rural area. He considers that there is a submerged section of the population,—that would be about 10 per cent.—who need special protection. There are many others who are earning more than they have earned ever before. I do not deny that the rise in prices has hurt a section of the people. But if one considers the rise in the income as well, it will be seen that the rise in prices has not hurt such a large section of the people as would normally have been affected. ——Sir, would Mr. Humayun Kabir cease from moving about the House? It is impossible for me to concentrate my thoughts——

Mr. HUMAYUN KABIR: I am surprised to find that it has attracted the attention of the Hon'ble Minister——

Mr. PRESIDENT: There should not be so much movement in the House.

The Hon'ble Mr. H. S. SUHRAWARDY: As I was going to say, Sir, there has been an increase in the income also. It is not merely a few contractors in Chittagong and Noakhali who are making money. All the money that is being spent by the military in that area—and that money is considerable—is being received by the general people, there. Now, for instance, if a villager is able to get Rs. 10-8 for a fowl, he will certainly have a much larger purchasing power than he had before. It is true that every villager has not got fowls. It is true too that the number of fowls is not unlimited. But at the same time, when fowls fetch this price and eggs are fetching annas two each, it means that there is more money in the hands of the villager for him to spend. Therefore, the economic price of foodgrains must rise—there can be no question about it. It must rise—it is a phenomenon which must occur. If it did not occur, the entire system of economics would be falsified. For that reason, you must realise, the rise in prices in that area has not brought about that general dislocation and that general distress which it would have brought about under similar conditions in normal times. There has been local inflation and the local inflation is reflected in the prices of commodities.

Now, Sir, what we propose doing is this: apart from the general orders which we have passed to ration Chittagong district as a whole, we are, as an immediate target, making preparations to ration 50 per cent. of the population. I have suggested that 10 per cent. of the population who are very poor may be given rations up to 3½ seers per week; so far as others are concerned, I am rationing them at the rate of 2 seers per head per week, subject to that as the supplies of foodgrains increase, their supplies will also be increased.

Now, Sir, there are certain indications which make us feel that the distress is not so considerable as my friends would like to make out or as the figures would indicate. Gruel kitchens, as the honourable members probably all know, have been closed down because the attendance in them declined. We have opened workhouses and all arrangements are in existence to operate them.

Now, Sir, if there were distress—actual and great distress in that area,—there can be no denying that the people would have gone to the workhouses for succour; but the workhouses are empty. I agree that there is a certain section of *pardanashin* ladies who cannot go there so also the *bhadralog* classes. It is true there is that section and we are making efforts to cater to their needs; but the workhouse is an indication of general distress. If people do not go to the workhouse, it is not open to any one to say that there is very great distress and people are dying all over the place. When we have opened an avenue for them for subsistence and given them facilities where they can find food and shelter, it is quite clear that if they do not take advantage of those facilities it is due to the fact that they are not in distress, at least for the time being.

Then, there is another foodgrain which was largely utilised during the distress period and which has come to the help of the people of Bengal in many places; I am referring to *bajra*. I have sent plenty of *bajra* to that area. Now, unfortunately members belonging to the *bhadralog* class, from which most of my honourable friends come here, have been making a joke out of *bajra*. They have created an atmosphere that *bajra* is not good for the

people, with the result that a prejudice has arisen against it to the detriment of the poor. The poor have suffered, I definitely assert, for the jokes of the honourable members in this House and outside. They have got money and can buy foodgrains such as rice, wheat, *atta* and so can afford to deride *bajra;* but there is a section of the poor that cannot afford to buy rice, wheat or *atta*. They can buy *bajra* but as they think that *bajra* will give them pain in the stomach, they do not buy it. In many places throughout Bengal *bajra* has saved the people and there is a demand for it even now. On this occasion we have sent *bajra* to Tangail where its efficacy has been much appreciated. We have sold *bajra* in large quantities in Manikganj. In Chittagong we are selling *bajra* at Rs. 4-8 per maund which is less than our procurement price. This *bajra* is selling at Rs. 7 per maund in other parts of India or even at a higher price than that; but in order that the poor people in Bengal may take advantage of this cheap foodgrain, we are selling it at Rs. 4 per maund. You know, Sir, that so far as paddy is concerned, the rice produced is two-thirds in weight; one-third is wasted in husk. But as far as *bajra* is concerned, out of 10 seers only ½ seer is thrown away as husk and 9½ seers are available as food. It is a good food and it is palatable. It can be made into *pita* which our people readily understand. With that food available of which we have sent plenty to Chittagong, with that food available for the poor, it is not possible for any one to say that people are dying of distress because they cannot purchase rice at Rs. 40 per maund. We are also sending gram there to be sold at cheap rates, and gram is an article of food which can be of use to people in distress. Their consumption is a sign by which we can find to what extent people are in distress or are not. There are the gruel kitchens, there are the workhouses and there are the cheap foodgrains; but if people do not take advantage of them, I do not think, Sir, that their condition can be as bad as has been depicted. But apart from that, I feel it is our duty to assist people before they are brought down to the level of distress. It is our duty to provide them with foodgrains as cheaply as we possibly can, and this duty we are discharging at the present moment. *A propos* of gruel kitchens, the District Magistrate has a lakh of maunds of rice set apart entirely for the relief of distress, and he has not permitted himself to touch it for rationing purposes. He has stocked the rice in various parts of Chittagong and no sooner will distress appear, than this stock of rice will appear for use through the gruel kitchens. But apart from this, we have got stocks in Chittagong itself and in Choumuhani and in other stocking places to the extent that storage is available. May I point out that while we are trying to send foodgrains to Chittagong there are no sufficient facilities for stocking the foodgrains even in that place, and therefore we have had to stock foodgrains outside the district; but we have made arrangements to move these foodgrains into Chittagong as occasion will arise. Apart from this, Sir, we have made arrangements to send foodgrains *via* Dinajpur through metre-gauge line and Tistamukghat and then by barges as well as by the rail-route and also from Calcutta to Khulna by rail and then by barges. We hope that when the rains begin, we shall be able to send directly by boat from Dinajpur. In order to facilitate movement by river, the American Army has been good enough to place certain tugs and sea-mules and barges at our disposal. These are

now being assembled. It will take some time to assemble them. But it is gratifying to note—and I think, Sir, we ought to give due thanks to the American Army for having been good enough to place these at our disposal—that these would facilitate our movement considerably and that is the reason why I can look forward with some hope to tackle the problem in future. I do not know whether it will interest the honourable members, but it is not merely to show that Chittagong has my sympathy but because I want to organize the movement of food-grains to Chittagong, the storage in Chitagong, the distribution in Chittagong and the rationing in Chittagong under my personal supervision that I propose to go down to Chittagong as soon as the legislative work here frees me from it. I am most anxious to go there——

Mr. LALIT CHANDRA DAS: That will be in the Pujas.

The Hon'ble Mr. H. S. SUHRAWARDY: No, I hope not. I will go much earlier: within the next four or five days, if possible. Arrangements have been made which will, I am sure, bear fruit within the next fortnight.

Already I have instructed that the stocks of foodgrains that have been arranged for Chittagong should be moved to Chittagong and be distributed there. I hope, therefore, that this statement of mine will be found satisfactory by this House and by the people of Chittagong.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I speak a few words on the motion, Sir?

Mr. PRESIDENT: Well, it is not the usual practice to allow other Ministers of Government to speak when the Minister in charge of the department concerned has spoken. But if you want to speak as the Chief Minister on the general policy regarding the situation, I am prepared to make an exception in your case.

The Hon'ble Khwaja Sir NAZIMUDDIN: Thank you, Sir. I would particularly request the honourable members to bear in mind that so far as this question of supplying foodgrains to Chittagong is concerned, it is fraught with great difficulty because we are in the midst of a war. Although with the help that we have received from the military authorities we have been able to a certain extent to improve our movements of foodstuff in the province as a whole, we are still at a great disadvantage so far as Chittagong is concerned. The main route of supply, namely, the railway, is to a very large extent taken up with supplying military stores and personnel. The other route, namely, the sea, that also,—practically the major part of it,—is taken up by the military and it is only after very many representations that the military has given us a certain amount of tonnage space for carrying foodstuffs to Chittagong. It is not that we have not got enough foodgrains to send to Chittagong. By the grace of God we can flood that district with foodgrains: we have got sufficient stocks of foodgrains with us not only for the district of Chittagong, but also for Tipperah and Noakhali; but our difficulty is mainly of transport. We have been trying our utmost from the very beginning of the season to send as much as we can to these three districts, particularly to Chittagong; and all our efforts have been concentrated on this one particular point, viz., how to dump foodstuffs into the

Chittagong district. We realise the difficulty in which the people of Chittagong are placed. But during war certain areas have to put up with a certain amount of hardship, because under certain circumstances it becomes inevitable. We have taken steps to see, as the Hon'ble Minister for Civil Supplies has just now explained, that people, particularly the poor people, are not starved, and for this purpose we have built workhouses all over the district.

Mr. LALIT CHANDRA DAS: How many, please?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, a very large number of them; I cannot give you the exact number.

The Hon'ble Mr. H. S. SUHRAWARDY: 16 major workhouses and 40 minor workhouses.

The Hon'ble Khwaja Sir NAZIMUDDIN: As has been just now explained by the Civil Supplies Minister, there have been spread over the whole of the distressed area 16 major work-houses and 40 minor work-houses so that if there is want, they can go there and get enough to maintain themselves. We have taken precaution that people should not starve this year and we are confident that nowhere in Bengal there will be any starvation. There may be hardship. I am even prepared to admit that as far as *purdanashin* women belonging to the poor and middle-class are concerned, there may be certain amount of privation; but I am confident that there will be no starvation. We have also kept in readiness arrangements for gruel kitchens ——(Mr. LALIT CHANDRA DAS: Have you given orders that no mortality figures should be published?) That I say is absolutely incorrect. I do not know how this wrong information has got currency. I am enquiring into the matter. The only possible explanation may be that we are reorganising our system of getting information of mortality figures. A different agency has recently been introduced for collecting this information and that as such the union boards have been asked not to send these reports. That may be the only explanation for this rumour. The Public Health Department has taken up this work and mortality figures are now being collected through the Sanitary Inspectors. We are trying to organise the machinery of getting this information through a more reliable source than through the union boards which used to get information through the chowkidars. It is not a fact that we have given orders to the union boards not to send mortality figures. Now, Sir, I am thankful for the interjection of Mr. Lalit Chandra Das as his interjection has enabled me to clear one incorrect information which has gone very much against Government and for which it was very difficult to find explanation and which incidentally gave colour to the fact that we apprehend a large number of deaths which we do not want to be recorded. On the other hand, it is just the reverse. We have improved the system of obtaining information regarding mortality, so that we may be able to get more reliable statistics of mortality figures.

Mr. LALIT CHANDRA DAS: Will the destitutes dying in hospitals be taken as deaths from starvation, if they die?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, it depends on whether they die of starvation or from diseases. If they die in hospital after being

admitted as a starvation case, then that will be recorded as death from starvation. But if they die of any chronic disease or on account of other causes, they will be considered as death from diseases. It depends on what are the facts. I think the hospital authorities will be able to give proper idea as to whether a person dying there is dying on account of disease or due to starvation. They are the experts and they are competent to say whether a case of death there is due to starvation or due to other causes.

Now, Sir, as I was going to say, arrangements for reopening the gruel kitchens are ready and, God forbid, if conditions grow worse, we will open them immediately. So that our second or third line of defence is ready for the people suffering from starvation. Last of all, I want to point out that if within a few days we have good rains we shall have a good prospect of *aus* crop, and the food condition will certainly be improved, and particularly relief from districts like Tippera and Noakhali will be made readily available to Chittagong even at the present moment. You will realise, Sir, that both in Tippera and Noakhali certain quantities of *aus* has been grown. Cultivators in these areas naturally are withholding their *aman* paddy but will release them if they are fairly certain of their *aus* pady. The prospect of *aus* paddy, so far as East Bengal is concerned, is fairly good, though this lack of rain during the last few days may have given some cause for anxiety. In some places, we have had rains and we hope to tide over the difficulty.

Mr. LALIT CHANDRA DAS: Sir, I shall be very brief in my reply. I desire to say a few words in reply to the Chief Minister's speech regarding the recording of deaths of destitutes in hospitals. I do not know what he has in his mind when he says that the sanitary inspectors have been asked to furnish the number of deaths from starvation. I do not think that the Chief Minister has improved the position. A destitute may die in hospital from starvation and the sanitary inspector may say that the destitute was suffering from some illness. The Government should issue a press note contradicting the news that no order has been issued asking the union boards not to keep registers of deaths due to starvation. Even if, say, 250 people died from starvation in any area, that will not be recorded. So, in spite of the Chief Minister's explanation, I would request him to issue a press note on the point.

I am sincerely thankful to the Hon'ble Minister for Civil Supplies for the assurance that he would visit Chittagong soon and make all possible efforts to relieve the distress of the people of Chittagong. In spite of all that Mr. Suhrawardy has said, Sir, the income *per capita* of the people in that area is not at all satisfactory. I do not believe that the people over there have got more income due to war. Some may have an increased income but their number can be counted on fingers' ends. Last year the prices of food articles were so high that it was not possible for the people to make both ends meet. It is so this year also in Chittagong.

As regards gruel kitchens, last year's experience shows that food distributed by those kitchens brought diseases which ultimately led to deaths of many destitutes.

As for workhouses, I do say, Sir, that their number is too small. There are only 60 workhouses in a district 200 miles long.

With these words, Sir, I move that my motion may be accepted by the House.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, Mr. Lalit Chandra Das's ——

Khan Sahib Maulvi WAHIDUZZAMAN: On a point of order, Sir. May I know whether the Hon'ble Minister has a second right of reply?

Mr. PRESIDENT: The Hon'ble Minister can reply to the new points raised by the mover of a motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, Mr. Lalit Chandra Das's enquiries are: if a destitute dies in hospital, how would the death be classified. Now, Sir, the Hon'ble the Chief Minister has replied to that in some measure, namely, that if the destitute dies in the hospital due to starvation, that will be classified as death due to starvation, but if he dies as a result of an attack of cholera or some other disease, death will be classified as death due to illness.

The deaths of destitutes in hospitals have all along been classified as deaths from starvation even if they have died from diseases. We do not want any idea to get about that we wish to shirk or minimise the difficulties that are there before us.

Now, Sir, Mr. Das says that a Press Note should issue to contradict the rumours that are going about that instructions have been issued by Government to the effect that no deaths from starvation should be recorded by union boards. Now, Sir, with very great respect I say that I do not think that any reasonable man can ever make such an assertion. I feel that the honourable members in this House are making this assertion for political purpose. But no reasonable man outside can possibly make an assertion that Government have issued instructions to the effect that deaths from starvation should not be recorded. Deaths from starvation have been recorded, and will continue to be recorded, if any such unhappily occur; and there is nowhere a single word therein to the effect that deaths from starvation should not be recorded. I suggest that any Press Note issued by the Government to counteract such a silly propaganda would make Government look very silly indeed. You cannot circulate absurd rumours and then ask Government to issue forward anything that you like, and you can ask that Government a Press Note to contradict it. But there must be a certain amount of commonsense, a certain amount of reason behind it before Government issues a Press Note ——

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, will there be no time-limit for the Hon'ble Minister?

Mr. PRESIDENT: Order, order. The Hon'ble Minister is subject to time-limit, and I am watching it.

The Hon'ble Mr. H. S. SUHRAWARDY: Then, Sir, Mr. Das has referred to the inadequacy of workhouses. Sir, how can persons like Mr. Das who are not conversant with the affairs of Chittagong make that statement? There are certain portions in Chittagong which are considered to be surplus areas and from which movements to deficit areas are possible. We have located stocks and hoards which we have requisitioned, and this has created a certain amount of disturbance amongst the richer classes who

want to hold on to their stocks and do not want to release them for the poor people. The workhouse has obviously not been started in the surplus areas. If we leave out those areas, we do consider that the number of workhouses and the subsidiary workhouses which have been set up by the District Magistrate are quite sufficient. Had there been only one workhouse, and people in distress did not go to that workhouse, that would be sufficient to indicate that there was no distress.

I have been in constant correspondence with the District Magistrate of Chittagong, because I feel that the difficulties of Chittagong are much greater than the difficulties in other districts, and consequently I took it upon myself to keep a watch on its situation. And so far as the local district officer can give a guarantee, he says that he has made most definite arrangements; and Mr. Stuart is not a person - - -

Mr. PRESIDENT: Please confine yourself to the point, and do not refer to what the district officer has guaranteed.

The Hon'ble Mr. H. S. SUHRAWARDY: I was talking about the workhouses, Sir, in which connection the district magistrate has guaranteed that he had made definite arrangements and also that so far as Chittagong is concerned, there will be no deaths from starvation, if he can avoid it.

Mr. PRESIDENT: Order, order. The question before the House is: that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government to build up and maintain an adequate supply of rice to make an equitable distribution of the same at controlled price to the population in the deficit areas of the South-Eastern coastal districts of Bengal where the price of rice has gone skyhigh as evidenced, besides other informations of quite recent time, by the "Calcutta Gazette" of 15th June, 1944, resulting in a very serious situation so much so that most people generally are in great distress and misery and in fact starving.

The question being put, a division was challenged and taken with the following result: -

AYES -18.

Mr. Altaf Ali.	Rai Bahadur B. M. Moitra.
Mr. S. C. Chakraverty.	Mr. H. D. Mazumdar.
Mr. Khorshed Alam Chowdhury.	Mr. N. N. Mukerji.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. B. C. Datta.	Mr. R. Palchaudhuri.
Mr. K. K. Datta.	Rai Sahib J. N. Ray.
Mr. M. R. Jaipuria.	Mr. A. D. Roy.
Alhadj Khan Bahadur Shaikh Muhammad Jan.	Mr. B. K. Roychowdhury.
Mr. Humayun Z. A. Kabir.	Khan Sahib Maulvi Wahiduzzaman.

NOES -21.

Mr. Mosbahuddin Ahmed.	The Hon'ble Khan Bahadur S. M. Hossain.
Khan Sahib Fairduddin Ahmed.	Mr. Latafat Hossain.
Mr. Nur Ahmed.	Mr. Mohamed Hossain.
Khan Sahib Abdul Aziz.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Mr. Abdul Latif.
Mr. Moazzemali Chowdhury.	Khan Sahib Subid Ali Mollah.
Mr. Muhammad Habibullah Chowdhury.	Mr. T. B. Nimmo.
Mr. G. E. Clarke.	Mr. Biren Roy.
Mr. D. J. Cohen.	Mr. Yakub M. S. Sattar.
Mrs. K. D'Rozario.	Dr. Kasiruddin Talukdar.
Mrs. L. P. Dutt.	

Mr. PRESIDENT: Order, order. The House has divided. For the motion—18; Against the motion—21. The motion is, therefore, negatived.

Non-official Resolution.

Mr. PRESIDENT: The House will now take up non-official Resolutions.

Mr. MESBAHUDDIN AHMED: Sir, we were under the impression that no business would be transacted after this adjournment motion.

Mr. PRESIDENT: Why you should be under that impression? The adjournment motion did not take full two hours.

Now, on the last occasion Mr. K. C. Roy Chowdhury was in possession of the House.

Mr. BANKIM CHANDRA MUKHERJEE: No, Sir, Mr. Nur Ahmed was speaking.

Mr. PRESIDENT: I am sorry. Yes, Mr. Nur Ahmed.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, in the meantime, may I ask for certain information?

Mr. PRESIDENT: Khan Bahadur Sahib, you may do it at the end of the meeting.

Mr. NUR AHMED: Mr. President, Sir, the other day when the House adjourned I was stating the reasons why I cannot support this resolution in its present form, although I have got the fullest sympathy with the principle underlying this resolution. There is no two opinion in the country that these *muchis* should be helped in their shoemaking trade. Bengal has to depend on other provinces for shoes. Bengal must be self-sufficient in this respect. These *muchis* of Bengal are the standard-bearer of this trade. At present their condition is very miserable. The price of tanned leather is very high. This resolution specifically mentions two ways in which to help these *muchis*: one of them is to supply tanned leather at a reasonable price. Tanning industry in Bengal is not up to the mark. Cawnpore is the pioneer in this respect. Some machines have, no doubt, been brought in Calcutta for making chrome leather; but more machines are necessary. Bengal is a surplus area for hides and skins. According to one estimate, India produces 20 million of cattle hides, about 23 million goat skin and 3½ million of sheep and buffalo; of this total quantity, only 75 to 80 per cent. are tanned in India and about 25 per cent. or 20 per cent. used to be exported before the war.

Sir, Madras has built up a very good tanning industry and it has taken advantage of all the materials that are available for tanning. Here in Bengal the most important question is the supply of materials for tanning at cheap rates, so that the *muchis* can compete with other competitors who import or manufacture shoes in Bengal.

Then the second question is that Government should give the *muchis* sufficient grants and thereby enable them to devise new methods and new designs in the manufacture of shoes as are being done in Madras and Cawnpore.

Sir, I must make it clear to the House that I do not oppose the idea of helping the *muchis*, but I oppose the resolution as it stands in its present form.

Mr. HARIDAS MAJUMDAR: Sir, I whole-heartedly support the resolution moved by my friend Mr. K. C. Roy Chowdhury. A proper

approach to the problem of post-famine reconstruction can be made not by gratuitous relief for some time but by enabling the distressed people to stand on their own feet. That will be substantial work and if we select a few deserving sections of the community and make them self-supporting on the principle of minimum expenditure for maximum result, these in their turn with their buying power restored, will keep others going. A little leaven leaveneth the mass. If the funds of the Government in regard to rehabilitation work be judiciously spent, good tangible results may be obtained—results to which the Government may point years afterwards as the standing monument to their earnest endeavour. I may cite one example. At Salkhia (Howrah), a well known cotton mart, a trouble arose between cotton merchants and upcountry cotton-carders with the result that one of the merchants who was a man of the Midnapore district brought from that place about 100 Bengalee carders who are since holding their own. These men on being questioned how they came to learn carding replied that Birendra Nath Sasmal of hallowed memory had trained them. These 100 men are now earning their bread through good work done long, long ago by a God's good man. If one individual can do so much, cannot the Government do very much more? But to do so it should have the proper perspective. It should cease to think that the *bhadralog* is the only person that matters. We ourselves are also not less blameworthy. We devote 90 per cent. of our time and energies to matters concerning directly or indirectly the *bhadralog* class, Hindu or Muhammadan. A glance at the proceedings of the legislature will prove this. If we served *our* Hindu-Muslim-Christian *muchis*, *tantis*, *kalus*, *kamars*, *kumars*, *malakars*, *dhobas* and *chasis*, *i.e.*, shoe-makers, weavers, oilmen, blacksmiths, potters, florists, washermen, cultivators with half the zeal that we displayed all these years in securing meticulously the Hindu-Moslem ratio in services, *i.e.*, the *bhadralog* brotherhood, the country would have by now been much better-off and the village artisans who suffered grievously in last year's famine and died in large numbers would have managed to survive the shock. The reservation of seats for Scheduled castes has demonstrably failed of its objective because these castes are trade guilds and during 6 years of the working of the Government of India Act, 1935, not a word has been uttered in the legislature as to how the living of *muchis*, *dhobas*, *haris* (cane-weavers) and *doms* can be secured and improved.

Sir, the worst and most exclusive caste in India's history is rising before our eyes in the shape of the English educated community, an exotic, which may be best described in the words of the late Panchkori Benarjee as সমাজ বক্ষের চোপা পানা An educated *muchi* representative in the legislature will never bring a brother *muchi* into his mental picture except as an English educated person. We owe, therefore, a debt of gratitude to Mr. K. C. Ray Chowdhury for bringing for the first time into this air-conditioned and heavily cushioned chamber the half-naked *muchi* who sitting in his cottage cross-legged makes shoes with leather bought at an exorbitant price from the middleman who fattens at the expenses of the poor worker. If only leather can be supplied at the wholesale price not on credit but strictly on cash terms, this vast community consisting of 414,221 [4 lakhs 14 thousand 2 hundred and 21] souls among Hindus alone, according to the census of

1931, with an equal number, as far as we can judge, among Moslems will become prosperous. If the Government pay the rent of 50 shops in Calcutta for 6 months and allot them to Bengalee *muchis* in the ratio of, say, 22 to Hindus, 22 to Moslems and 6 to Christians, these brethren of ours will be able to capture a large portion of the vast Calcutta market for all time to come. It has been found at Howrah that with the earnest efforts of some philanthropic gentlemen some Bengalee *muchis* first gained a footing in the town about 12 years ago and now the number of their shops has increased at least tenfold. If we can make the experiment successful in Calcutta, we can extend it to other towns. But the main thing is that the Government is proverbially shy; it should work honestly and passionately with the zeal of a partisan and select working *muchis* who are already earning their bread in villages by shoe-making. At least in respect of these down-trodden people the Government should be sincere and not select such men as will merely consolidate the position of M.L.A.'s and M.L.C.'s of the Ministerial party. This humanitarian work should not be reduced to a vote-catching campaign. The question is so dear to our heart that if the Government accept this very modest resolution, Mr. Ray Chowdhury and myself with some of our assistants, who have made a close study of the problem for years in a missionary spirit undertake to co-operate with the Government and assist it in its day-to-day work. The great Swami Vivekananda said: অন্ত মুচি দেখন তোমার বন্ধু, তোমার ভাই. These poor men with their underpaid labour keep everyone of us going. The task is not at all difficult. If the honourable members here will excuse a personal reference, I may state that in the Pannalal Seal Vidyamandir, a free polytechnic high English school which I have had the good fortune of organising, a number of boys successful in the Matriculation examination could not secure jobs in offices and are earning their bread by bookbinding and tailoring and shoe-making which they had learnt in our school. If the Government will work in the right spirit, it will stop the annihilation of a large and useful section of the community. While almost all castes have recorded an increase of population, the *muchis* have shown during 20 years from 1911 to 1931 (the last census in which castes were duly returned) a decline of nearly 9 per cent.

Now, what is the cause of this lamentable state of affairs? The reason is that Bengalee *muchis* as Bengalee workmen in all lines have been fighting a losing battle against non-Bengalee hordes coming into Bengal. The term "non-Bengalee" appropriately includes Chinese shoe-makers of Bentinck Street and Bowbazar. These men with their superior organisations and resources are able to buy leather in large quantities at cheap rates and sewing machines which the poor Bengalee *muchis* cannot secure. With the influx of Western civilisation in the country the craze for foreign shoes came over our educated people and in our boyhood the name of Dawson's and Latimer's boots and shoes passed from mouth to mouth. This preverted taste for foreign goods began to throw our *muchis* out of employment and the process was later on accelerated by the advent of non-Bengalee shoe-makers.

The task of annihilation of a deserving community has been completed by the establishment of the Bata Shoe Factory at Budge Budge. In giving

working permission to this concern, the Central Government has been ill-advised. The company is not British and does not belong even to an Empire country. This is a case of a hundred per cent. foreign exploitation. The safeguards in respect of external capital recommended by Pandit Madan Mohan Malavya as a member of the External Capital Committee should at least have been enforced in this case. India is the paradise for capitalists, indigenous and foreign. With the inauguration of machinery in every country large masses have been thrown out of employment but the State has been compelled to maintain them with the dole for the unemployed. Heavy bills accruing on this head in Western countries will be found in the last analysis to fall upon industry. The principle claimed in those countries is that he who throws me out of employment must maintain me, if not on a decent level, at least on the subsistence level. Here the dole for the unemployed is not a State obligation and capitalists from all corners of the world are allowed to come in and carry on their nefarious work of reducing the children of the soil to penury. The fundamental principle of Hindu *varnasram dharma* is that all the four castes should be kept in a good running condition and Manu is eloquent in enjoying that *britti*, i.e., occupation of every particular section of the community should be carefully preserved. Thus, according to Hindu polity, insurance against unemployment is a paramount State obligation and if after the war in a self-governing India an ideal form of self-government is introduced, as is hoped for by Dr. Moonje, a foreign company like the Batas will not be able to throw tens of thousands of our men out of employment and every *mucha*, Hindu, Moslem or Christian, will be assured his living. Here the Provincial Government can give protection to our indigenous shoe-making industry by following the example of Srijut Rajagopalachari in respect of handloom cloth and by imposing the Sales tax on factory-made shoes while keeping cottage-made shoes tax-free. But the "cowdung-headed" Ministry, of course, could not comprehend the protective value of a Sales tax on mill-made cloth and no such tax on handloom cloth. If it did not take away the small advantage so far enjoyed——

Mr. BIREN ROY: On a point of order, Sir. Is not the word "cowdung-headed" objectionable?

Mr. PRESIDENT: I think Mr. Mazumdar it is not a very dignified expression, although it may not be unparliamentary.

Mr. HARIDAS MAZUMDAR: Sir, I am not going to withdraw it since it is not unparliamentary——

Mr. BIREN ROY: It is not good English at any rate.

Mr. HARIDAS MAZUMDAR: I do not care for good English. Sir, the cowdung-headed Ministry——

Mr. PRESIDENT: Mr. Mazumdar, although the expression is not unparliamentary, I think you should avoid such expression.

Mr. LALIT CHANDRA DAS: Sir, it has been coined from the well-known Bengali expression "গোবর-পোরা মাথা".

Mr. HARIDAS MAZUMDAR: Yes, Sir, it is a translation of the Bengali expression "গোবর পোরা মাথা". As I was going to say, Sir, the cowdung-headed Ministry——

Mr. BIREN ROY: Again he is using that expression.

Mr. PRESIDENT: The expression is not unparliamentary and I must leave it to the good sense of the honourable member as to whether he should withdraw such expression or not.

Mr. HARIDAS MAZUMDAR: If it did not take away the small advantage so far enjoyed by the village *Tantis*, who in the case of doubling the Sale tax on mill-made cloth would have enjoyed a higher traffic protection, we would have requested the Ministry for a similar protection for *muchis*.

With these words, I support the resolution moved by my friend Mr. K. C. Roy Chowdhury

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have just been informed that the Advocate-General's opinion might not be received in time by the Government. So, instead of meeting on Monday, we might meet on Tuesday next.

Mr. PRESIDENT: I am just told by the Secretary that the opinion would be received by today. So, we may sit on Monday.

Mr. BANKIM CHANDRA MUKHERJEE: To avoid uncertainty, we might sit on Tuesday. I hope the opinion of the Advocate-General would be made available to us in the House.

Mr. PRESIDENT: Usually the practice is that Government do not disclose the opinion they receive from their law officers.

Mr. BANKIM CHANDRA MUKHERJEE: On a matter of privilege, Sir——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I understand that the Judicial Secretary has rung up the Advocate-General for the opinion. So, I think the opinion has been received and therefore there would be no difficulty in our sitting on Monday.

Mr. PRESIDENT: All right. I adjourn the House till 1-30 p.m. on Moday, the 19th June, 1944.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I wanted to mention a matter——

Mr. PRESIDENT: I have already adjourned the House. Please mention that on Monday.

Adjournment.

The Council then adjourned till 1-30 p.m. on *Monday, 19th June, 1944.*

Members absent.

The following members were absent from the meeting held on the 16th June 1944 :—

(1) Mr. Sultanuddin Ahmed.
(2) Khan Sahib Nurul Amin.
(3) Mr. Kader Baksh.
(4) Rai Bahadur K. C. Banerji.
(5) Mr Humayun Reza Chowdhury.
(6) Mr. N. C. Dutta.
(7) Mr. R. W. N. Ferguson.
(8) Khan Bahadur Abdul Gofran.
(9) Maulana Mohd. Akrum Khan.
(10) Khan Bahadur M. A. Momin.
(11) Mr. R. S. Pursell.
(12) Khan Bahadur Muklesur Rahman.
(13) Dr. K. S. Ray.
(14) Mr. S. N. Sanyal.
(15) Khan Bahadur M. Shamsuzzoha.
(16) Mr J W R. Steven.

BGP-44/5-4161A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 48.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 19th June, 1944, at 1-30 p.m., being the forty-eighth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Condolence Resolution.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As the Leader of the House it is my melancholy duty to take your permission to move a condolence resolution on the sad demise of a great son of Bengal, Acharya Sir Prafulla Chandra Ray. Sir Prafulla Chandra is known not only in India but throughout all the civilised countries as a great scientist. He has rendered singular service to the country as a scientist and as a philanthropist. This is not the time to dilate upon the various qualities of his head and heart. I would now place the condolence resolution for the acceptance of the House. The resolution runs as follows:—

> "This Council expresses its deepest sorrow and sense of irreparable loss which the country has sustained at the demise of Acharya Sir Prafulla Chandra Ray who distinguished himself during his long life as a scientist of International reputation, creator of an Indian School of Chemistry, founder of a great chemical industry in India, helper of the poor and the distressed, and, above all, as a philanthropist and selfless man and conveys its sincerest sympathies to the bereaved members of his family."

Mr. PRESIDENT: Resolution moved: that this Council expresses its deepest sorrow and sense of irreparable loss which the country has sustained at the demise of Acharya Sir Prafulla Chandra Ray who distinguished himself during his long life as a scientist of International reputation, creator of an Indian School of Chemistry, founder of a great chemical industry in India, helper of the poor and the distressed, and, above all, as a philanthropist and selfless man and conveys its sincerest sympathies to the bereaved members of his family.

Mr. KAMINI KUMAR DUTTA: Sir, on behalf of my Party, I associate myself with the condolence resolution moved so eloquently by the Hon'ble the Leader of the House. It is not necessary to dilate upon his qualities of head and heart. He was one of those of whom any country can be proud. He was one who makes history. The revered Acharya was not only a scientist of extraordinary eminence but also a philanthropist and, above all, an intense patriot. Deep love for his country actuated all his activities. His country can never forget him. His memory will remain imprinted on the sands of time for ever. The best way to adore his memory would be to imitate his spirit of self-sacrifice and service to the country.

Khan Bahadur ABDUL HAMID CHOWDHURY: I associate myself fully with the sentiments expressed in the resolution which has been so eloquently moved by the Hon'ble the Leader of the House. Sir, the 16th of June will go down in the history of Bengal, nay of India, as one of the most memorable dates. It is on that date that India lost one of its greatest leaders, Deshbandhu Chittaranjan, and it is on that date that India has again lost one of her noblest sons, a most distinguished scientist and an eminent philanthropist. Sir, this is not the occasion to dilate on the various qualities of the head and heart of the illustrious deceased. It would be better if we show respect to his memory rather in silence. I am fully in agreement with the Leader of the Opposition that we can show our respect to the memory of the illustrious deceased by imitating the noble examples set by him. He was a person in whom we never smelt anything communal. He was popular amongst all sections and communities in this country.

With these few words, I lend my whole-hearted support to the resolution which has just been moved by the Hon'ble Leader of the House.

Mr. DHIRENDRA LAL BARUA: Mr. President, Sir, we meet today under the shadow of a deep gloom cast over the whole country by the demise of Acharya Sir Prafulla Chandra. The last of the Romans is gone. His death has created a void in the public life of Bengal and the world of science which is not to be filled up soon. Bengal has lost in him the friend, philosopher and guide of her new-born industries. India has lost in him a pioneer among the scientists who was able to build up a School of Chemistry and a teacher the sole mission of whose life was to help his students and to make them greater than himself. A true patriot was he and his was a dedicated life. The Bengal Chemical Works would remain as a lasting monument to his industrial and commercial genius. A life-long bachelor and a saint by his moral purity, Acharya Prafulla Chandra was a democrat by religious conviction and fought well the battle for freedom. I hope both the Government of Bengal and the public will combine to appropriately perpetuate the memory of such a great man, so that the posterity may derive inspiration from his noble example.

Mr. HARIDAS MAZUMDAR: On behalf of my party I associate myself with the sentiments that have been expresed in the resolution. In Acharya Prafulla Chandra we have lost not only a scientist but a prince among men. He was admired not by Bengal or by India alone but by the whole world. He was a scientist but he was not only a lover of science but a lover of philosophy too. He was a philosopher in his own life. He lived a life which may be called a life of plain living and high thinking. His was a dedicated life, dedicated to the welfare not only of Bengal which he loved so passionately, but of India and also of the whole world. He lived for *Jagat hitaya*, জগদ্ধিতায়, that is, for the good of the world, and in him, personally speaking, as my friend has so well said, we have lost a friend, philosopher and guide. I appeal to the country at large to follow his illustrious footsteps, and the light of the life that he led like *Dadhichi* for the welfare of the country. He was a lover of the poor and particularly of the poor students. He was a lover of those who lived in the villages. His memory should be perpetuated in a befitting

manner. With these words, I again associate myself with the sentiments of thankfulness of the Nation expressed in the resolution moved by the Hon'ble the Leader of the House.

Mr. LALIT CHANDRA DAS: Sir, I desire to associate myself and the Party to which I have the honour to belong with the resolution moved by the Hon'ble the Leader of the House. In Sir P. C. Ray's death Bengal has lost her noblest son. He was a great scientist. He applied his knowledge of science to bring about the industrial regeneration of this country. The Bengal Chemical and Pharmaceutical Works will for ever stand out as a monument to his achievements in that direction. To urge young Bengalees to take to the path of industrial development and to add to the wealth of the province and to wrest the initiative from outsiders was his great passion. Many of our fellow countrymen followed that advice with considerable profit to themselves and to the country. He was an embodiment of plain living and high thinking. Any one who came in contact with him was struck by the simplicity of his manners and habits. He used to live with his students and gave them of his best. He was one of the greatest philanthropists and through the "Sankat Tran Samiti" of which he was the founder, he came to the rescue of the distressed and the needy irrespective of their caste or colour. He was also a great social reformer and an intense patriot. India is poorer today by his death.

Mr. BANKIM CHANDRA MUKHERJI: Sir, I desire to associate myself with the resolution moved by the Leader of the House. I was a student of Sir P. C. Ray for several years in the Presidency College. If one has to form an idea of what Sir P. C. Ray has done for the people of this country, one must read his book entitled "History of Hindu Chemistry". Through that book he has placed India in the forefront so far as achievements in the realm of positive sciences are concerned. He appeared at a time when India had fallen far below so far as achievements in the realm of scientific investigations were concerned. Throughout his discourses with his students he urged that India should attain the foremost place in the matter of investigations in chemistry and other positive science. But although advocating scientific advancement of the country he never forgot about the cottage industry. His own life was full of self-denunciation. He led a very simple life and devoted practically his entire income to the education of deserving poor students. He gave away practically everything he earned for his country. His donation to the Calcutta University is well-known and his last Will which he is said to have executed is proof of what he has done for his country and for the uplift of his countrymen. His work in connection with the Bengal Flood in 1936 will be remembered throughout Bengal, because of the fact that many millions of lives were saved at that time. As has been well said, he was not only a scientist but also a philanthrophist and an industrialist. But for him the great College of Science could not be started. It is no exaggeration to say that but for him,—a scientist of his calibre and simplicity,—we could not have attracted the munificent donations from Sir Tarak Nath Palit and Sir Rash Behari Ghosh which led to the foundation of the great College of Science in Bengal. Sir, I associate myself wholeheartedly with the resolution that has been moved.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I deem it a great honour to be associated with the sentiments expressed on this occasion. I was privileged to be a student of the late Sir Prafulla Chandra Ray more than a third of a century ago. I still remember the affectionate words with which he inspired his lectures. His philanthropy and other social activities are well known. He was also a great teacher. Abstruse scientific subjects were made so very simple and lucid by him that everyone could understand them. He has created numerous students with a burning desire to pursue scientific knowledge; and though he is dead, his work will live after him. In Bengal, a large number of the students have started scientific associations under his advice and direction. In fact, there are already many research laboratories and research associations and other research institutions which derive their inspiration from him.

With these words, I beg to be associated humbly with the resolution.

Mr. NUR AHMED: Mr. President, Sir, we meet today under the shadow of a great calamity that has fallen on Bengal, nay, on India, by the death of a great man who raised Bengal, not only Bengal but the whole of India, in the estimation of the world by his achievements in the realm of scientific researches as well as by his philanthropic activities. Sir, at a time when the country is passing through a great crisis, we have lost a great man and his loss, I think, is irreparable. He has left before us an ideal which we should follow, an ideal of simple living and high thinking. He was a friend of the poor throughout his life. By his death today we really stand poorer before the world. Our only prayer to the Almighty is: may Bengal follow the lead given by him and may his soul rest in peace!

Mr. C. E. CLARKE: Mr. President, Sir, on behalf of the members of my Group, I would like to associate myself with the expression of sympathy that has been made in this House in connection with the loss that has been sustained so recently. We understand that it is a deep grief for the province of Bengal and for that reason at this juncture our sympathies are definitely with the expressions that have been made.

With these few words, Sir, I would like to associate this Group with the expressions of sympathy.

Mr. MUHAMMAD HABIBULLAH CHOWDHURY: Sir Prafulla Chandra is so great a figure that it needed no speech from me to indicate the irreparable loss that the world at large, and Bengal in particular, has sustained by his death. But, Sir, I would be failing in my duty if I do not associate myself with the resolution that has been moved by the Hon'ble Leader of the House. His passing away, though in ripe old age, would be felt by every Bengalee as a personal loss. To India it is a national calamity.

As a Scientist, Prafulla Chandra towered head and shoulders above all other Indian chemists. Not only that, he was the founder of the School of Indian Chemistry. Almost all the distinguished chemists of the country owed their greatness to his encouragement. He will be remembered as a pioneer of research work and industrial application of chemistry. He was great as a Scientist. But as a man and patriot he was perhaps greater. During the last quarter of a century he was the heart and soul of all relief organisations of our country.

Himself a student all his life, he had a profound love for students. His door was always open to them. He always tried to solve the unemployment

problem among the Bengali youth. Plain living and high thinking was his ideal.

Prafulla Chandra is no more. Long live Sir Prafulla Chandra.

Mr. PRESIDENT: The Chair associates itself wholeheartedly with the sentiments expressed by the honourable members representing different parties and groups in this House and offers its tribute of respect to the memory of the great Indian who had just passed away. We meet under the shadow of a national calamity. The fact that Sir Prafulla Chandra Ray has died full of years and honours can hardly minimise our sense of loss or reduce the poignancy of our grief. In his demise India has lost one of her noblest sons who raised her status in the eyes of the world. As a great scientist, an erudite scholar, a teacher, a social worker and a patriot Sir Prafulla Chandra helped the up-building of modern India and directly influenced the character of the Nation. Through his life-long devotion to researches in Chemistry, he helped the advancement of the bounds of human knowledge in this department of science and created the Indian School of Chemistry. He also succeeded in inspiring a band of brilliant students who have applied their knowledge and researches to the development of industry in this country. Sir Profulla Chandra's noble and patriotic mind always disapproved of the idea that his countrymen should lag behind the progressive countries of the world in matters of business and industry. In his writings, public utterances or in private conversation he never missed an opportunity to rouse the spirit of self-help and to encourage the constructive genius of young Bengal in this respect. He gave impetus to industry and exhorted young men to take to business instead of service.

He lived the life of a Rishi. Simple and unostentatious in his habits the great Acharya Prafulla Chandra exemplified in his own life how the noble principle of plain-living and high-thinking could be actually realised.

Sufferings of humanity always touched his heart and he exerted his great influence in organising relief in times of famine and distress.

A Prince amongst men has passed away. We deeply mourn his loss and try to receive consolation in the hope that his life will continue to be a beacon light and we his grateful and admiring countrymen will receive inspiration from his sacred memory for generations to come.

I shall now put the resolution to vote. The resolution runs as follows:—

"This Council expresses its deepest sorrow and sense of irreparable loss which the country has sustained at the demise of Acharya Sir Prafulla Chandra Ray who distinguished himself during his long life as a scientist of International reputation, creator of an Indian School of Chemistry, founder of a great chemical industry in India, helper of the poor and the distressed, and, above all, as a philanthropist and selfless man and conveys its sincerest sympathies to the bereaved members of his family."

I would request the honourable members to rise in their places to signify their approval of the resolution.

(Honourable members rose.)

The House stands adjourned till 1-30 p.m. to-morrow.

Adjournment.

The Council then adjourned till 1-30 p.m. on Tuesday, the 20th June, 1944.

Members absent.

The following members were absent from the meeting held on the 19th June, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Khan Sahib Nurul Amin.
(3) Mr. Kader Baksh.
(4) Rai Bahadur K. C. Banerji.
(5) Mr. Humayun Reza Choudhury.
(6) Mr. N. C. Datta.
(7) Mr. R. W. N. Ferguson.
(8) Khan Bahadur Abdul Gofran.
(9) Mr. Mungturam Jaipuria.
(10) Mr. Humayun Z. A. Kabir.
(11) Maulana Muhammad Akrum Khan.
(12) Mr. W. B. G. Laidlaw.
(13) Mr. N. N. Mohalanabish.
(14) Mr. N. N. Mookerji.
(15) Mr. T. B. Nimmo.
(16) Mr. R. S. Purssell.
(17) Dr. K. S. Ray.
(18) Mr. N. C. Roy Choudhury.
(19) Mr. S. N. Sanyal.
(20) Mr. J. W. R. Steven.
(21) Dr. Kasimuddin Talukdar.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 49.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 20th June, 1944, at 1-30 p.m., being the forty-ninth day of the First Session, 1944, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

The Bengal Agricultural Income-tax Bill.

Mr. PRESIDENT: Order, order: The House will recall that we had to postpone the consideration of the Bengal Agricultural Income-tax Bill for considering certain important points. Now, one of the points that I have to consider is the incorporation of the expression "Ruler of an Indian State" in his official and public capacity. The point that arises out of this definition is: can the Provincial Legislature impose taxation on properties of Indian Rulers situated in British India and owned by Indian Rulers in their official and public capacity? Can the Provincial Legislature in connection with the imposition of this tax, impose certain duties and obligations on the Rulers of Indian States in their official and public capacity? These are the two main questions. Out of this, it follows that if the Indian Ruler who is included in the definition of the word "person" in his official and public capacity does not comply with the duties and obligations sought to be imposed upon him, can the Provincial Legislature undertake legislation for bringing him within the criminal jurisdiction of a court of law in British India? In this connection, I would like to draw the attention of the honourable members to certain provisions of the Government of India Act, 1935. There is the proviso to section 2(*1*) of the Government of India Act and there it is laid down that all the functions of the Crown in relation to Indian States should be exercised through the Crown Representative and officers under the Crown Representative. That is one section of the Act to which I would like to draw the attention of honourable members.

Then, there is section 285 of the Government of India Act, 1935, which preserves the rights and privileges of Indian States which existed before the passing of the present Government of India Act.

In this connection, I would also like to draw your attention to clauses 53, 54 and 60 of the Bill now under consideration. Now, would not clauses 53 and 54 of the Bill, read with clauses 2(*9*) and 2(*15*), make the Ruler of an Indian State subject to prosecution and punishment by British Indian court of law? That is another point which requires consideration. I would also like to draw your attention to section 155 of the Government of India Act. Section 155 exempts from Federal taxation the Indian State's income except income derived from trade and business. These are the main points on which I would like the views of the honourable members before I finally make up my mind.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I submit that these indications should have been given to us on the last sitting day. We have not come prepared and it will take at least a day to consider these points and give our considered opinion.

Mr. LALIT CHANDRA DAS: Sir, we should at least have one day to consider these points. We have not come prepared for this.

Mr. PRESIDENT: Let us discuss the points as best as we can today.

I hope in giving your suggestions you will confine your observations precisely on the points I have just indicated. In a matter like this the discussion should be cut short as much as possible.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I submit that since Government have already considered these points, we would like to hear the Government point of view first. Let us hear what they feel about these points and what their suggestion is about the points raised by you, Sir.

Mr. PRESIDENT: After the matter has been discussed by the honourable members, I propose to request the Hon'ble the Finance Minister to give the Government point of view.

Mr. SHRISH CHANDRA CHAKRAVERTI: Would it not be better if Government open the discussion on these points? They have already passed the Bill in the Lower House.

Mr. PRESIDENT: Government do not feel any difficulty about the matter. The difficulty is felt by the Chair and probably also by some members of the House. This is a question in which I presume there is no party distinction. Every one of us should have an open mind on a question like this. I, therefore, draw your attention to these points so that if any honourable member wants to give his views, he may do so.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, as the Government feel no difficulty in the matter and as the House feel certain difficulties, may I suggest that the Government should open the discussion since they are supposed to be acting on expert legal advice. We have not had the benefit of any such assistance. In the circumstances, much valuable time would be lost if the discussion is not initiated by the Government. I think it is better for the Government to open the discussion.

Mr. PRESIDENT: I have given you the points. Don't you think that would be the wrong way of beginning the discussion? Government do not feel any difficulty. The difficulty is felt by the Chair and some members of the House.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would draw your attention in this connection——

Mr. PRESIDENT: Do you propose to open the discussion?

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir——

Mr. LALIT CHANDRA DAS: Sir, before Mr. Mukherjee opens the discussion, may I say a few words? You, Sir, very concisely put our difficulty before the House and knowing our difficulty the Hon'ble Finance Minister may very well tell us the Government point of view so that we may proceed methodically.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the difficulty of Mr. Lalit Chandra Das may be appreciated because he has no case to formulate before the House.

Mr. PRESIDENT: Mr. Chowdhury, nobody is entitled to waste the time of the House. Only those members who feel any difficulty in this case and have some views to offer may speak. It is not that every member would like to speak on an intricate question like this.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, he has asked Government to help him.

Mr. PRESIDENT: I do not approve of the suggestion. Let us hear Mr. Bankim Chandra Mukherjee first.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I have considered the question and having read the provisions of the Bill and the privileges of the Ruler of an Indian State I submit, Sir, that there seems to me various insuperable difficulties in the way of Government so far as provisions in the Bill are concerned. I would, therefore, in the first instance, confine my contention to the provisions of the Bill itself.

I would request the honourable members to consider first of all the definition of the word "person" in clause 2, sub-clause (*9*) of the Bill Here, the definition of the word "person" includes a Hindu undivided family, a firm, a company and the Ruler of an Indian State. Now, if we refer to sub-clause (*12*) of the same clause 2, we will find that there is again the reference to the Ruler of an Indian State. Sub-clause (*12*) says "principal officer" used with reference to an Indian State, a company or any other association—I am leaving out a company and any other association and restrict my observation to the Ruler of an Indian State. Again (*a*) of sub-clause (*12*) provides as follows: the manager or agent in Bengal of the Ruler of the Indian State and (*b*) states: "any individual connected with the Indian State, company or association upon whom an Agricultural Income-tax Officer has served a notice of his intention of treating him as the principal officer thereof." Here, Sir, the Bill provides as to the meaning of the words "principal officer" in relation to the Ruler of an Indian State. There is another sub-clause which directly refers to the Ruler of an Indian State—sub-clause (*15*). It states "Ruler of an Indian State" means the ruler of such State in his public and official capacity. Here we have an independent definition with regard to the ruler of an Indian State and there can be no objection so far as this definition is concerned.

Again, if we look to clause 3 of the Bill, we will find that it proposes to provide for assessing the Ruler of an Indian State independently of the definition of the word "person". Therefore, it is not necessary to have recourse to the definition of the word "person" in order that the Ruler of an Indian State is to be assessed with tax. I may tell the honourable members beforehand that I do not object to the principle of the Bill in assessing tax upon the Ruler of an Indian State. I am proceeding on the assumption that the Bengal Legislature is competent to tax the Ruler of an Indian State with reference to his income from agricultural land situated within Bengal.

Although doubt has been expressed I am not going to enter into that question; but I am proceeding on the assumption that a Ruler of an Indian State is liable to be taxed and our object would be to make a provision in the Bill for enforcement and collection of the income-tax so that there may not be any legal difficulty hereafter. Now, for that purpose I am referring, Sir, to this definition and to clause 3 of the Bill. I need not refer to the other sections now, but I would refer, Sir, to clause 45 of the Bill, which runs thus:—

> "When an assessee is in default in making a payment of agricultural income-tax, the Agricultural Income-tax Officer may in his discretion direct that, in addition to the amount of the arrears, a sum not exceeding half that amount shall be recovered from the assessee by way of penalty."

This is a penalty clause which is being imposed upon the assessee and so we need not take recourse to the definition of the person, because the assessee includes the Ruler of an Indian State. Then if we refer to the proviso to sub-clause (3) we find that—

> "The Agricultural Income-tax Officer may forward to the Collector a certificate under his signature specifying the amount of arrears due from an assessee, and the Collector on receipt of such certificate, shall proceed to recover from such assessee the amount specified therein as if it were an arrear of land revenue:
>
> Provided that without prejudice to any other powers of the Collector in this behalf, he shall for the purpose of recovering the said amount have in respect of the attachment and sale of debts due to the assessee the powers which under the Code of Civil Procedure, 1908, a Civil Court has in respect of the attachment and sale of debts due to a judgment-debtor for the purpose of the recovery of an amount due under a decree."

Now, here you will find, Sir, that the provisions of the Civil Procedure Code, 1908, have been incorporated for the purpose of enabling the Collector to enforce realisation of the taxes that have been imposed upon the assessee including any penalty that may be assessed upon him. If we look to the Civil Procedure Code itself we will find that so far as the Ruler of an Indian State is concerned, a separate provision has been made for the purpose of serving notices and bringing suits against the Ruler of an Indian State. I would refer the honourable members of this House to the provision of sections 84, 85 and 86 of the Civil Procedure Code, particularly to the provision of section 85. There, we will find a provision made with reference to the appointment of a recognised agent by the Ruler of an Indian State and all proceedings by or against the Ruler of an Indian State have to be carried on through the instrumentality of the recognised agent so appointed under section 85 of the Civil Procedure Code.

There, in section 85, you will find a provision for the appointment of recognised agents and the amendment that has been made after the passing of the Government of India has been incorporated by reason of the adaptation rules. Now, Sir, so far as the provisions of the Bill are concerned, the

definition of the word "Principal Officer" in clause 12 of section 2 seems to me to be in conflict with the provision of section 85. If we have to take steps against the Rulers of States we have to incorporate provisions analogous to the provision in section 85 of the Civil Procedure Code for the purpose of carrying on proceedings against the Rulers of Indian States. That is the first point which I make so far as the provisions of the Bill are concerned. I say that the definition of the word 'Principal Officer" with reference to the Rulers of Indian States in sub-clause (*12*) of clause 2 should be changed in order that it might be in consonance with the Government of India Act and section 85 of the Civil Procedure Code. We may take the help of secton 85 of the Civil Procedure Code and drop the definition of "Principal Officer" or of "Rulers of Indian States" with reference to the provisions of the Bill for the purpose of enforcing the collection of the tax which is to be assessed upon an Indian State. So far as the definition of the word "person" in sub-clause (*9*) of clause 2 is concerned, if we omit, so far as the definition is concerned, the words "the Ruler of an Indian State", there will be no harm because we have already assessed the Ruler of an Indian State under clause 3. By including in the definition of the word "person" the "Ruler of an Indian State", we have sought to include him in all other provisions of the Bill where instead of the word "assessee" the word "person" has been employed and most of these sections deal with penal provisions; the other sections deal with provisions for the enforcement of the tax that is to be assessed upon an assessee. What I submit is that if we proceed on the assumption that the Ruler of an Indian State is liable to be taxed so far as his income from agricultural land within Bengal is concerned, we have to make provision on different lines. There are certain provisions for the enforcement of the tax against the Rulers of Indian States, but it would not do to lump up the provisions relating to the enforcement of the tax against Rulers of States with other persons who are being taxed under the Bill. As a matter of fact, Rulers of Indian States have got various privileges and are immune from proceedings in the courts of foreign States—I take British India as a foreign State so far as the Ruler of an Indian State is concerned. Now, Sir, the point may be raised as to whether there is any such Ruler of an Indian State within Bengal who has got the rights of a sovereign prince or that of a ruling chief as they are ordinarily understood. I think this would not be strictly relevant with reference to the point that we are now arguing—that may be one of the points raised. I may say that the Principal Ruler of an Indian State within Bengal is the Tripura Raj and the Cooch Behar Raj. So far as Tippera Raj is concerned, I find that it has been held in a case, Indian Law Report, 9 Cal., 535 pp., that he has got the privilege of a sovereign state; so far as others are concerned the position is the same as with reference to Tippera State. Therefore, that question need not trouble us. A point may be raised that the Rajs—the Tippera Raj and other sovereign princes, they have got estates within British India and they do submit themselves to the jurisdiction of courts in British India by bringing in suits against tenants for the purpose of realising rent, for enhancement of rent and taking all sorts of proceedings against their tenants. Another point may be raised as to whether by bringing suits and thus submitting to the jurisdiction of

courts within British India the sovereign states waive their claims which they can claim under the ordinary law as being Rulers of the Indian States. That point you will find discussed and decided in a very recent case decided by the High Court of Calcutta which is reported in 44 Calcutta Weekly Notes, pp. 333. This was a case in which there were proceedings relating to the property of the Nawab of Rampur who is the Ruler of an Indian State and who has got a property, not agricultural property, but house property in Calcutta, and the question was raised there as to whether the Ruler of an Indian State can waive their privilege by submitting to the jurisdiction of a court in British India. The judgment was pronounced by Justice Nasim Ali and Justice Rau—Justice Rau actually delivered the judgment on the constitutional question. His expert legal knowledge on the point cannot be doubted and his knowledge of constitutional law is known to everybody. I think he is one of the best constitutional authority in the whole of India. You will find that Mr. Justice Rau in delivering the judgment referred to the case of the Parlement Belge in five probate Division, p. 197, with reference to the privilege of a sovereign state. The judgment in that British case was pronounced by the Lord Chief Justice Bret. At page 219 we find this particular point discussed. There the question was as to the liability of a ship belonging to a sovereign authority which carried certain properties of that State to be confiscated by another State for certain reasons which I need not dilate upon.

The ship arrived in a foreign state and there were some proceedings in connection with which it was said that some of the properties found in the ship should be confiscated for answering certain claims raised by the ambassador in the extra territorial jurisdiction. At page 219 the point is discussed. "To implead an independent sovereign"—I mean the King of Belgium—"in such a way is to call upon him to sacrifice either his property or his independence. To place him in that position is a breach of the principle upon which his immunity from jurisdiction rests. We think that he cannot be so indirectly impleaded, any more than he could be directly impleaded. The case is, upon this consideration of it, brought within the general rule that a sovereign authority cannot be personally impleaded in any court". The argument is that he cannot be personally impleaded but the property which is brought within the jurisdiction of the foreign state,—in this case the immoveable property which lie within Bengal,—may be touched. That argument is noticed in the next paragraph. "But it is said that the immunity is lost by reason of the ship having been used for trading purposes. As to this, it must be maintained either that the ship has been so used as to have been employed substantially as a mere trading ship and not substantially for national purposes, or that a use of her in part for trading purposes takes away the immunity, although she is in possession of the sovereign authority by the hands of commissioned officers, and is substantially in use for national purposes. Both these propositions raise the question of how the ship must be considered to have been employed.

As to the first, the ship has been chartered by the sovereign of Belgium, by the usual means, declared to be in his possession as sovereign, and to be a public vessel of the state. It seems very difficult to say that any Court can inquire by contentious testimony whether that is true or not.

Mr. PRESIDENT: Will it be a good analogy?

Mr. BANKIM CHANDRA MUKHERJEE: It would be a good analogy and I shall show you that. The point is considered in the very next sentence. We have got here to consider the immovable property because we are concerned with that only. I may pass on to the paragraph where the particular point is considered.

"Whether the ship is a public ship used for national purposes seems to come within the same rule. But if such an inquiry could properly be instituted it seems clear that in the present case the ship has been mainly used for the purpose of carrying the mails, and only subserviently to that main object for the purposes of trade. The carrying of passengers and merchandize has been subordinated to the duty of carrying the mails. The ship is not in fact brought within the first proposition. As to the second, it has been frequently stated that an independent sovereign cannot be personally used, although he has carried on a private trading adventure. It has been held that an ambassador cannot be personally sued, although he has traded; and in both cases because such a suit would be inconsistent with the independence and equality of the state which he represents. If the remedy sought by an action *in rem* against public property is, as we think it is, an indirect mode of exercising the authority of the Court against the owner of the property, then the attempt to exercise such an authority is an attempt inconsistent with the independence and equality of the State which is represented by such owner. The property cannot upon the hypothesis be denied to be public property; the case is within the terms of the rule; it is within the spirit of the rule; therefore, we are of opinion that the mere fact of the ship being used subordinately and partially for trading purposes does not take away the general immunity."

That is the passage that I wanted the honourable members to know. Now if you refer to this case you will find that Mr. Justice Rau stated that the immunity of a Ruling Prince is there and the fact that he has submitted to the jurisdiction of the Court does not absolve him from claiming the right of immunity in a proceeding which may be enforced against him personally. There are other cases, Sir, which have been cited in the judgment of Mr. Justice Rau, but I do not intend to take the time of the House by referring to them. Therefore, Sir, what I would submit for the consideration of the honourable members of this House is that in considering the provisions of the Bill, as I have already indicated, we should proceed on the assumption that the Ruler of an Indian State is liable to be taxed and prescribe provisions for the enforcement of the tax keeping in view the special privileges enjoyed by them. We have to think out and make provisions which would be consistent with the provisions of the Government of India Act and the other provisions contained in legislative enactments like the Civil Procedure Code for the purpose of finding out what would be the machinery through which we can legally enforce realisation of the tax that has been imposed upon the Ruler of an Indian State. I may refer, Sir, to some of the other sections, take for instance, the clause 24—Machinery of assessment. Here the provision is as follows: —

"The Agricultural Income-tax Officer shall, on or before such date in each year as may be prescribed, give notice, by publication in such newspapers

and in such other manner as may be prescribed requiring every person——" Now, under our definition of "person" we need not include a Ruler of an Indian State here. But if the proposal which I have made that the Ruler of an Indian State should be deleted from the definition of "person" here is accepted, we may add a recognised agent of a Ruler of an Indian State. That would make the provision legal and there would be no difficulty in enforcing the submitting of returns by the recognised agent. Similarly, in clause 25, we may add to sub-clause (2) after the words "If the Agricultural Income-tax Officer is not satisfied without requiring the presence of the person," the words "or the recognised agent of the Ruler of the Indian State". If we add that to this sub-clause with reference to the Ruler of an Indian State, that would make it perfectly legal.

Mr. PRESIDENT: You suggest that the words "Ruler of an Indian State" should be dropped from the definition of the word "person" and that there should be consequential changes.

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir, that is exactly so. That is my submission, Sir, and I do not think I need take the time of the House any longer.

Mr. KAMINI KUMAR DUTTA: As far as we on this side of the House are concerned, the issues have been very carefully clinched by the Chair. We have to consider two points: firstly, as to the competency of the House to legislate in respect of immoveable property owned by Rulers of Indian States within the province of Bengal; and then secondly, if we can legislate as to the penal provisions arising out of infringement by any Ruler of an Indian State of the rules that may be laid down. Practically these are the two points on which we are to give our attention at present. As to the Indian States and Rulers of Indian States, their standing and position has been defined in section 311 of the Government of India Act, 1935. An Indian State has been defined to include any territory, whether described as a state, an estate, a *jagir* or otherwise, belonging to or under the suzerainty of a Ruler who is under the suzerainty of His Majesty and not being part of British India. "Ruler" in relation to a state has been defined to mean the Prince, Chief or other person recognised by His Majesty as the "Ruler of the State". As to this definition we are already circumscribed, for it has been already defined in section 311 of the Act and that definition together with section 2 makes it clear that the question of International law would not be applicable to these States, because the States do not form a nation and they are not sovereign states in the sense of being a paramount power. As a matter of fact, the constitution of Indian States has no parallel in the world at all; it is a peculiar mixture of history, theory and convention and usage, of treaties—and not even of treaties, for there are certain Rulers in respect of whom there are no treaties at all—as far as I know. I live very close to the Tripura State and have some connection—— (Khan Sahib FARIDUDDIN AHMED: I believe you are on the Council of this State.) Yes, I am an Advocate of the High Court of the State of His Highness the Maharaja of Tripura.

As I have said, the principle of International law would not be applicable in the case of the Rulers of Indian States. It would appear from the definition of the Indian State and from section 2 that they are a subordinate

power under the British Crown which is the paramount power. Of course, when the Federation would come into existence, their relationship with the Crown would be governed by the Instrument of Accession but till the Federation is completed as pointed out by you, Mr. President, section 285 would be applicable and the relationship would be the same as it exists at present. I had some occasion to look into the legal and constitutional status of the Ruler of an Indian State. I am perhaps giving out a secret—if it can be called a secret—the Tippera State had occasion to consult me about the proposed new constitution in that State and my legal help was taken. At that time I studied the constitution of the States and their power and it did seem to me that they were not a sovereign power at all. They, of course, enjoy some of the rights of a sovereign power; but at the same time they are subordinate to the paramountcy of the British Crown. It is a sort of a mixed constitution of which you will find no parallel anywhere in the world and as such the analogy of a foreign State involving the application of the International law would not be applicable to the Ruler of an Indian State in all its features and may not be helpful in all its aspects regarding the relationship between the States and the British Indian courts. Looking into sections 84, 85 and 86 of the Civil Procedure Code to which reference has already been made by my predecessor, Mr. Mukherjee, it would appear that the conception of the Ruler of an Indian State owning a property in British India has already been thought of. Indeed, if it is urged on behalf of a Ruler of an Indian State that he will not come within the scope of any legislation passed by any Legislature in British India at all, his position will be all the worse, because in that case he can neither sue nor be sued. The right to sue or be sued is regulated by sections 84 and 86 of the Civil Procedure Code. The right to sue or be sued is the elementary right given by the Statute, and the ruler of a state has been given right to sue in any court of British India.

Under section 84, a foreign State may sue in any court of British India provided that such a suit has been recognised by His Majesty or by the Governor-General in Council and provided also that the object of the suit is to enforce private right invested in any such State or in any officer of such State in his public capacity. If the Ruler of a State owns property in British India, in that case if he really wishes to possess any legal right at all and if he wishes to have any remedy in the municipal court within British India, he must come within the category of section 84, that is to say, the object of the suit must be to enforce a private right vested in the head of such a State. He may also possess property in an appertaining state in his private capacity. For example, in the case of Chakla-Rosanabad, in our district, and also in Noakhali, income is derived by the Ruler of Tripura from that. It is not Hill Tippera, as my friend said but the real term is Tippera State. For the revenue collected from the Tippera State there is a budget which has got to be sanctioned in the Council and there are other formalities to be gone into but the income which His Highness derives from Chakla-Rosanabad is not included in the revenue of the State. The income derived from this source is completely at the disposal of the Maharaja. There were some troubles before but so far as the present arrangement is concerned, there is no difficulty. There are two kinds of incomes, one is derived from the State and the other from his personal

property. The question of inheritance arose as to whom the zemindari should go to after the demise of the Maharaja. The Calcutta High Court issued a special Rule and according to that Rule the properties would go to that person who has been the Ruler of the State and not to his legal heirs under the Hindu law.

But that does not take away the right of the Ruler of a State as the head of the State under section 84. Provision has also been made under section 86 to institute a suit against the Ruler of a State. Of course, it requires the sanction of either of the Governor-General or rather of the Governor-General in Council——

Mr. PRESIDENT: Mr. Dutta, I may draw your attention to the amended section of the Act.

Mr. KAMINI KUMAR DUTTA: Yes, Sir, I am thankful to you for reminding me of the change. Of course, there is a difference between the Governor-General and the Crown Representative. No sanction is necessary to institute a suit against the Ruler of a State by a tenant.

I am referring to all these things because the Municipal Courts in British India have been given the *seisin* to take cognisance of matters relating to the immoveable properties owned by the Ruler of a State within the boundary of British India. This shows that it is not beyond the competency of the Municipal Courts to take cognisance of matters relating to the properties of the Ruler of an Indian State situated in British India and to give relief in respect of those properties. So the question would arise whether we can levy taxation in respect of properties owned by the Ruler of a State but situated within the Province of Bengal. I would say that our provincial legislature is competent to do it and for that power of legislation we may look to sections 99, 100 and 101 of the Government of India Act, 1935. I do not find any restrictions placed therein. Section 99 says, "Subject to the provisions of this Act, the Federal Legislature may make laws for the whole or any part of British India or for any Federated State, and a Provincial Legislature may make laws for the Province or for any part thereof." Now we are not making laws for any Federated State but we are making laws for the property situated within the Province of Bengal. We are not making any laws for any Federated State at all. Section 99 says that "Provincial Legislature may make laws for the Province or for any part thereof." I do not think that there is any bar in any of these sections to the Provincial Legislature legislating for taxation in respect of properties situated within the Province even if these properties would happen to be owned by the Ruler of a State. In this connection, I am very thankful to the Hon'ble President for referring to section 155 of the Government of India Act. Though it is not exactly an application of the Government of India Act, yet it may give us a little guide. Section 155 says, "Subject as hereinafter provided, the Government of a Province and the Ruler of a Federated State shall not be liable to Federal taxation in respect of lands or building situate in British India or income accruing, arising or received in British India." So it would appear that this section was inserted in respect of Federal taxation, and I need not dilate upon this section now. There was some purpose behind this section, because when Federation would come into existence the States would make

themselves liable to the legislative powers of the legislatures of the Federation even in respect of the Federated State. So this precaution was taken, but there was a proviso, namely:—

"Provided that where a trade or business of any kind is carried on by or on behalf of the Government of a Province in any part of British India outside that Province or by a Ruler in any part of British India, nothing in this sub-section shall exempt that Government or Ruler any federal taxation in respect of that trade or business, or any operations connected therewitn, or any income arising in connection therewith, or any property occupied for the purposes thereof."

Nothing in this section shall exempt any Ruler from any federal taxation in respect of any land, or building or income being his personal property or income. So it would appear that though this precaution was taken in respect of federal taxation, there was no similar provision made in respect of provincial taxation. The reason for this is quite apparent, because it is only the Federation which could make law in respect of Federated States. Provinces could not make any law in respect of any Federated State, but while taking such precaution in respect of federal taxation we find one indication here that in respect of properties owned by the Ruler of an Indian State in his private capacity, though he is the Ruler of an Indian State and holds it as the Head of the State, that even was made liable to federal taxation and was not exempted from the operation of federal taxation. So this rather strengthens the claim of the Provincial Legislature to levy taxation on properties owned by the Ruler of a State even in the provinces. Therefore, considering the present relationship of the Rulers of Indian States with British India, I am of opinion that the Provincial Legislature is competent to legislate in respect of properties situated within this Province in view of the unfettered power given under section 99 of the Government of India Act.

However, in respect of the penal consequences imposed on account of the breach of certain provisions of the Bill, very intricate questions may arise. I think that that point should be cleared up because in respect of the Rulers of Indian States no immunity has been provided for in the Indian Penal Code. Suppose, the Ruler of a State commits a crime in British India which is an offence under the Indian Penal Code. Whether such Rulers of Indian States will be placed on their trial by the Crown or not, that is a matter of policy, and therefore that is a different matter altogether; but so far as the criminal law of British India is concerned, no immunity has been provided up till now. That point was once considered, *vide* I.L.R. 56, Allahabad, 128, which says that no such immunity does exist in regard to the Rulers of Indian States. As you know, Sir, in case of prosecution it is the Crown which prosecutes and the Crown may prosecute or may not prosecute in a particular case; but I may repeat that there is no immunity in favour of Rulers of Indian States. Section 306 of the Government of India Act enacts that the Governor-General is not subject to the ordinary jurisdiction of any court. Immunity has been provided for in his favour and in favour of other officers but there is no such exemption for any Ruler of an Indian State. So trouble may arise and I think that it ought to be provided against. Because it will give rise to various complications to make

provisions as to the penal consequences in such a manner that it would not be applicable to the Rulers. They may be made applicable in respect of the Principal Officer or Agent of the Rulers of States, as my friend Mr. Bankim Chandra Mukherjee stated, in the light of section 85 of the Civil Procedure Code. But the question is: whether such a provision can be made to touch the agents of Indian States within the province. Even if that is not possible, I do not see any reason why it would not be possible to make the Principal Officer amenable and subject to the penal consequences of the sections of the Act. I for myself do not think that they should be exempt from the liability to tax because they happen to be Agents of an august personage. I do not know why they should escape unscathed.

So my suggestion is that some of the clauses ought to be re-drafted so that the penal consequences would be applicable. In this connection, I would suggest that clauses 24, 25, 32, 33, 41, 43, 53 and 54 may be recast so that this sort of complications may be avoided. My view is that this Legislature is fully competent to impose taxation in respect of property situated within the province if it happens to be owned by the Ruler of a State, as in the case of anybody else.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I have heard carefully what the previous speakers have said on the points placed by you before the House. Mr. Dutta has supported the contention that this Legislature could legislate on the line indicated in the Bill. But I have not been able to follow Mr. Mukherjee. He did not in so many words raise the question of *ultra vires*. He suggested certain improvement for certain reasons. But the questions raised by you have not been answered by him. I proceed from the point that we are a sovereign legislative body. (MR. SHRISH CHANDRA CHAKRAVERTI: Oh! sovereign legislature!) It has been held before the 1935 Act came into operation that the Central Legislature which was acting under a much restricted right under the older Act was considered to be "sovereign" with regard to those legislations which were delegated to them. The Parliament had no jurisdiction over that Legislature so far as the legislations coming under the scope of those delegated powers were concerned. Therefore, with regard to those matters in regard to which legislative power has been delegated to a particular legislature, they are entitled to legislate. If it creates complication with neighbouring States that is a matter of International law. That cannot take away the power of legislation. Full sovereign state in England have full legislative power covering all aspects of life in England. If we examine the question whether the British Parliament has jurisdiction over properties situated in Great Britain but belonging to a foreign power, it will be seen that Parliament has all the powers over such property as upon private property. Now, Sir, coming back to our province, we have been given certain rights and the rights are with regard to territory: in other words, with regard to what territory can we legislate: secondly, with regard to what subject we can legislate: and, thirdly, with regard to what persons we can legislate. Once the territory, the subject and the person with regard to which we can legislate comes within, or are not excluded from our jurisdiction, no question of expediency or International complication can be raised and it shall not deter this House from taking action on those grounds. Examining from that point of view, we find that section 99 of the Government of

India Act defines territorial jurisdiction with regard to which Provincial and Federal Legislature shall legislate.

Section 100 relates to the subject and refers to Schedule VII, wherein we have three lists of which the Third List deals with concurrent legislation. Therefore, the subject is within the territorial limits of the Province. It satisfies one condition. If the subject relates to the Provincial List, it satisfies the other condition. If there is no objection under the Act wherein there is exemption created with reference to a particular person, then no exemption could be claimed or allowed. Now, Sir, sections 99 and 100 are known to you and the exception is created in section 110, but that exception also does not include the subject. Then there are conditional powers given under section 108 and under this section we can legislate on certain subjects only after consent being obtained. The question which you have raised, Sir, is whether we have got power to pass the Bill as it is. We have jurisdiction to pass a Bill like this. If the restrictions do not directly refer to prohibiting this legislation, then we have got the right. There is no such dispute, as far as I have been able to gather, whether it lies within our power to legislate on this subject.

Mr. PRESIDENT: Will you please refer to section 104?

Mr. HAMIDUL HUQ CHOWDHURY: That relates to subjects which are not included in any of the lists. These are what are called "Residuary matters". Section 2 does not refer to the private laws of state but to International questions. In all these things, the Crown Representative, or in other words, the King, shall be responsible.

Section 285 makes it subject to any acts of accession which will hereafter come but till that comes, present laws which govern these relations shall govern them. Section 86 of the Civil Procedure Code provides for agency only. This presupposes jurisdiction. Sections 84, 85, 86 and 87 of the Civil Procedure Code presuppose jurisdiction, but it is in order to satisfy the political side of the question and not to drag in a personality of the status of a sovereign that an agent is created. Therefore, the Crown Representative only permits and nominates the agent. The Crown Representative has not got any other function as provided in section 86. Section 87 provides that a representative of a sovereign state can sue and be sued and shall be sued in the name of that State under the Civil Procedure Code. The Civil Procedure Code lays down procedure by which rights are exercised. And since it says that a Prince or an ambassador shall be sued in the name of the State, it presupposes jurisdiction. Section 155 provides that the Ruler of an Indian State shall be exempt from Federal taxation. When Parliament was considering the rights of the different legislatures as regards taxation, they did not forget about what will happen if the Provincial Legislature makes any Ruler liable to taxation. The proviso makes it clear that even in the case where exemptions are created from Federal taxation, that exemption shall not apply in the case of a Ruler in respect of his trade or business. Under the Federal taxation if the Federation should impose a tax like this, their right is absolute. I should go further and say that if a Federated State should acquire a land in Calcutta for the purpose of exercising its function and appoints an agent who shall be acting as the representative of that State to deal with some

other powers in Calcutta, then even that State will be taxable under the Provincial law.

Khan Bahadur M. SHAMSUZZOHA: Sir, the Government of India Act, 1935, may be taken as a self-contained Act and the Interpretation Chapter which begins with section 311 is perhaps the key——

Mr. PRESIDENT: Khan Bahadur Sahib, I hope you will be brief, for the House would like to hear the Hon'ble Finance Minister.

Khan Bahadur M. SHAMSUZZOHA: Yes, Sir, I shall be brief. As I was saying, the Interpretation Chapter supplies the key to the interpretation to the sections in the Act. That being so, from the definitions of the terms "Indian State" and "British India", it is quite clear that in this connection it has been conceived that there should be a clear-cut demarcation, a clear-cut distinction between what is a State, a Province, territory in British India and also the term "Indian State". The last three words in the definition of the term "Indian State" will conclusively show that there has been a clear-cut distinction. Indian State includes any territory, whether described as a State, an estate, a *jagir* or otherwise, belonging to or under the suzerainty of a ruler who is under the suzerainty of His Majesty and not being part of British India. Therefore, as soon as a territory comes within British India it cannot be within an Indian State. Indian State is a term by itself. Therefore, when we refer to section 2, it contemplates a case only of legislation with regard to Indian States themselves, that is, when we conceive of it as a legal entity itself. Therefore, if a territory is not within British India, the proviso to section 2 or section 184 does not have any application whatsoever. Therefore, I submit that the proviso and section 184 do not impose any bar whatsoever to our legislating over any territory or piece of land which the ruler of an Indian State may own within the Province. So it is abundantly clear that so far as the provisions of the present Bill are concerned, this House is competent to legislate and the Government of India Act imposes no bar whatsoever to our doing so.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, may I suggest that on this very intricate and interesting question we may hear the opinion of the Advocate-General in person?

Khan Bahadur NAZIRUDDIN AHMAD: Sir, at first my honourable friend was scouting the idea that there was anything in the points raised. And now he has gone to the opposite extreme of thinking that the question is so difficult that we cannot decide anything without the help of the Advocate-General. I think he has now realised that the subject is not very easy to decide and has got its subtleties and difficulties.

The House should be grateful to you, Sir, for giving it an opportunity of placing its views on this extremely difficult and complicated question. It is also a question of considerable constitutional importance. Sir, the question has been argued from different points of view and I think the issues have been considerably narrowed down. I should say at once that in respect of properties situated within Bengal but belonging to an Indian Prince, the Provincial Legislature has a right to impose tax on agricultural income arising out of those properties. Of that, I believe, there is no reasonable doubt. The only question of importance is where my honourable

friend Mr. Hamidul Huq Chowdhury has left off. There is no doubt that the Provincial Legislature is competent to deal with the subject in the abstract; the real difficulty is as to whether you can legislate against Indian Princes who are an elusive body, who are just within the jurisdiction of the Province or just without it. It is this elusive question which, I think, you, Sir, have placed before the House for elucidation. I should think that nothing should depend upon the fact that Bengal is a smaller legislature than the Central Legislature. After Provincial Autonomy, Bengal possesses supreme powers, at least powers equal to the Central Legislature with regard to such subjects as are specifically allocated to it in the Seventh Schedule to the Government of India Act.

In the circumstances, no distinction should be allowed to be drawn on that score. We have supreme power, in fact, sovereign power, as Mr. Hamidul Huq Chowdhury has rightly pointed out. In fact, when the Parliament has delegated power to legislate to a subordinate legislature then, within that delegated power, the subordinate legislature must have supreme and plenary powers of legislation. Combining all these considerations, I think it is reasonably clear that the Bengal Legislature has full and complete powers of legislation to impose agricultural income-tax on land within the province. Now, a difficult question arises as to what should be the machinery to enforce the law. That is the crux of the whole thing. It would not be proper to shut our eyes to the difficulties regarding the execution of the law. We have come here as members of the Legislature to pass laws which would not be mere pious wishes. We have come to pass laws which would be enforced and behind which there should be adequate sanction. If there is no adequate sanction behind the law, we cannot, as responsible members of the Legislature, be parties to it. As Mr. Mukherjee has rightly pointed out, the most important thing is the provision for adequate machinery to enforce the law which is wanting in this Bill. Mr. Mukherjee has drawn attention to sections 84, 85 and 86 of the Code of Civil Procedure. The difficulty of importing these sections into this Bill seems to me to be this: that, in the Code of Civil Procedure, choice is given to the Indian Princes to appoint agents, who could sue and be sued on behalf of their masters. If they accept the choice, the agents could be sued and they could sue on behalf of their masters. The question is whether the Indian Princes will appoint agents for the purpose of receiving notices and be bound by the law.

Under the Code of Civil Procedure, the advantages and the disadvantages are equally balanced between British India and the States. In this Bill, by the appointment of agents, the advantages will be all on the side of the Province and the disadvantages will be all on the side of the Indian Princes. In the circumstances, the Indian Princes may well decline the honour and then what will you do? Then again, the mere appointment of agents will not be enough. Other provisions would be needed, which would require negotiation or conference with the Princes to settle. The difficulties are not very easy to solve.

The next question is the question of criminal law. That has not, I believe, been sufficiently dealt with. So far as the criminal liability is concerned, it is not easy to say that an Indian Prince, if he commits an

income-tax offence here in Bengal, while remaining within his own State, could be punished easily. There are insuperable difficulties in this matter. The question arose in 1839, nearly 105 years ago, when Lord Macaulay was the Law Member here. He was entrusted with the task of drafting a Penal Code for India. He dealt with this question with his usual exhaustiveness. He was puzzled by the varieties of the rights, privileges and liabilities and the indefinite character of the rights and obligations and other matters incidental to each Indian State. Then he felt that it would not be proper to define in general terms the rights and liabilities of Indian Princes and he thought that the Indian Penal Laws should not apply to them.

The question as it stands at present is ably summarized by Dr. Gour, in his Penal Law of India and his words may be read with your permission. I read from paragraph 34 of Volume I, Fourth Edition: "As foreign ambassadors are exempt from the Code, so are also foreign sovereigns, and for the same reason." Then later on in paragraph 38 dealing with the Indian Princes he said: "Indian Feudatory Princes and Princes in political alliance with Government are not British subjects; nor are their territories British territory. They are therefore exempt from the operation of the Penal Code. And as being heads of their own State they cannot be tried by the tribunals of their creation, it follows that in their case there is no judicial trial at all. Offences committed by them do not, however, as a rule go unpunished, though the procedure adopted for their trial is not that provided by the Code of Criminal Procedure, nor is the evidence adduced sifted in the light of the Indian Evidence Act. The action of the Government in bringing them to justice in an act of State, against which there is no appeal to judicial tribunals, and the sentence passed on them need not conform to the description of punishments provided in the Code. The usual practice adopted by Government in cases of alleged crime is to appoint a Commission of enquiry which takes such evidence as is forthcoming, draws up its report and submits it to Government for the information of its mind."

"The Government then passes a final order and in doing so it may or may not adopt the recommendation or the findings of the report. If the person affected by the order is aggrieved his only remedy is by a memorial to the higher political authority, before whom he is entitled to no audience by Counsel. He has no remedy in the Civil Court against his conviction if unjust, for this being an Act of State, the Municipal Courts have no jurisdiction to enquire into or judge of its propriety or correctness."

This may also refer to an act done within the State. But the difficulty is that there is no definite authority as to what is to be done in case an Indian Prince commits an offence within British India. Difficult questions of extradition may easily arise. Trial of such a Prince for an offence within British India would be a trial of a Ruler of a sovereign state for an offence and would involve difficult questions of International law. It has been suggested in this House that the position of an Indian Prince is not that of an independent Ruler: that he is, to a certain extent, checked and controlled by the paramount power which resides in British Government. That may be so, but it does not solve the problem. It is true that, to a

large extent, the independence of these Indian Princes are affected by the superior powers of the British Government. That is a matter which is between the Indian Princes and the British Government. Whatever may be the division of power between these two authorities, the Central Government or the Provincial Legislature have power——

Mr. PRESIDENT: Khan Bahadur Sahib, I do not think you need go into the broader question. I shall be grateful if you will kindly confine yourself to the points at issue

Khan Bahadur NAZIRUDDIN AHMAD: All right, Sir. My submission would be this: that the Bengal Legislature has power over the subject-matter. With regard to Indian States, I think we have right to legislate but suitable machinery should be incorporated in the Bill by which we could enforce the provisions of the Bill With regard to the penal provisions, something should be done to see that they are binding upon the Princes. It will not do to say that they can appoint agents for the purpose of receiving punishments. If it were so, many honourable members will be willing to commit fashionable crimes if they could be reasonably certain that they could appoint agents to take punishments on their behalf. In fact, in a case in a Village Union Bench, an accused person did not appear personally, when called but sent his son and the son was convicted That was possible in a Union Bench but we cannot legislate for that So far as the criminal law is concerned, no agent can be appointed to take the punishment. In the circumstances, I submit that these matters should be carefully considered in arriving at a solution We are again grateful to you, Sir, for giving us the opportunity of expressing our opinion on this difficult question.

Mr. PRESIDENT: Mr Lalit Chandra Das. Mr. Das I hope you will be brief.

Mr. LALIT CHANDRA DAS: All right, Sir. Mr. President, Sir, whether we have got jurisdiction to legislate is a point which has been answered by item No. 41 of List No. II of the 7th Schedule of the Government of India Act, 1935. By this an Indian Ruler having lands in British India can be taxed for income derived from his lands situated in British India, and when this is so we are certainly competent to legislate and to impose taxes on incomes derived from lands situated within British India.

Then, Sir, there is another point which arises in this connection, with reference to sub-rule 12 and sub-rule 9 of section 2 of our Bill. Section 2 in defining a "Person" has included within the definition the Ruler of an Indian State. At the same time, by sub-rule 12 it has been clearly stated who the Principal Officer should be in relation to the Ruler of an Indian State. It has been stated under sub-rule 12 that the Principal Officer should be the manager or agent in Bengal of the Ruler of the Indian State concerned. If that is so, Sir, why should the Ruler of an Indian State be personally affected? I say that the Ruler should not be affected in any way. There is a specific section, section 85, in the Civil Procedure Code which lays down that persons specially appointed by order of the Government at the request of any Sovereign Prince or Ruling Chief, whether in subordinate alliance with the British Government or otherwise and whether residing within or without British India or at the request of any person competent in the opinion of the Government, to act on behalf of such Prince

or Chief, to prosecute or defend any suit on his behalf, shall be deemed to be the recognised agents by whom appearances, acts and applications under this Code may be made or done on behalf of such Prince or Chief. The only difficulty seems to be simply with reference to criminal prosecution which may be started against persons who are to pay the tax for income arising out of land situated in British India. That difficulty can be obviated, however, if the Government side were a little more explicit. Section 24 of the Bill reads thus: "The Agricultural Income-tax Officer should on or before such date in each year as may be prescribed, give notice, by publication, in such newspapers and in such other manner as may be prescribed requiring every person whose total agricultural income during the previous year exceeded the maximum amount which is not chargeable to agricultural income-tax to furnish, within such period not being less than sixty days as may be specified in the notice, a return in the prescribed form, etc., etc." "As may be prescribed" are the most important words. If Government would by rule prescribe that notices in relation to the Rulers of Indian States are not to be served on the Rulers themselves but upon their Principal Officers, their managers or their recognised agents, then I think the difficulty can be obviated; otherwise great difficulty will arise in relation to Indian Rulers from the provisions of sections 32, 47, 54 and 53 of the Bill, for these are penal sections. Section 32 deals with penalty for concealment of income. But upon whom is this penalty to be imposed? Upon the officer upon whom the notice has been served? If by rules prescribed Government make that clear and frame a rule that the notice is not to be served upon the Ruler of a State but upon its Principal Officer, namely, manager or agent, then I think the penal provisions of the clause can be avoided; otherwise the difficulty will always remain.

In section 47 of the Bill——

Mr. PRESIDENT: I do not think you need go into the clauses at this stage. Your contention is that the House has the power to legislate imposing a tax on the agricultural income arising out of the property of Indian States within the province. You have no doubt about that; but your difficulty is in connection with the penal clauses and you suggest that this difficulty can be obviated by amending those clauses?

Mr. LALIT CHANDRA DAS: My objection is also with regard to the rule-making powers of Government—to make rules hereafter. They should make it plain here and now. The clauses may be amended. Suppose, under the rule-making power of Government they make no rule in respect of Rulers of States. The difficulty is this: Government may not make any rule so far as the Ruler of a State is concerned. I think, Sir, Government should take steps to make this point specific and clear. They should make liable the Principal Officer or manager as the agent of the Indian State residing in British India and not the Ruler of an Indian State for any criminal acts done under this Act. In my view, the Ruler is immune from any criminal prosecution within British India by British Indian Courts. He may sit quite tight and safe in his own territory and he cannot be extradited.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, we all appreciate your desire that an important measure like the Bengal Agricultural Income-tax Bill should not be of such a character as would make it liable to be subsequently declared invalid I quite appreciate that. But I would submit that the responsibility is with Government to see that a particular Bill sponsored by them is *ultra vires* of the Legislature. I have just had the advantage of hearing a learned discussion on this subject. But long before this discussion, I had examined this very question which has been raised by you, Sir, and other honourable members of the House. I examined the points very carefully myself and also sought expert advice; and I was convinced that all the provisions of the Bill are *intra vires* of the Bengal Legislature We have very recently obtained the opinion of the Advocate-General who has confirmed the view taken by Government with regard to the points raised. I may say that the discussion which has taken place in this House this afternoon has convinced me deeply that there is no provision in the Bill which is liable to be declared *ultra vires*. As regards the question of "policy" raised by the honourable Leader of the Opposition, Mr. Kamini Kumar Dutta, namely, that Government should see that as far as possible there should be no friction between the Government of Bengal and the Ruler of a State, I may say at once that it is the policy of Government to see that such friction does not take place. As a matter of policy, it is not our intention to administer the Act in the manner suggested So far as the provisions of this Bill are concerned, I repeat that they are within the competence of this Legislature.

Sir, the main point is: whether the Ruler of an Indian State can be taxed on his properties or investments in British India. I am very glad to find Mr. Kamini Kumar Dutta in complete agreement with Government as to the question of competency of this Legislature to enact a law like the Bengal Agricultural Income-tax Act. I think it is well-known that some Rulers of Indian States have very large investments in British India and those investments are liable to income-tax by the Central Government. Similarly, it is known that with regard to the properties of Rulers of Indian States, like Chakla-Rosanabad, they are subject to land revenue—and not merely to land revenue but to cesses imposed by the Bengal Provincial Legislature. So, there is absolutely no reason on principle why another tax cannot be imposed in respect of those properties. I wish just to refer to the Government Trading Taxation Act, 1926, section 2. I shall, with your permission, Sir, read section 2 of that Act:

"2. (*1*) Where a trade or business of any kind is carried on by or on behalf of the Government of any part of His Majesty's Dominions exclusive of British India, that Government shall in respect of the trade or business and of all operations connected therewith, all property occupied in British India and all goods owned in British India for the purposes thereof, and all income arising in connection therewith be liable—

(*a*) to taxation under the Indian Income-tax Act, 1922, in the same manner and to the same extent as in the like case a company would be liable;

(*b*) to all other taxation for the time being in force in British India in the same manner as in the like case any other would be liable.

(2) For the purposes of the levy and collection of income-tax under the Indian Income-tax Act, 1922, in accordance with the provisions of sub-section *(1)*, any Government to which that sub-section applies shall be deemed to be a company within the meaning of that Act, and the provisions of that Act shall apply accordingly."

Sir, I have read this particular section of a very important Act for this reason. It is my case that on the basis of the above section the British Indian incomes of Rulers of Indian States in their public and official capacity and also of Dominion Governments, are being taxed under the Indian Income-tax Act and that the provision for service of notice on such Rulers and Dominion Government under the Income-tax Act is the same as in the present Bill, namely, that it can be served either by post or as if it were a summons issued under the Civil Procedure Code.

Sir, I do not think that recent amendment of section 86 of the Civil Procedure Code, to which reference has been made, is a very material point against me.

In that amendment the Crown Representative has been specifically mentioned for the simple reason that the function of a Crown Representative was specifically created by the Government of India Act, 1935. There was no special significance attaching to that amendment.

I submit, Sir, that in view of the very definite opinion of the Advocate-General and of what I have stated, the House will now agree that they can safely proceed to consider the different clauses of the Bill untrammelled by any feeling that any of the provisions enacted here will be successfully challenged in a court of law. Sir, the whole point with regard to the liability of the Rulers to the jurisdiction of courts in British India is this: A provision in this Bill may be inoperative to the extent that a Ruler succeeds in establishing his immunity. A particular provision may be inoperative in certain circumstances and that is the worst that may happen. We have the competency to legislate. We have the power to prosecute, if necessary, the Ruler of a State. But if a Ruler establishes some kind of immunity in respect of something, well there we may lose; but that does not make our law a bad law. This is all I wish to say. Sir, as regards the Rulers of States trying to avoid, it is not always clear what immunities a Ruler may possess. Many hypothetical questions arise. I need not answer them. And yet I think complications should be avoided and our provision should be as straightforward as possible. If law or usage gives an immunity to a person by virtue of his status, we cannot help it. But I submit, Sir, that our provisions have been so carefully framed that we shall not be losers to any considerable extent by the exercise of any immunity on the part of the Rulers. We are not only competent to legislate: we have by this Bill offered a machinery by which the tax on the agricultural incomes of the Rulers of States in Bengal will safely be in the coffers of the Bengal Treasury.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. May I ask the Hon'ble Finance Minister whether it is the opinion of the Advocate-General also?

Mr. PRESIDENT: Mr. Das, I was going to suggest that in view of the fact that Government relies so much on the opinion of the learned

Advocate-General, Government may invite him to explain the points to the House.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I have requested the Advocate-General to come and address this House on this aspect of the question. He will be available on Friday next.

Mr. PRESIDENT: In that view of the matter, I suggest that we meet the Advocate-General here on Friday next, and we do not take up any non-official business on that day, provided Government are prepared to give us another day for consideration of the non-official business. It is a very important question; so let us decide that we hear the Advocate-General on the points of law on Friday next.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I have a certain important matter to mention. It is with regard to several notices of amendments regarding this Bill which were submitted late.

Mr. PRESIDENT: Thank you very much for mentioning it. Late amendments will be admitted.

Mr. HABIBULLAH CHOWDHURY: Sir, I gave notice of a question in connection with Tippera Chakla Rosanabad——

Mr. PRESIDENT: I have not seen this question.

The House stands adjourned till 2-15 p.m. on Friday.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 23rd June, 1944.

Members absent.

The following members were absent from the meeting held on the 20th June, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Khan Sahib Nurul Amin.
(3) Mr. Kader Baksh.
(4) Rai Bahadur K. C. Banerji.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. N. C. Datta.
(7) Mr. R. W. N. Ferguson.
(8) Khan Bahadur Abdul Gofran.
(9) Maulana Mohd. Akram Khan.
(10) Mr. N. N. Moholanabish.
(11) Mr. N. N. Mookerji.
(12) Mr. R. S. Pursell.
(13) Dr. K. S. Ray.
(14) Mr. K. C. Roy Chowdhury.
(15) Mr. S. N. Sanyal.
(16) Dr. Kabiruddin Talukdar.

BGP-44/5-4321A-750

First Session, 1944—No. 50.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 23rd June, 1944, at 2-15 p.m., being the fiftieth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Mr. MESBAHUDDIN AHMED: Sir, we are anxious to hear the learned Advocate-General and so there may be no questions and answers today.

Mr. PRESIDENT: Order, order. What is it, Mr. Mesbahuddin?

Mr. MESBAHUDDIN AHMED: I was saying that I have advised the Hon'ble Ministers that there would be no questions today, for we would be listening to the address of the Advocate-General. I understood, Sir, that he would be addressing the House immediately we met.

Mr. PRESIDENT: What made you understand that?

Mr. MESBAHUDDIN AHMED: The other day I enquired of the Chair and that is what I understood from you, Sir.

Mr. HARIDAS MAZUMDAR: Then why was the list of Questions and Answers circulated to us today?

Mr. PRESIDENT: Order, order. Are not the Hon'ble Ministers present in the Chamber today to answer the questions?

Mr. MESBAHUDDIN AHMED: No, Sir.

Mr. PRESIDENT: In that case, the questions may be held over today. But without the express permission of the Chair I do not think the Chief Whip of this House had any right to assume that there would be no questions today.

Mr. BANKIM CHANDRA DUTTA: Sir, the Whip is slighting the House.

Mr. PRESIDENT: Order, order. There is no question of slighting the House. I believe it is a case of misunderstanding.

Mr. LALIT CHANDRA DAS: May I enquire how this misunderstanding arises?

Mr. PRESIDENT: Mr. Mesbahuddin says that he enquired of the Chair and I told him that the Advocate-General would address the House and Mr. Mesbahuddin thought that there would be no questions, though he had no right to do so. I am, however, prepared to take this as a case of genuine misunderstanding. So the questions are held over till the next day.

The Secretary will now read the Message from the Legislative Assembly.

Message from the Legislative Assembly.

SECRETARY (Dr. S. K. D. Gupta): Sir, the following message has been received from the Bengal Legislative Assembly :—

> "The Advocate's Robes Bill, 1944, as passed by the Bengal Legislative Assembly at its meeting held on May 12, 1944, has been duly signed by me and is annexed herewith. The concurrence of the Bengal Legislative Council to the Bill is requested."
>
> SYED NAUSHER ALI,
> *Speaker,*
> ***Bengal Legislative Assembly.***

Sir, I herewith lay on the Table the Advocate's Robes Bill, 1944, as passed by the Assembly at its meeting held on the 12th May, 1944.

Points of law arising out of the Bengal Agricultural Income-tax Bill, 1944.

Mr. PRESIDENT: Order, order. The Advocate-General is here to explain the points of law that have arisen in connection with the Bengal Agricultural Income-tax Bill. I would first of all like to place before the House the points on which he is to address the House. I place the points, one by one:—

(1) Is the Provincial Legislature competent to pass legislation imposing duties and obligations on the Ruler of an Indian State in his public and official capacity?

In this connection, I would draw the attention of the learned Advocate-General to the proviso to section 2(*1*) of the Government of India Act, 1935, under which His Majesty's functions in relation to Indian States can be exercised only through the Crown representative or officers under the Crown representative. So, will the provisions in the Bill, which propose to invest the officers of the Provincial Government with powers to impose duties and obligations on the Rulers of Indian States in their public and official capacity, be *intra vires* of the Provincial Legislature?

(2) Is the existing usage, according to which the Ruler of an Indian State pays tax on lands belonging to the State within the British territory, such as revenue, cess, etc., aplicable to agricultural income-tax which is a *personal* tax, though assessed with reference to income from land? In view of section 285 of the Government of India Act, 1935, can such tax and obligations be imposed on the Princes? Since section 285 preserves the existing rules and privileges of the Rulers of Indian States, can any fresh liability or duty be imposed upon them?

In this connection, I would also like to mention that the Government Trading Taxation Act of 1926 which is an Act of the Indian Central Legislature, was a consensual legislation based on agreement arrived at in one of the Imperial conferences. That is the genesis of that Act. Can that principle apply to the Bill which is now before the House imposing duties and obligations on the Ruler of an Indian State in his public and official capacity?

(3) Would not clauses 53 and 54 of the Bill read with clauses 2(*9*) and 2(*15*) make the Ruler of an Indian State in his public and official capacity subject to prosecution and punishment by British Indian courts? Does not the Bill propose to give jurisdiction to courts where such jurisdiction does not lie?

(4) Clause 61 of the Bill read with clauses 2(*9*) and 2(*15*) enables notices and requisitions to be served on the Ruler of an Indian State by post. Can proceedings be started against the Ruler of a State in this manner?

In this connection, I would draw the attention of the Advocate-General to the cases of Mighell *vs.* Sultan of Johore, of Statham *vs.* Statham and Gaekwar of Baroda, and of Duff Development Company *vs.* Sultan of Kalentan. In this connection, I would also draw his attention to section 86 of the Civil Procedure Code, as amended by the Order in Council promulgated after the passing of the Government of India Act of 1935, transferring the power of granting sanction for institution of suits against the Rulers of Indian States from the Governor-General in Council to the Crown representative.

(5) In view of the proviso to section 2(*1*) of the Government of India Act, 1935, can officers of the Provincial Government, such as the Aricultural Income-tax Officers, exercise powers over the Ruler of a State in his public and official capacity? Provisions conferring rights on officers of Provincial Government—are they not repugnant to section 2(*1*) of the Government of India Act?

These are the main points. Now, the procedure that I propose to follow is: that after the learned Advocate-General has addressed the House and explained the points of law, there should be no general discussion on points mentioned by him; but if any honourable member feels any doubt in regard to a particular point he may have it cleared by putting questions.

I will now request the learned Advocate-General to address the House.

Mr. S. M. BOSE (Advocate-General): (1) The Agricultural Income-tax Bill seeks to impose a tax on agricultural income. It is covered by item No. 41 in the Provincial List. Therefore, this House has got full and plenary power to pass any law dealing with agricultural income-tax for the province——

Khan Sahib FARIDUDDIN AHMED: Sir, may I suggest that the Advocate-General may kindly go over to the microphone so that there may not be any difficulty in hearing him?

Mr. S. M. BOSE: Sir, the object of this legislation is to impose a tax on the agricultural income derived from land situated in the province. It is covered by items 21 and 41 of the Provincial List. The Provincial Government has, therefore, full and plenary power to pass laws which would affect lands in the province and income derived from land in the province. The question that has arisen is: whether the Provincial Legislature is competent to impose duties and obligations on the Ruler of an Indian State in respect of such income. It will be clear from the Provincial List, items 21 and 41, that it is within the power of the Province to pass laws on this subject.

With reference to section 2(*1*) of the Government of India Act, 1935, it may be said that the reservation of the power of His Majesty is "except in so far as may be otherwise provided by or under this Act". It has been provided by this Act that the province has full power to levy tax on agricultural income. Therefore, I submit respectfully that section 2(*1*) of the Government of India Act does not stand in the way of the power of the Provincial Legislature to deal with this point.

(2) The next question is: Is the existing usuage, according to which the Ruler of an Indian State pays taxes on land belonging to the State, within British territory, such as revenue, cess, etc., applicable to agricultural income-tax which is a *personal* tax, though assessed with reference to income from land? It is expressly covered by items 21 and 41 of the Seventh Schedule. It is true that so far as the Government Trading Taxation Act, 1926, is concerned, it was passed on an agreement between the Government and the Princes; but that is only a matter of historical importance. The validity of the Act does not depend on the existing agreement between the Princes and the Government, but on the fact that that Act has been passed by the Indian Legislature. It is true that that Act was passed before the new Constitution came into force. In considering the question whether this subject comes within the ambit of the Legislature we have to examine the three lists carefully and we find that this Bill does not affect the rights and obligations of the Crown but only seeks to impose a tax on the income which the Princes derive from the lands within the province.

(3) The next question is, "Would not clauses 53 and 54 of the Bill read with clause 2(*9*) and clause 2(*15*) make the Ruler of an Indian State in his public and official capacity expressly subject to prosecution and punishment by British Indian Courts? Does not the Bill therefore expressly confer jurisdiction on Courts which such courts do not possess?"

This does not present any difficulty at all. The power of the Provincial Legislature is confined to lands within the province, and any offence arising out of transactions with reference to lands is a matter within the provincial legislative sphere. There is no reason why an Indian Prince who owns lands within the province and who does not pay land revenue should

not be brought within the ambit of this legislation. The question whether he can be tried by municipal courts is one which is quite simple. There is nothing in the Act which prevents this Legislature from providing for the trial of persons who have committed an offence with reference to lands within the province. Whether a particular Prince who has committed an offence can claim immunity or not is a matter which is to be decided if and when such question arises. The Prince's claim to immunity is a matter of International Law which is something like Common Law. But the Provincial Legislature has power to abrogate the Common Law, to modify it, and when this is done the immunity so long enjoyed by the Indian Prince by virtue of the International Law disappears. Therefore, if an offence is committed under clause 54, there is no question of any legal bar nor of want of jurisdiction of the Provincial Legislature to pass a Bill which would bring the Princes within the law.

(4) The fourth question is: "Clause 60(*1*) of the Bill read with clause 2(*9*) and clause 2(*15*) enables notices and requisitions to be served on the Ruler of an Indian State by post. Can proceedings be started against the Ruler of a State in this manner?"

Reference has been made to the three well-known cases, namely, the case of Mighell *vs.* Sultan of Johore, the case of Statham *vs.* Statham and Gaekwar of Baroda, and the case of Duff Development Company *vs.* Kalantan Government. In England, International Law applies to its fullest extent, and the Rulers of Independent States can claim absolute immunity and they cannot be tried by English Courts. But here International Law does not apply to its fullest extent. Section 86 of the Civil Procedure Code has curtailed the rights of the Ruler of an Indian State. That is an illustration where the International Law has been modified by Statute. That is exactly what is sought to be done by this piece of legislation. Therefore, the right of immunity, not being an absolute claim, can be modified by an appropriate legislation of the Legislature.

(5) The fifth question is, "In view of the proviso to section 2(*1*) of the Government of India Act, 1935, can officers of the Provincial Government, such as Agricultural Income-tax Officers, exercise powers in respect of the Ruler of an Indian State in his public and official capacity?"

Sir, I know of no law which prevents a Provincial Government from sending a summons to a Prince, provided it has reference to matters which relate to a legislation within the Province or to a subject within the powers of the Legislature. So long as that subject is within the powers of the Legislature, this Legislature necessarily has all the powers to serve notices and to do everything necessary to attain the main object of the Bill.

These are all that I have got to say in respect of the questions which were put to me for elucidation.

Mr. LALIT CHANDRA DAS: There are within Bengal the estates of three Indian Princes, namely, those of the Maharaja of Tripura, the Maharaja of Cooch Behar and the Maharaja of Maurbhanj. These lands lie within British territory and if a summons has to be issued against them for any offence under section 53 or section 54 of the Bill, how is the law to be applied to them? How can they be brought out from their own territories and tried in a British court of law? Suppose, a summons is issued against the Maharaja of Tripura and he chooses to remain in his capital at Agartala, how, in that case, is he to be brought before the Indian courts for trial? I would like the learned Advocate-General to kindly throw light on this point.

Mr. S. M. BOSE: In this case it is not a question of the law of extradition at all. If from the facts of the case a notice has got to be served upon the Ruler of an Indian State for an offence under this Act and he chooses not to obey it, then it will simply come to this that you cannot execute the process: that is all. It would just be like an Englishman who owns land

in Bengal and has got to pay this tax but he happens to be in London and so cannot be brought out. The law is *intra vires*; there is nothing wrong with the law. You could not simply execute it on account of the peculiar circumstances of the case.

Mr. BANKIM CHANDRA MUKHERJEE: In such a case I would like to know whether there can be any machinery for enforcing the payment of the tax. You cannot get the person within the province; that is quite clear. But the question is in what manner under the provisions of this Act this tax can be realised from the Ruler of an Indian State.

Mr. PRESIDENT: That point, I think, does not arise from the questions before the House; that is the business of the draftsman in the Legislative Department.

Mr. BANKIM CHANDRA MUKHERJEE: The Ruler cannot be brought out from his territory—that we learn from the Advocate-General; but what is the machinery by which this tax can be realised from him if he chooses not to pay it?

Mr. PRESIDENT: It is not the duty of the learned Advocate-General to improve the drafting of the Bill. The Advocate-General has given his opinion on the points of law that arise out of the Bill as it has been drafted.

Khan Bahadur NAZIRUDDIN AHMAD: The expression "Indian State" has been defined in section 311 of the Government of India Act, 1935, and that I think will to a certain extent eliminate some of our difficulties. An Indian State, according to this definition, is not any territory which is in British India. So, if an Indian State has got to pay an agricultural income-tax on any land within Bengal, which is within British India, then while functioning in Bengal, it ceases to be an Indian State within the meaning of the Government of India Act. I should like to know from the learned Advocate-General whether this definition will remove some of the difficulties in this respect.

Mr. S. M. BOSE: I am not sure, Sir, if I have followed the question; but the definition of an "Indian State", as given in the Government of India Act, will support the purposes of the Agricultural Income-tax Act. So far as this Bill is concerned, there does not seem to be any difficulty at all, because the definition of the word "person" includes a Hindu undivided joint family, a firm, a company and the Ruler of an Indian State; and the Ruler of an Indian State means the ruler of such State in his public and official capacity. So, if such a Ruler has got land in British territory, then his income from that land may be sought to be affected.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, what I wanted to enquire was this: According to the Government of India Act, we learn that any territory which is within British India is not an Indian State. Will the Government of India Act, by this definition, exclude any area which is owned by an Indian State but which is within the British territory and thus cease to have any of the advantages which are derived by an Indian State by the definition? The definition which removes an Indian State from the category of an Indian State and of all those advantages and disadvantages which are reserved to an Indian State by the Government of India Act, will cease to apply to such area. So the area in which we are legislating will cease to be an Indian State, according to the Government of India Act. In that case, all the troubles vanish. This is only a suggestion. I want to know whether that would be so.

Mr. S. M. BOSE: The definition given in the Government of India Act of an Indian State includes any territory whether described as a State or otherwise. So, it is intended to include other States which ordinarily cannot be included within the definition of the words "Indian State".

That is the only purpose of the definition in section 311. Whether described as a State, an Estate, a Jagir or otherwise, it will be deemed to be an Indian States for the purpose of the Government of India Act.

Khan Bahadur NAZIRUDDIN AHMAD: The other question which I would ask is this: we feel that the Provincial Legislature has a right to impose Agricultural Income-tax on the Ruler of an Indian State. But the question is—the Bill does not provide any machinery for serving and sending notices to Indian States. I would like to know whether proper machinery should and may be introduced in the Bill for making it possible for us to send notices to Indian States and provide for substituted services as there are in the Codes of Criminal and Civil Procedure. Whether in order to make things complete, a suitable machinery could be inserted in the Bill.

Mr. S. M. BOSE: It is for the Provincial Legislature to do so. The Provincial Legislature has full power to adopt proper machinery; whether you will do so is a matter entirely for you to decide.

Khan Bahadur NAZIRUDDIN AHMAD: The Indian Princes have got some special privileges under section 86 of the Civil Procedure Code. There is a recent ruling of the Calcutta High Court, I. L. R. Volume 35, Calcutta, page 777. In that case it was held that a suit for title for land within Bengal belonging to the Maharaja of Tippera was not maintainable in a British court without proper sanction. The question that I wish to suggest is this: that in spite of the power given to the provincial legislature over all persons this law, indicated in section 86, has not been affected in consequence of the enactment of the Government of India Act, 1935. We find that still the Indian Princes enjoy certain privileges under the Code of Civil Procedure. There is the India Order: that has not been allowed to affect this privilege. There is some kind of privilege enjoyed by Indian Princes. So I would like to know whether any difficulty may arise about this privilege which seems to be at the bottom of this conception—whether that privilege may in some way be affected by this enactment.

Mr. S. M. BOSE: Privileges are not conferred by any Act of the Indian Legislature. That is a matter of public International law. This Legislature has plenary power to affect the privileges conferred by those laws not seeking to affect any existing Indian law.

Mr. LALIT CHANDRA DAS: Sir, may I enquire if returns are filed by the principal officer of the Ruler of a State,—principal officer is defined in sub-section (*12*) of section 2 as "the manager or agent in Bengal of the Ruler of the Indian State"—then who would be liable for criminal prosecution, Ruler of the Indian State or the principal officer?

Mr. S. M. BOSE: If the principal officer violates any provision of the Bill, he will be prosecuted; and if the Ruler violates, he will be prosecuted. There cannot be any vicarious apportionment of responsibility!

Mr. PRESIDENT: Mr. Advocate-General, may I refer you to the portion of Wheaton's International Law where the status of Indian and protected States has been described: "They (Indian States) are not subjected to legislation by the Indian Legislature or by the Legislative Councils of the Presidency in which they are situated; nor is the law of British India administered within their borders".

Mr. S. M. BOSE: That will be so far as their own State is concerned, not in reference to any State in British India.

Mr. PRESIDENT: May I refer to proviso to section 2(*1*) of the Government of India Act, 1935? It is said, "Provided that any powers connected with the exercise of the functions of the Crown in its relations with Indian States shall in India, if not exercised by His Majesty, be

exercised only by, or by persons acting under the authority of His Majesty's Representative for the exercise of those functions of the Crown".

Now, here under the amended section 86 of the Civil Procedure Code, is not sanction from the Crown Representative necessary?

Mr. S. M. BOSE: This Legislature does not affect the power at all. The Agricultural Income-tax Bill does not affect that power in any way. It does not attempt to do so.

Mr. PRESIDENT: May I put another question? Does not the Bill go beyond that? Are not certain duties and obligations going to be imposed on the Ruler of an Indian State in his official or public capacity and in that case does it not require the sanction of the Crown Representative, if any power of His Majesty is to be exercised with relation to the Ruler of an Indian State?

Mr. S. M. BOSE: So far as this Bill is concerned, it does not affect the power of the Ruler of an Indian State in his official or other capacity. This Bill does not seek to encroach upon the rights of Rulers of Indian States. It may be that further sanction is necessary. This Bill does not deal with Indian Princes *qua* Indian Princes; but only with respect to the zemindari or with respect to the lands in the province.

Mr. PRESIDENT: Mr. Advocate-General, what about the definition regarding the official or public capacity of a Ruler of an Indian State?

Mr. S. M. BOSE: This has to be read in context with the whole Bill. It only refers to the land of a Ruling Prince in Bengal and not elsewhere. Therefore, the Bill is not seeking to affect the status or the powers of an Indian Prince so far as his own territory is concerned or to curtail his privilege in any way.

Mr. PRESIDENT: An agricultural income-tax like other income-taxes is not a land tax; it is a *personal* tax, although it is imposed with reference to the Ruler's income out of the land situated in British India.

Mr. S. M. BOSE: A personal Income-tax Bill is confined to income to be derived from property in Bengal and not elsewhere.

Mr. PRESIDENT: Thank you.

Mr. BANKIM CHANDRA MUKHERJEE: May I draw the attention of the Hon'ble Advocate-General to section 155 of the Government of India Act which runs thus:—

> "Subject as hereinafter provided, the Government of a Province and the Ruler of a Federated State shall not be liable to federal taxation in respect of lands or buildings situate in British India or income accruing, arising or received in British India":

In this connection, I may also read one or two sentences from the Notes of Aiyar on the Government of India Act which are as follows:—

> "The levy of a municipal rate has been held to be the imposition of a tax within the meaning of this prohibition"; and

and then he refers to the Municipal Council of Sydney *vs.* The Commonwealth which runs as follows:—

> "A Municipal Corporation cannot have any greater power to impose taxation than the state by which it was created and by which its own powers are conferred".

Now, it seems to me that the Provincial authority, *i.e.*, the Province of Bengal is created no doubt by the senior authority, *i.e.*, the Crown, and if the Crown and the Federated State are not competent to impose any tax on the Ruler of an Indian State, the ruling which is quoted from the Canadian Commonwealth Law Report, that is, that "a Municipal Corporation cannot

have any greater power to impose taxation than the State....." Would not that create any difficulty so far as the Province of Bengal is concerned? I may also read one or two sentences more from Aiyar which are as follows:—

> "The word 'tax' in this context has been held to include not only 'an enforced levy for the purposes of general Government' in the narrow sense of the term, but also any imposition by whatever name called. A state which has itself no power to make such a levy cannot confer the power under another name, and in a Constitutional instrument defining and limiting the power of Constitutional authorities, the word 'tax' must be construed in the wider sense and the prohibition of the imposition of the tax must be held to include a prohibition of any such imposition by a delegated authority."

That is the point.

Mr. S. M. BOSE: Not having seen the Australian case, I would not venture an opinion. I would rather suspect that the relevant provisions of the Australian Constitution Act are in terms, entirely different from the Government of India Act, 1935. Apart from that, section 155 of the Government of India Act by its implication suggests that the Province has the power to tax. The power to tax which the Provincial Legislature has, is by virtue of section 100. Section 155 is the only limitation of the power of the Centre to levy taxes. If it was intended to restrict the power of the province, you would have expected similar sections in the Constitution Act.

Mr. BANKIM CHANDRA MUKHERJEE: May I refer once again to section 285 of the Government of India Act? Under that section, subject, in the case of a Federated State to the provisions of the Instrument of Accession of that State, nothing in this Act affects the rights and obligations of the Crown in relation to any Indian State. Now, as the British Crown was under an obligation not to impose any tax upon any Ruling Prince before the Federal part of the Government of India Act was enforced, would not that be hit by the provision of section 285?

Mr. S. M. BOSE: It is not a question of the power of legislation at all: the power of legislation is there, but may not be in operation.

Mr. LALIT CHANDRA DAS: If we can legislate about the criminal prosecution of the Ruler of an Indian State in person, can we also legislate about the process or the summons that are to be served on him and as to how the Princes can be brought down to British India?

Mr. S. M. BOSE: The province has no power to make any law which would bring the Ruler of an Indian State outside his territory.

Mr. LALIT CHANDRA DAS: Exactly so. In this Bill we are legislating about the criminal prosecution of the Ruler of an Indian State in person and the learned Advocate-General says that we are capable of doing that. But at the same time it is said that we cannot legislate as to the proper method of serving the process on such a Ruler. If you cannot do that, then I submit what is the use of having a power which is altogether infructuous!

Mr. S. M. BOSE: That is a question of policy: the power is there. But whether it will have any effect or not is a question of policy.

Mr. PRESIDENT: I take it that no other honourable member desires to put questions to the learned Advocate-General. I thank the Advocate-General for kindly addressing the House and explaining the difficult points that have arisen in connection with this Bill. I propose to give my ruling at that next sitting day. Thank you, Mr. Advocate-General.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I submit that Government have put in certain amendments to this Bill but they have not yet decided whether they would move any of them or not. Government, accordingly, would now want a few days' time for this purpose. I would, therefore, request you, Sir, to adjourn the House till the 3rd of July, when the Bill will be taken up, clause by clause, and finished.

Mr. LALIT CHANDRA DAS: Will you allow us to protest against the manner in which Government is getting this House adjourned on the plea that they are not ready?

Mr. PRESIDENT: Mr. Das, I do not think there is anything to protest against. It is a Government measure and an important piece of legislation. Government have also given notice of certain amendments. If they asked for some time to consider those amendments, is there anything to object to?

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I have sent out some amendments at short notice after the expiry of the due time. I pray that they may be admitted.

Mr. PRESIDENT: There will now be plenty of time for giving notice of amendments.

The House now stands adjourned till——

Khan Bahadur M. A. MOMIN: May I suggest that the House be adjourned till the 4th July and not till the 3rd.

Mr. PRESIDENT: Well, it is for Government to suggest till which date the House should be adjourned.

(Consultation took place between the Hon'ble Chief Minister and the Hon'ble the Leader of the House.)

The Honourable Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: All right, Sir, we have no objection to the House being adjourned till the 4th of July.

Mr. PRESIDENT: The House stands adjourned till 1-30 p.m. on Tuesday, the 4th July, 1944.

Adjournment.

The Council then adjourned till 1-30 p.m. on Tuesday, the 4th July, 1944.

Members Absent.

The following members were absent from the meeting held on the 23rd June, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. N. C. Datta.
(6) Mr. K. K. Dutta.
(7) Khan Bahadur Abdul Gofran.
(8) Mr. Humayun Z. A. Kabir.
(9) Maulana Mohd. Akrum Khan.
(10) Mr. N. N. Moholanabish.
(11) Mr. R. S. Pursell.
(12) Dr. K. S. Ray.
(13) Mr. K. C. Roy Chowdhury.
(14) Mr. S. N. Sanyal.
(15) Khan Bahadur M. Shamsuzzoha
(16) Dr. Kasiruddin Talukdar.

BGP-44/5-4248A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 51.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 4th July, 1944, at 1-30 p.m., being the fifty-first day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Security prisoners.

194. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the total number of security prisoners of this Province so far taken into custody under the Defence of India Rules and Act;

(*b*) the number of the families of these security prisoners receiving maintenance allowance from the Government;

(*c*) the lowest sum sanctioned by the Government in the cases of the above families and the number of families receiving such sums; and

(*d*) if the Hon'ble Minister will be pleased to lay on the Table a statement showing amounts of money granted as maintenance of family allowance against the name of each security prisoner?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) All persons previously detained under rule 26 of the Defence of India Rules are now, by provisions of the Restriction and Detention Ordinance (Ordinance III of 1944), deemed to have been detained under that Ordinance. There are two kinds of such prisoners, one political security prisoners and the other criminal security prisoners. The number of political security prisoners was 1,281 on the 6th June, 1944, while that of criminal security prisoners was 2,516 on the 28th April, 1944.

(*b*) The information asked for is not readily available and its collection would involve an amount of time and labour not justifiable in wartime

(*c*) Rs. 10 per mensem but the information regarding the number of families receiving such sums is not readily available.

(*d*) The honourable member is referred to my reply to (*b*).

Mr. LALIT CHANDRA DAS: Arising out of (*b*), is it not a fact that there is in the Home Department a record of the number of families of these security prisoners who are receiving maintenance allowances from Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly; but the records are in different places and it is difficult to collate them together.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state how the collection of the number will involve an amount of time and labour "not justifiable in wartime", when it would be available from the departmental records? I think the time and labour involved would not be much and it could be easily made available.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have already made it clear that the records are maintained in different places and not in one place.

Mr. LALIT CHANDRA DAS: Is it in different districts and not in the Secretariat here?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. LALIT CHANDRA DAS: Arising out of (*c*), it is said that Rs. 10 per mensem is given as maintenance. Are the Government serious in saying that this sum is adequate for the maintenance when the price of rice is ruling so high?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe this sum relates only to those who, according to the rules laid down for allowing such maintenance allowance, are not entitled to anything; these allowances have been granted as compassionate allowances.

Mr. LALIT CHANDRA DAS: When this allowance has been granted on ground of compassion, could not the Hon'ble Minister extend the limit so that the sum granted might mean some relief to the recipient without putting the figure at Rs. 10 which is ridiculous when rice is selling at over Rs. 40 a maund?

Taking part in election by Covernment servants.

195. Mr. SHRISH CHANDRA CHAKRAVARTY: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Government servants are entitled to propose, second or otherwise actively help any candidate for election to the Legislature or to any local body?

(*b*) Is it a fact that Mr. Mir Abdus Sayeed, Staff Officer, Ballyganj A.R.P., and Mr. Nasir Ahmed, Staff Officer, Cossipur Fire-Fighting Service, have proposed the name of Dr. Korban as a candidate in the present general election in the Calcutta Corporation?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Government servants are not so entitled.

(*b*) Mr. Nasiruddin Ahmed proposed and Mir Abdus Sayeed seconded Dr. Korbanuddin Ahmed for a seat in Muchipara Ward No. 9. They did it in ignorance of the rules and have been warned.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as regards question No. 196 and other questions standing in the name of Mr. H. S. Suhrawardy, may I suggest that these questions may be held over as the Hon'ble Minister has gone to Chittagong?

Mr. PRESIDENT: As the Hon'ble Mr. Suhrawardy is not here, all his questions may be held over.

Security prisoners.

199. Mr. HARIDAS MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state the total number of security prisoners in jail, of persons detained at home and of convicted political prisoners at present in Bengal?

(*b*) Is it in the contemplation of the Government to consider the question of the release of the security prisoners without further delay? If so, when? If not, why not?

(*c*) Is it the intention of the Government to consider sympathetically the grant of monthly help to their families in case they are not released immediately?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Political security prisoners—1,273.

(*ii*) Criminal security prisoners—2,504.

(*iii*) Convicted political prisoners—522. The information in respect of persons detained at home is not readily available and its collection would involve an amount of time and labour not justifiable during this state of emergency.

(*b*) In addition to detailed review of individual cases, a general review of all cases is constantly being made in consultation with Government's Security Advisers, and persons whose continued detention is no longer considered necessary are being released.

The total number of security prisoners released since the present Ministry took office now stands at 533.

(*c*) Yes. The grant of family allowance has been liberalised and they are now more freely granted not only in the case of proved and absolute necessity but, to a reasonable extent, also in the cases in which the detention of the prisoner has resulted in a loss of legitimate income to his family and dependants.

Mr. LALIT CHANDRA DAS: Arising out of (*a*)(*i*) and (*ii*), will the Hon'ble Minister please state up to what time these figures relate—1,273 and 2,504?

The Hon'ble Khwaja Sir NAZIMUDDIN: I may refer the honourable member to the answer to question No. 194 where the latest date has been given.

Mr. LALIT CHANDRA DAS: Why this difference then? In reply to my question the figure of political security prisoners has been given as 1,281 and that of criminal security prisoners as 2,516; but in answer to Mr. Haridas Mazumdar's question different figures have been given.

The Hon'ble Khwaja Sir NAZIMUDDIN: Time factor has been made clear as far as Mr. Lalit Chandra Das's question is concerned; I ask for notice so far as time is concerned in regard to the question of Mr. Haridas Mazumdar.

Collection of paddy in Khairasole.

201. Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) if the Jute Circle Food Committee in the Khairasole police-station in the district of Birbhum has been authorised to realise paddy at a certain rate per acre, varying from 3 to 5 seers, from the cultivators;

(*b*) if such realisation has been made compulsory from the cultivators;

(*c*) if so, why; and

(*d*) if not, if he will consider the desirability of issuing a circular immediately that the delivery is not compulsory?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) and (*b*) No.

(*c*) Does not arise.

(*d*) *Dharmagola* collections are purely voluntary and moral persuasion is used. Necessary circulars have already been issued.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state what amount of paddy has been collected on voluntary basis in the Khairasole police-station?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I want notice.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state how many *dharmagolas* have been started in the Khairasole police-station?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I want notice.

Petition for the supply of "aus" and "aman" seeds.

202. Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state—

(*a*) if he is aware that a petition signed by Raghunath Maity, President of Kalighai and Barachowka Flood Relief Committee, praying for *aus* and *aman* seeds for the Bhagwanpur, Palashpur, Contai, Ramnagar and Egra police-stations in the Midnapore district has been sent to him;

(*b*) if he proposes to make arrangement for the supply of *aus* seeds forthwith, as delay will render the distribution useless; and

(*c*) if he has sufficient stock of the seeds in the areas for distribution?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) and (*b*) A petition was received but no *aus* seeds were supplied to the petitioner. The area for which the *aus* seeds were asked for was not suitable for *aus* paddy. In spite of this, in the previous year some *aus* seeds were distributed in the area but the result was not satisfactory. Both the Subdivisional Officer and the Circle Officer, Contai, reported that there was no demand for *aus* seeds.

(*c*) For the Contai subdivision 25 maunds of *aus* seeds were allotted but no distribution could be made as there was no demand.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state if it is his information that in the area within Contai subdivision no *aus* seeds could be sown for want of supply?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No. My information is that there was no demand for *aus* seeds

Distribution of cattle to the agriculturists.

203. Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state whether the Government have adopted any, and if so, what policy for the supply of cattle to the agriculturists for the cultivation of land in the Province?

(*b*) If the reply to part (*a*) is in the affirmative, will he be pleased to state the number and value of the cattle to be distributed in the different districts?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: (*a*) Government have already sanctioned Rs. 50,00,000 for distribution as loans to cultivators for the purchase of cattle. Recognising the shortage of cattle within the Province Government are also making every effort to induce other Provincial Governments to allow exports of cattle from their Provinces into Bengal, but unfortunately till now these efforts have not met with success. Negotiations with Bihar are still continuing, but as the final decision rests with them, this Government cannot force a decision in spite of the urgency of the situation.

(*b*) A statement is placed on the Table giving allotment of loans to different districts. It is not possible to give any information about the number of cattle.

Statement referred to in the reply to part (b) of question No. 203.

	Name of district.	Allotment of cattle purchase loan.
		Rs.
1.	Noakhali	6,00,000
2.	Tippera	3,00,000
3.	Chittagong	3,00,000
4.	Dacca	3,50,000
5.	Mymensingh	50,000
6.	Faridpur	6,50,000
7.	Bakarganj	5,00,000
8.	24-Parganas	2,00,000
9.	Khulna	50,000
10.	Midnapore	4,40,000
11.	Nadia	2,50,000
12.	Murshidabad	50,000
13.	Jessore	55,000
14.	Burdwan	25,000
15.	Hooghly	25,000
16.	Howrah	15,000
17.	Birbhum	1,25,000
18.	Bankura	25,000
19.	Jalpaiguri	50,000
20.	Rangpur	55,000
21.	Dinajpur	25,000
22	Rajshahi	80,000
23.	Malda	10,000
24.	Pabna	35,000
25.	Bogra	20,000
26.	Darjeeling	10,000

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state whether it is a fact that out of Rs. 6,00,000 sanctioned for the district of Noakhali, not a single farthing has been distributed?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, that is not the fact. My information is that some amount has been distributed.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Is it a fact that the District Magistrate of Noakhali is not sympathetic towards giving effect to the scheme?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, it is not. The District Magistrate has written to me direct saying that he is advancing the loans after making enquiry as to whether the cultivators are actually purchasing the cattle.

Khan Bahadur ABDUL HAMID CHOWDHURY: With reference to answer (*b*), will the Hon'ble Minister be pleased to state on what basis the total sanctioned amount has been distributed amongst the different districts?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On the basis of demands in the different districts. To the districts where there has been cattle epidemics, larger amounts have been allotted according to the requisition of the district officers; but to other districts where there has not been any report of such cattle epidemics, smaller amount has been allotted.

Khan Bahadur ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister be pleased to state whether he has received any report of cattle epidemics from the district of Mymensingh?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not think there has been any great cattle epidemic in Mymensingh.

Khan Bahadur ABDUL HAMID CHOWDHURY: Will the Hon'ble Minister be pleased to state why the total sanctioned amount has not been distributed in Mymensingh?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Because we keep in hand some amount so that whenever there is further requisition we can meet it from the amount kept in hand.

Khan Bahadur ABDUL GOFRAN: Will the Hon'ble Minister please enquire from the District Magistrate of Noakhali how much has actually been distributed to the agriculturists in the district of Noakhali?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I will do that.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister please state if he has any information of the minimum price of a pair of plough cattle in the district of Chittagong or Cox's Bazar?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have no official reports; but from reports that I get from members of the Legislature I learn that it is about Rs. 150 to Rs. 200 per head.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister please state why in the district of Burdwan the amount allotted for distribution among the agriculturists is so very small?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The district of Burdwan was allotted an amount of Rs. 25,000. We gave Rs. 25,000 to every district whether it asked for a loan or not. Evidently the Collector of Burdwan did not ask for any loan for the purchase of cattle, but still we have allotted the sum of Rs. 25,000 to it.

Khan Bahadur NAZIRUDDIN AHMAD: Has any enquiry been made as to the demand from the people in the respective districts?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It goes without saying that wherever there is a demand the Collector of that district would ask for a loan from Government. When there was no demand the Collector would not evidently ask for any amount by way of loan.

Khan Bahadur NAZIRUDDIN AHMAD: Is the Hon'ble Minister aware that there is located in Burdwan a large military force and that for the supply of their food a large number of cattle is being sold there?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am aware of that.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: If the District Magistrate of Noakhali demanded 6 lakhs, why has he not spent that amount?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have already answered that question. The District Magistrate wants to make sure that the money is actually spent for the purchase of cattle, and that is why he is finding it difficult to allot the loan. Without making himself sure in this respect he has not been able to grant the loans.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Did the District Magistrate of Noakhali demand 6 lakhs of rupees in the first instance?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes; I rather think that he probably wanted more than that sum.

Khan Bahadur ABDUL GOFRAN: How is it possible for the District Magistrate to make sure that the money is being actually spent for the purchase of cattle?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: He has asked his Circle Officers to find out if the persons who have applied for the loan have actually settled to purchase cattle with anyone.

Khan Bahadur ABDUL GOFRAN: How is it possible for anybody to settle to purchase cattle before he has actually got the money?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think the idea of the Collector is that settlement can be made with a seller before actual purchase is made.

Khan Bahadur ABDUL GOFRAN: Does the Hon'ble Minister approve of an idea like that?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not quite agree with the officer there.

Khan Bahadur ABDUL GOFRAN: Then what step is the Hon'ble Minister going to take, if he cannot agree with the District Magistrate's idea, to enable the agriculturists to make a loan?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have already told him that I do not quite agree with his view and that he should make sure that if any sum thus taken as loan is not utilised for the purchase of cattle, it should be refundable to him at once, and he may be given a month's or a fortnight's time for the purchase of cattle.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Since there is shortage of cattle in Noakhali, how is it possible for an agriculturist to settle the selection of the cattle and then apply to the District Magistrate for loan?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is what I said to the District Officer; I do not quite approve of his procedure.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to consider that the need for cattle is very urgent now and if the time is allowed to elapse in this way, the cultivators will not be able to get the benefit of this loan?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: What does the honourable member mean by the words "time allowed to be elapsed in this way" when we have made every attempt to bring cattle from other provinces and are making all efforts to help the agriculturists to get cattle?

Mr. BANKIM CHANDRA MUKHERJEE: I mean, Sir, time allowed to pass by correspondence between the Hon'ble Minister and the District Magistrate as to the way in which the advances are to be made, when we have it from the Hon'ble Minister himself that he does not agree with the method followed by the District Magistrate.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I submit that the time is not at all allowed to pass for nothing. We are

trying our best to get information by telegrams and other quick means and this is only in the case of one district. Other District Magistrates have not raised any objection.

Adjournment Motion.

Mr. LALIT CHANDRA DAS: Sir, there is an adjournment motion standing in my name. May I read it?

Mr. PRESIDENT: Regarding this adjournment motion, I find that you base your allegations on the statement that appeared in an Associated Press message before. There is one press-note also by the Government of Bengal and one by the Regional Food Commissioner, Eastern Region. So what I suggest is—let Government make a statement clearing the position and after that if you still feel that you are not satisfied, then you can come up with your adjournment motion and I shall then examine your adjournment motion and say whether I would allow it or not. Are the Government prepared to make a statement?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. PRESIDENT: When?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I propose to take it up when Mr. Suhrawardy, who is on tour, returns—say on the 7th of July, if you like.

Mr. LALIT CHANDRA DAS: We are not agreeable to this, Sir. It is a very urgent matter and it should be taken up as soon as possible.

The Hon'ble Khwaja Sir NAZIMUDDIN: In that case, Sir, we may take it up tomorrow.

Mr. LALIT CHANDRA DAS: Sir——

Mr. PRESIDENT: The Hon'ble Chief Minister is prepared to take it up tomorrow. I think that is all right.

Mr. LALIT CHANDRA DAS: Yes, Sir.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I sent notice of a motion regarding the prorogation order——

Mr. PRESIDENT: Yes, Mr. Mukherjee, with regard to that I may say that as it is not on the agenda you cannot discuss it today. But I may say that I have disallowed it and if you want to know the reasons, I shall let you know if you come to my Chamber.

Change in the hours of sittings.

Mr. HARIDAS MAZUMDAR: Sir, I suggest that the time of the sitting of the Council may be changed in view of the fact that the Assembly is no longer sitting.

Mr. PRESIDENT: Yes, I was going to suggest that we might change the time. 1-30 is not convenient to everybody. I suggest that we might sit a little later, say at 2-30 p.m. or 3.

Khan Sahib WAHIDUZZAMAN: Sir, can't it be 4 o'clock.

Mr. PRESIDENT: No, 4 o'clock would be too late. May I have the views of the party leaders on this?

Mr. W. B. C. LAIDLAW: Sir, we are agreeable to 3 o'clock.

Mr. LALIT CHANDRA DAS: I also suggest 3 o'clock.

Mr. PRESIDENT: Would that suit Government?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Yes, Sir.

Mr. PRESIDENT: Then we shall meet at 3 o'clock from tomorrow.

Assent to Bills by Governor.

Mr. PRESIDENT: I am to inform the House that the Bengal Orphanages and Widows' Homes Bill, 1944, which was passed by both Chambers of the Legislature, has been assented to by His Excellency the Governor under the provisions of section 75 of the Government of India Act, 1935.

Communication from the Government intimating action taken on Motion under rule 112.

Mr. PRESIDENT: Secretary will now read the communication received from the Government intimating action taken by them on the Motion adopted under rule 112 of the Bengal Legislative Council Procedure Rules.

SECRETARY (Dr. S. K. D. Gupta): Sir, the following communication has been received from the Government, intimating the action taken by them on the motion (copy enclosed), regarding manufacture of salt in Bengal, moved in and adopted by the Council on the 12th March, 1943, under rule 112 of the Bengal Legislative Council Procedure Rules:—

The Bengal Salt (Village Manufacture, Storage and Transport) Rules, 1943 (copy enclosed), issued by the Central Board of Revenue, provide all the facilities necessary for the manufacture of salt as a cottage industry in the coastal districts of Bengal and in pursuance of these rules, the schemes launched for the manufacture of salt in the cyclone-affected areas of the 24-Parganas and Midnapore districts as well as in the Chittagong district, are now being worked. Steps are also being taken for launching similar schemes throughout the coastal districts of Bengal. The Governor does not therefore consider it necessary to make any representation to the Government of India on the subject.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT (CENTRAL REVENUES).

New Delhi, the 6th March, 1943.

No. 151-S/42.—In exercise of the powers conferred by the Indian Salt Act, 1882 (XII of 1882), the Central Government is pleased to make the following rules, namely:—

THE BENGAL SALT (VILLAGE MANUFACTURE, STORAGE AND TRANSPORT) RULES, 1943.

Short title, extent and commencement.

1. (*1*) These rules may be called the Bengal Salt (Village Manufacture, Storage and Transport) Rules, 1943.

(*2*) They extend to the areas specified in the schedule annexed hereto.

(*3*) They shall come into force in such areas and on such date or dates as may be notified by the Central Government in the Official Gazette in this behalf and different dates may be fixed for different areas.

Definition.

2. In these rules unless there is anything repugnant in the subject or context—

(*i*) "Assistant Collector" means an Assistant Collector of the Department of Central Excises and Salt, North-Eastern India;

(*ii*) "Collector" means the Collector, Central Excises and Salt, North-Eastern India;

(*iii*) "Contractor" means a person appointed by the Government of Bengal for collection on their behalf of salt manufactured in accordance with these rules;

(*iv*) "duty" means the duty payable under the Indian Salt Act, 1882 (XII of 1882);

(*v*) "Inspector" means an Inspector of the Department of Central Excises and Salt, North-Eastern India;

(*vi*) "Salt" means salt manufactured in accordance with these rules;

(*vii*) "Warehouse" means a warehouse established in accordance with rule 4;

(*viii*) "Warehouse Officer" means an officer appointed by the Government of Bengal to be in charge of a warehouse.

Conditions for manufactures.

3. No person shall manufacture salt unless such manufacture is carried on as a cottage industry; and no such manufacturer shall sell or otherwise dispose of the salt so manufactured except to a contractor, or to the Government of Bengal at a warehouse.

Warehouses and hat depôts.

4. (*1*) Warehouses may be established by the Government of Bengal in the areas to which these rules apply for the storage of non-duty-paid salt collected from villagers manufacturing it without a licence.

(*2*) The Government of Bengal may open *hat* depôts at such places as it may deem fit for temporary storage of salt as aforesaid until its removal to a warehouse.

Contractors.

5. The Government of Bengal may for the purpose of collecting salt manufactured under these rules and transporting it to the warehouse or *hat* depôts appoint one or more contractors for a special area on conditions prescribed by it and approved by the Central Government or any officer authorised by the Central Government in this behalf.

Limit of storage at hat depôts.

6. The total quantity of salt stored in a *hat* depôt shall at no time exceed 50 maunds.

Sale of salt only to specified authorities.

7. Every manufacturer of salt shall either bring it to a warehouse for direct sale to Government of Bengal or sell it to a contractor.

Officers in charge of Warehouse.

8. Each warehouse shall be in charge of an officer called "Warehouse Officer" appointed by the Government of Bengal for purchase and sale of salt and an Inspector.

Procedure at Warehouse.

9. (*1*) Immediately after the arrival of each consignment of salt at a warehouse, the Warehouse Officer shall cause the same to be weighed in the presence of the Inspector, record the result of weighment in the prescribed registers, and shall forthwith store the same in the warehouse.

(*2*) The Central Government shall not in any manner be liable for the price of the salt to the manufacturer or to the contractor or to the Government of Bengal, or for any damage howsoever caused to any salt stored in any warehouse or any *hat* depôt or while in transit from one place to another.

Key of the storage godown.

10. The storage godown in each warehouse shall be locked with two locks, the key of the one remaining with the Warehouse Officer and of the other with the Inspector.

Payment of duty.

11. (*1*) No salt shall be removed from the warehouse except on previous payment by or on behalf of the Government of Bengal, of the prescribed duty thereon to the credit of the Central Excises and Salt Department, North-Eastern India, into a Government treasury of the district in which the warehouse is situated or any other treasury approved by the Collector.

(*2*) The Inspector posted to the warehouse shall be responsible for the collection of the duty and he alone shall have the authority to issue salt from the warehouse. A certificate or a receipt from the Treasury showing the amount of duty credited as aforesaid shall be produced before the Inspector and he will then issue a pass on prescribed form in favour of the Warehouse Officer for the removal of salt to the extent of the quantity for which the duty has been paid. The salt will then be weighed in presence of the Inspector and the weighment shall be recorded in the prescribed register:

Provided that with the written sanction of the Assistant Collector in whose jurisdiction the warehouse is situated, salt may be removed from a warehouse without payment of duty for destruction at some convenient place outside the warehouse under the supervision of an officer specified in written sanction.

Penalty for breach of rules.

12. (*1*) Without prejudice to any punishment which may be imposed on a manufacturer of salt or a contractor in accordance with the provisions of the Indian Salt Act, 1882 (XII of 1882), the Assistant Collector in charge of the area concerned may, after giving a reasonable opportunity of showing cause against the action proposed to be taken against him, take action as provided in sub-rule (*2*), (*3*) or (*4*), as the case may be:

Provided that it shall not be necessary to give an opportunity to show cause where the person concerned has been convicted of an offence under the Act aforesaid or where for some reason to be recorded by the Assistant Collector, it is not reasonably practicable to give him such opportunity.

(*2*) Where a manufacturer of salt is guilty of persistent breach of these rules, the Assistant Collector may prohibit him from manufacturing salt either absolutely or for a specified period.

(*3*) Where in any village a large number of manufacturers of salt are guilty of breach of these rules, the Assistant Collector may prohibit all persons in the village from manufacturing salt either absolutely or for a specified period.

(*4*) Where a contractor is guilty of breach of any of these rules, or of any of the conditions prescribed under rule 5 involving loss of duty to the Central Government, the Assistant Collector may cancel the appointment of the contractor and debar him from such appointment either absolutely or for a specified period.

Appeals.

13. (*1*) A manufacturer, or the villagers or a contractor, against whom an order has been passed under the last preceding rule may appeal to the Collector against the order:

Provided that where an order was passed under sub-rule (*3*) of rule 12, the appeal may be filed by any three persons of the village manufacturing salt.

(*2*) An appeal shall lie from any order of the Collector to the Central Board of Revenue.

(*3*) No appeal shall lie from any order passed by the Central Board of Revenue.

14. An appeal under rule 13 shall be accompanied by an authenticated copy of the order against which the appeal is made and shall be submitted through the officer against whose orders it is an appeal.

15. No appeal under rule 13 shall be admitted unless submitted within three months of the date of the order against which the appeal is made.

Forms and registers to be prescribed by Collector.

16. The Collector shall prescribe the forms of the pass and registers mentioned in these rules and other forms necessary for the working of these rules.

Delegation of powers by Government of Bengal.

17. The Government of Bengal may delegate all or any of the functions prescribed for it by these rules to any officer appointed by it in this behalf.

SCHEDULE.

1. Midnapore.

Area bounded on the North by the Orissa Coast Canal and its continuation, the Hizli Tidal Canal and on the South by the Bay of Bengal.

2. Howrah.

(1) Syampur police-station—
Entire thana.

(2) Uluberia police-station—
(*a*) Kalingore Union.
(*b*) Bhula Simla Union.

(3) Bagnan police-station—
(*a*) Mellok Union.
(*b*) Kalyanpur Union.

3. Noakhali.

(1) Noakhali thana—
(*a*) Lohachora Union.
(*b*) Dadpur Union.
(*c*) Ewazbalis Union.
(*d*) Denondpur Union.
(*e*) Aswadia Union.
(*f*) Sundalpur Union.
(*g*) Gulla Khali.
(*h*) Char Jabbar.

(2) Companiganj thana—
(*a*) Char Fakira Union.
(*b*) Rampur Union.
(*c*) Musapur Union.

(3) Lakshmipur thana—
(*a*) Lakshmipur Union.
(*b*) Sakehar Union.
(*c*) Bhabaniganj Union.
(*d*) Farashganj Union.
(*e*) Char Bansi Union.

(4) Sandwip thana—
Entire thana.

(5) Hatiya thana—
(*a*) Hatiya police-station.
(*b*) Ramgati police-station.

(6) Feni thana—
(*a*) Char Darbesh Union.
(*b*) Mutiganj Union.
(*c*) Sonaganj Union.

4. 24-Parganas.

(1) Sadar subdivision—
- (*a*) Bhangor police-station.
- (*b*) Canning police-station.
- (*c*) Joynagore police-station.
- (*d*) Budge Budge police-station.
- (*e*) Bistupur police-station.
- (*f*) Baruipur police-station.
- (*g*) Sonarpur police-station.

(2) Diamond Harbour subdivision—
- (*a*) Diamond Harbour police-station.
- (*b*) Mograhat police-station.
- (*c*) Mathurapur police-station.
- (*d*) Falta police-station.
- (*e*) Kulpi police-station.
- (*f*) Kakdwip police-station.
- (*g*) Sagore police-station.

(3) Basirhat subdivision—
- (*a*) Hasnabad police-station.
- (*b*) Sandeshkhali police-station.
- (*c*) Harora police-station.

(4) Barasat subdivision—
- (*a*) Dayganga police-station
- (*b*) Rajarhat police-station

(5) Bakarganj—

(1) Bhola subdivision
Entire subdivision

(2) Patuakhali subdivision
- (*a*) Galachipa thana.
- (*b*) Amtali thana
- (*c*) Bargoona thana
- (*d*) Bowfal thana.
- (*e*) Kalapara thana.

(3) Perojpur subdivision—
- (*a*) Patharghata thana.
- (*b*) Mathbaria thana.

(6) Chittagong—

(1) Cox's Bazar subdivision—
Entire subdivision.

(2) Banskhali police-station—
- (*a*) Raichatta Union.
- (*b*) Baharachara Union.
- (*c*) Candamara Union.
- (*d*) Fulshari Union.
- (*e*) Khankanabad Union.

(3) Anwara police-station—
- (*a*) Barasat Union.
- (*b*) Raipur Union.

(4) Doublemoorings police-station—

Patinga Union.

(7) Khulna—

(1) Khalna subdivision—
- (*a*) Dacope police-station.
- (*b*) Raikgacha police-station.

(2) Bagerhat subdivision—
- (*a*) Morrelganj police-station.
- (*b*) Serankhola police-station.
- (*c*) Rampal police-station.

(3) Satkhira subdivision—
- (*a*) Debhatta police-station.
- (*b*) Kaliganj police-station.
- (*c*) Shyamnagore police-station.
- (*d*) Assassuni police-station.

Ruling on the point raised in connection with the Bengal Agricultural Income-tax Bill, 1944.

Mr. PRESIDENT: I now propose to give my ruling on the point that arose in connection with the Bengal Agricultural Income-tax Bill, 1944.

In this Bill the Provincial Legislature has been given jurisdiction over the Ruler of an Indian State in his public and official capacity. The word "person" has been defined as including the Ruler of an Indian State and the "Ruler of an Indian State" has further been defined to mean such Ruler in his public and official capacity. The words "Ruler of an Indian State" also occur in some of the operative clauses of the Bill. The result is that Rulers of Indian States have been made liable in their public and official capacity to pay certain personal taxes and in that connection duties and obligations are proposed to be imposed upon them; they have been subjected to the jurisdiction including criminal jurisdiction of courts in their public and official capacity; and, finally, the provincial officers are proposed to be invested with authority over such Rulers in their public and official capacity. These are very wide and extensive powers. Neither in the Assam, nor in the Bihar, nor even in the Central Act, has such express provision been made. I therefore thought that before the House proceeded to take the Bill into consideration it should satisfy itself about

the validity of these provisions of the Bill. The Upper House is a revising body and it will be failing in its duty if it does not take sufficient precaution to ensure that a proposed piece of legislation is not palpably *ultra vires*. The Chair accordingly invited the views of the honourable members and requested Government to consider this question and the Chair have had the benefit of the opinions expressed by the members of the House as well as by the learned Advocate-General. I now propose to give my ruling whether the House should proceed with the Bill or not.

It should be made clear at the outset that the Chair is concerned only with the question of legislative competency and has nothing to do with the policy underlying the measure, which is entirely a matter for the House and the Government.

The Provincial Legislature derives its powers from an Act of the British Parliament. In order to examine the extent of the powers of the Provincial Legislature we must therefore first of all see what powers the Parliament possesses. The stream cannot rise above its source and the Provincial Legislature cannot therefore have any powers greater than those of the Parliament. Now it is indisputable from the principle of the sovereignty of the Parliament that the British Parliament has power to legislate with respect to the Ruler of an Indian State in any manner it thinks fit. In fact the Government of India Act, 1935, itself is an Act where such powers have been exercised. Another example is the Attachment of States Act, passed recently by the British Parliament. The Parliament can therefore if it so desires give powers to a subordinate legislature to legislate with respect to Rulers of Indian States. We are now to see whether such powers have been given to the Bengal Legislature.

The powers given to the Bengal Legislature are mainly defined in sections 99 and 100 of the Government of India Act, 1935. Section 99 says that the Provincial Legislature can make laws for the province or any part thereof. Section 100 read with the Lists in the Schedule specifies the subjects on which the Legislature can make laws. One of the subjects is agricultural income-tax.

If these were the only sections on the subject it would have been competent for the Provincial Legislature under the principle of plenary jurisdiction as enunciated in Reg *versus* Burah to pass legislation imposing duties and obligations on the Rulers of Indian States in respect of agricultural income. But so far as the Indian States are concerned, sections 99 and 100 do not stand alone. They are to be read subject to section 285 of the Government of India Act, 1935, and the proviso to section 2(*1*) of the Act. Section 285 provides that "nothing in the Government of India Act, 1935, affects the *rights and obligations* of the Crown in relation to any Indian State." A right or obligation is "affected" when it is extended, altered or reduced. The section thus preserves the present rights and obligations of the Crown. The proviso to section 2(*1*) lays down that "any *powers* connected with the exercise of the functions of the Crown in its relation to Indian States shall in India if not exercised by His Majesty be exercised by the Crown Representative or his officers." The proviso thus appears to be complementary to section 285. Section 285 preserves the existing rights and obligations of the Crown in respect of the Rulers of Indian States, while the proviso to section 2(*1*) specifies the machinery by which the powers are to be exercised.

As regards the nature of these rights and obligations of the Crown in relation to the Indian States, there has been considerable divergence of opinion. But one thing appears to be settled. Whatever may have been the position in the past, the Indian States are not at present subjects of international law. This view appears to have been judicially recognised in the recent case of Biswanath Singh *versus* The Commissioner of Income-tax decided by the Allahabad High Court (1942 All. 393). Reference may also be made in this connection to notification No. 1700E., dated the 21st

August, 1891, published in the *Official Gazette* where it is stated that the "principles of international law have no bearing upon the relations between the Government as representing the Queen-Empress on the one hand, and Native States under the suzerainty of Her Majesty on the other. The paramount supremacy of the former presupposes and implies the subordination of the latter". But though the States have no international existence, they have not lost all attributes of sovereignty. This will be clear from the India Office certificate regarding the status of the Gaekwar of Baroda quoted in Statham *versus* Statham and the Gaekwar of Baroda reported in (1912) Probate 92, where it is stated "though His Highness is not thus independent, he exercises as Ruler of a State various attributes of sovereignty including internal sovereignty, which is not derived from British law but is inherent in the Ruling Chief of Baroda, subject however, to the suzerainty of His Majesty the King of England and the exercise by the Government of India of such rights and powers of territorial sovereignty as have by treaty, usage or otherwise, passed to or are exercised by the Suzerain." The position appears to be that of constitutional though not of international semi-sovereignty. It has sometimes been described as quasi-international and is probably most correctly summed up in the following words of Sir Federick Pollock: "The relations between the Government of India and the Native States are governed by a body of conventions and usage not quite like anything else in the world but such that in cases of doubtful interpretation the analogy of international law may often be found useful and persuasive."

From the very nature of the case it is not possible to define these rights and obligations with any precision. They cannot be deduced by merely looking at the treaties, engagements and *sanads;* for these may be altered by subsequent sovereign acts of the Crown unless the Crown divests itself of the power by a statute -a view recently reaffirmed in the case of Sobhuza II *versus* Miller decided by the Privy Council and reported in (1926) A C. 518. For modification of these treaties, engagements and *sanads* by subsequent sovereign acts we must refer to usage, sufferance or political practice. The language of section 132 of the last Government of India Act also supports this view. It provides that all treaties made by the East India Company *in so far as they are in force* at the commencement of the Act are binding on His Majesty. It is unnecessary to mention that section 285 preserves these rights.

The legal position thus appears to be this. Any provision of the Bill which contravenes any treaty, engagement or sanad as modified by usage, sufferance or political practice is to that extent invalid being repugnant to section 285 of the Government of India Act, 1935. Moreover any provision that involves the exercise of the powers in connection with the functions of the Crown in relation to Indian States is to that extent void being repugnant to the proviso to section 2(*l*) of the Act.

Take first the question about the imposition of an agricultural income-tax and the subsequent imposition of duties on Rulers of States. It may be safely assumed that treaties, engagements, sanads or political practice do not generally deal with this matter. If therefore the imposition is to be justified it must be based on some usage or sufferance. According to the existing practice Rulers of Indian States pay revenue and cesses; they also pay income-tax in respect of income from trading operations in India as required under the Government Trading Taxation Act, 1926. Government have contended that the usage regarding the payment of revenue and cesses can be interpreted as indicating that lands owned in British India by Rulers of Indian States are to be treated as mere zamindaries. They have further suggested that by paying income-tax in respect of income from trading operations in India the Rulers have undertaken to pay all kinds of income-tax on their properties in India even if they are not private properties but public properties of the State. But there is another

aspect of the matter. Revenue and cess are land taxes, whereas agricultural income-tax is a personal tax, though assessed with reference to land. Taxes on income from trading operations have nothing to do with land. It is therefore possible to take a different view and to hold that there is no true analogy, and that no usage is implied, as suggested by Government. Further, it would be possible to say that the Government Trading Taxation Act, 1926, is really not a good precedent for a Bill of this nature, for before that enactment was passed, a Resolution of the Imperial Conference was deemed necessary and therefore the jurisdiction of the Legislature arose there from engagement or by sufferance.

There is another point which is open to doubt. The tax is imposed on Rulers of Indian States in their public and official capacity. It is thus a State liability. A question therefore arises whether this power to impose the tax should not be exercised through the Crown Representative as envisaged in the proviso to section 2(*1*) of the Government of India Act, 1935. In the case of Biswanath Singh *versus* Commissioner of Income-tax already cited, it was held that the *private* property of the Ruler of Benares was liable to income-tax. But it will be seen that in the present Bill the tax is being imposed on the Ruler in his public and official capacity. The case has therefore no application.

I now come to the point about the assumption of jurisdiction (including criminal jurisdiction) by Provincial courts over the Rulers of Indian States. So far as International Law is concerned the rule is that a foreign sovereign is exempt from every kind of criminal jurisdiction. As regards civil jurisdiction too, he is exempt except when he is a plaintiff and except that in some countries such exemption has been taken away in special cases. In France and Italy, for instance, he is liable for obligations incurred in private capacity. In the case of Statham *versus* Statham and the Gaekwar of Baroda already mentioned, the English courts held that the rule of International Law applied to Rulers of Indian States exactly as in the case of an independent sovereign. Indian law also appears to make no distinction in this respect between Rulers of Indian States and independent sovereigns. Here I should draw the attention of the House to an important point which appears to have been completely overlooked. It was assumed during the debates that the immunity granted under International Law to foreign princes was taken away in the case of Rulers of Indian States under section 86 of the Civil Procedure Code, 1908. But it will be seen on looking at that section that it applies equally to Rulers of Indian States as to independent sovereigns. Besides, the section does not take away immunity but rather confers immunity except in specified cases as will appear on looking into sub-section (*2*) and other sub-sections of the section. The Indian law is silent as regards criminal jurisdiction in the case of Rulers of Indian States as well as independent sovereigns. The inference therefore is that they are to be treated on an equal footing in this matter. I think thus that there is good ground for thinking that the present usage is that the Ruler of an Indian State is immune from all criminal jurisdiction and he is further immune from civil jurisdiction except as specified in section 86, Civil Procedure Code. I therefore feel inclined to hold that the clauses of the Bill which make the Ruler criminally liable are not free from objection and that the clauses which require civil proceedings to be taken against him can only be operative when the procedure laid down in the Civil Procedure Code is followed. I may add here that under the Government Trading Taxation Act, 1926, a State is treated as a company and hence the difficulties mentioned do not arise. In fact this provision did not occur in the Bill as originally introduced but was inserted by an amendment brought at the instance of Sir Basil Blackett, the Finance Member, for facilitating the working of the Act.

It was contended that the fact that certain individuals may be immune from criminal jurisdiction of courts is no ground for holding the relevant provisions of the Bill to be *ultra vires*. I am afraid the matter is not so

simple as it may appear at first sight. In the Bill, by virtue of the definition of the word "person", a Ruler would be expressly brought within the jurisdiction of courts. The Bill therefore tries expressly to confer powers on courts which it is doubtful whether they can be empowered to assume, having regard to section 285 of the Government of India Act, 1935. It therefore seems to me that to this extent the provisions of the Bill are of doubtful validity.

I now come to the last point, namely, whether the provisions of the Bill empowering provincial officers to exercise authority over the Rulers of Indian States are valid. With regard to this question, certain changes made in section 86 of the Civil Procedure Code are very pertinent. In this section as it stood before, the Ruler of an Indian State could, like any other foreign sovereign or envoy, be sued in the cases specified, with the consent of the Governor-General in Council or his officers. In the section as it now stands revised under the Adaptation Order in Council made under section 293 of the Government of India Act, 1935, the consent has to be obtained in respect of an Indian Ruler from the Crown Representative or his officers, and in respect of others from the Governor-General in Council or his officers. The alteration was presumably made to conform to the proviso to section 2(*l*) of the Government of India Act, 1935. The view taken thus appears to be that even such a simple matter as the giving of permission to sue is a function of the Crown in relation to Indian States. I think, therefore, that there is serious ground for thinking that the wide executive powers given under the Bill should be exercised by officers of the Crown Representative and not by officers of the Provincial Government.

I am thus of opinion that there are grave doubts about the validity of some of the provisions of the Bill. I do not, however, deny that there is room for divergence of opinion. It is not the duty of the Chair to arrogate to itself the functions of a Court, and I do not think it will be correct for me to stop this Bill by a ruling of mine unless it is indisputably clear to me that it is *ultra vires*. In the circumstances, I rule that the Bill may be proceeded with.

The Bengal Agricultural Income-tax Bill.

Mr. PRESIDENT: Order, order. The House will now take up discussion on the clauses of the Bengal Agricultural Income-tax Bill, 1944.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, with your permission, I would like to make a somewhat unusual submission to this House. Government have decided not to move in this House the amendments to some of the clauses of the Bengal Agricultural Income-tax Bill of which notices had been given on their behalf and which are on the printed list.

I wish to make it clear that no disrespect to this House is intended by the course we have proposed to adopt. I have, as a matter of conviction, a high regard for the Second Chamber, which, by its composition and traditions, discharges a very important and salutary function in Parliamentary Government. From a personal point of view, I am able to acknowledge with gratitude the friendly reception which I have received in this House ever since, by reason of the office which I hold, it became my duty and my privilege to be present at and participate in the deliberations of this House.

As honourable members are aware, the Assembly is no longer in session. Any amendments to the Bill as settled by the Assembly would have to be referred to that body before the Bill could become law. There is a very strong reason for expediting the passage of this Bill into law.

It is no longer a secret that the Bill is closely bound up with the question of subventions from the Centre. And it is extremely desirable

that the Bill should become law and come into force without much delay. The Assam Agricultural Income-tax Bill of 1939 received the Governor's assent on the 18th of August, 1939; and it was found in Assam that owing to this delay there were difficulties in the administration of the Act in the first year of its operation, namely, 1939. The machinery for the administration of the Act has to be set up; people have to be trained and many formalities will have to be gone through. I, therefore, beseech the honourable members to co-operate with me on my assurance that an amending Bill will, without unnecessary delay, be introduced by Government to cure any defects that there may be in the drafting of the Bill as it has emerged from the Assembly.

I realise that there are several obvious mistakes, mainly grammatical. There are mistakes of punctuation. It had been our hope that the Assembly Department would have seen to it that these did not occur in the amended Bill for the publication of which that department was responsible. I have examined these mistakes carefully and, on the advice of experts, I am satisfied that the administration of the Act will not be hampered by reason of these obvious mistakes.

The discussions on the amendments in this House may reveal a large measure of agreement on the desirability of certain amendments. I shall certainly take note of these for the purpose of preparing the promised amending Bill. Further, certain other desirable amendments may suggest themselves during the first few months of the administration of the Act.

Delay in the passing of this Bill will not jeopardise the subsistence of the present Ministry. It will just weaken our efforts to obtain from the Government of India that measure of financial assistance to which we feel the Province is entitled. We have been promised ten crores of rupees. That, as honourable members will agree, is not nearly enough. And I have no reason to consider the chapter of negotiations for an *adequate* subvention as closed. Bengal's claim is just. The impact of the war has been very uneven on the different provinces of India. But in order to be able to enforce our claim we must make our position morally and economically unimpeachable by the practice of self-help.

We want large sums of money for various projects of rehabilitation, some of which have already been actively taken in hand. It is true that I took care—as, indeed, it was proper—not to include any conjectural figure representing agricultural income-tax receipts in my Budget for the current year. But whatever the yield of this tax—however small it may be, compared to our needs—it is a necessary measure of self-help. In fact, the imposition of a tax on agricultural incomes is, according to most economists and publicists, long over due. I am afraid there is ultimately no escape from it. Meanwhile, let us not, by avoidable delay, jeopardise our claim to a larger subvention from the Centre. We must, at this hour of our need, stand well with the Centre and deserve what we desire.

Mr. HUMAYUN KABIR: Sir, I rise on a point of privilege. I would submit to you, Sir, that the procedure which has just been suggested by the Government is unprecedented in the annals of parliamentary history anywhere in the world. I submit, Sir, that it is the duty and the prerogative of every Second Chamber to exercise a revising function over legislation which comes through the other place. Sir, today, by a definite statement made on behalf of the Government, we have been told that the Government not only do not want to move the amendments which they themselves had felt it necessary to move but they have made it clear that they do not want that *any* amendment should be moved. They want that this Bill should emerge from this Chamber without any change whatsoever and in the form in which it came out of the other Chamber. In other words, Sir, the Government are giving a plain direction to their party-members

that they do not want any impartial and judicial consideration of the Bill or any of its clauses on merits. Simply by virtue of the majority which the Government enjoy, they want to ride roughshod over the rights of the members to suggest amendments, and to make corrections which are admitted even by the Government as necessary. You will notice, Sir, that the Hon'ble Finance Minister who has made the statement admitted that there are obvious mistakes in the Bill. There are mistakes of punctuation, there are mistakes in the arrangement of the clauses, titles have been misplaced and transferred from one chapter to another and besides, there are other technical mistakes in the Bill which it is the duty of this House to take into consideration. I am deliberately not referring to the very serious defects in this Bill to which you, Sir, have drawn attention. As you have pointed out it is certainly not the duty of the Chair to take on the functions of a court of law, but it is certainly—as you have rightly done,—the prerogative of the Chair to point out the obvious mistakes which might vitiate the law altogether, not only technical matters regarding punctuation and so on, but very serious constitutional matters which might imperil the very validity of the law. Even in such a case, Sir, we are asked by Government to pass the Bill through without any change, because otherwise it would entail the summoning of another House and we know that they are afraid to face the Chamber in another place. We know that they are not prepared to face the public opinion of Bengal today. We know that in another place they have lost their majority and because they have lost their majority, they have taken recourse to this subterfuge to try to hurry this Bill through in this House. But this I submit, Sir, is to encroach on the rights of this House. This is an instance of the new despotism to which attention was drawn by Lord Hewart, a Lord Chief Justice of England in his book, "New Despotism". This newest type of despotism is the tyranny of the Executive encroaching upon the preserves of the Legislature, when the functions of the Legislature are usurped by the Executive. The plea that at some unspecified date in the future the Government will bring up an amending Bill while the existing Bill, full of glaring and patent mistakes, must be passed as it is, is hardly an intelligent plea. By assurance and half-promises like these the Ministry is trying to usurp the functions of the Legislature. I would, therefore, ask you, Sir, to refer the statement of the Hon'ble Finance Minister to the Privilege Committee of this House. Let us decide once for all whether the Government can lay down that no amendment should be made to the Bill, that they do not want to consider the Bill and the amendments on their merits. The only reason advanced for this extraordinary request is that if any amendments are carried, however necessary they may be, however desirable and imperative they may be on account of the legal and other defects of the draft Bill, it would entail the Bill going to another place. This is certainly an encroachment upon the privileges of the House. I would submit that before we proceed further with the consideration of the Bill this matter should be examined by the Privilege Committee of this House. Government might have so managed their affairs, Government might have so manipulated their majority that they could have defeated even desirable amendments on the floor of the House. But that is one thing. Restriction on the exercise of free discussion and voting and a declaration to that effect is quite another matter. To shepherd a measure through the House in this way constitutes an infringement of the rights of the legislature which is unprecedented. Therefore, I move that the matter may be referred to the Privilege Committee of the House.

Mr. PRESIDENT: Do you want my ruling on this point?

Mr. BANKIM CHANDRA MUKHERJEE: May I speak on this point, Sir?

Mr. PRESIDENT: Yes, but I hope you will be brief.

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir, I will be brief and will not repeat what Mr. Kabir has said. In rising to support the proposal of Mr. Kabir I would like to state one fact which is evident from the statement of the Hon'ble Finance Minister. His statement seems to be an extraordinary one and I do not know whether there is such a precedent in Bengal ever since the commencement of the life of the Legislature. I do not think such a procedure was ever proposed or that any Hon'ble Minister proposing to move a Bill in a particular House ever asserted in the face of such a consolidated list of amendments,—which are as many as 497—that he wanted that the Bill should come out from that House as it had emanated from another House without a single change of comma, or even semi-colon, or any other change which might necessitate the Bill having to go back to the originating Chamber.

Now, Sir, there is one aspect of the matter which has been lost sight of and which I want to impress upon the honourable members of this House. I submit that it is a direct insult to the intelligence of the members of this House who have tabled as many as 497 amendments, to ask them not to move any amendments and not to have any discussion so far as these amendments are concerned. It is astonishing to us all to find a request from a man of the position of the Finance Minister that the Bill be passed as it stands without moving any amendment, and without even putting the commas and semi-colons which the Hon'ble Minister himself admits are not properly placed in the Bill, in order that he might not have to face the hot Chamber of the Assembly. I submit, Sir, that the Hon'ble Finance Minister has lost sight of this aspect of the matter. What he thinks is that the honourable members of this House—I find among them many supporters of Government and many who are opposing the Government and there are also many who are independent members—may accede to his request. But he himself has admitted that the Bill has got defects and he proposes that with the co-operation of the members of this House he would bring in an amending Bill afterwards so that the defects which he himself admits are existing in this Bill, might be removed. I do not know if ever such an extraordinary request was made before in this House. The Hon'ble Finance Minister has not possibly realised the seriousness of the situation. You are going to place a Bill permanently on the Statute Book and it is to go out to the world at large as a piece of legislation passed by the honourable members of the Bengal Legislative Assembly and the Bengal Legislative Council consisting of members drawn from all parts of the province. You admit that the Bill is defective, you admit that there are provisions which require consideration. Just now we have got a ruling from the Chair saying that there are serious defects in certain provisions of the Bill with regard to the Rulers of the Indian States and with regard to the enforcement of the provisions themselves. With all these defects the Hon'ble Finance Minister makes a request to the members of this House—please push it through without any change—and it is really a mandate to the members supporting the Government, and a request to the members of the Opposition and independent members—shutting your eyes to the defects, shutting your eyes to all that is there so that he might not have to go to the hot Chamber of the Assembly which he cannot face. But, Sir, there is one thing which the Hon'ble Finance Minister noted and I am glad that he has noted it. He has noted the necessity of the relief and rehabilitation of the destitutes. I am glad that the Hon'ble Finance Minister has referred to this matter in his statement. We know, Sir, that the Relief and Rehabilitation Bill was passed by this House and it was suggested at the time that it was an emergent measure and should be passed immediately so that it might be put into operation before the Ordinance already passed with regard to this matter expired. The Bill was passed by this House. I remember, Sir, that Mr. Clarke, member of the European Party, suggested at that time that there should not be any delay in passing the Bill because the Ordinance was going to expire. Recognising all

these, the Bill was passed by this House and then it went to the Lower House for consideration. When the consideration motion came up before the Lower House, the Hon'ble the Finance Minister at the time of moving the Bill fled away and the Bill was not moved at all. I submit the Bill has not yet been passed and in spite of all these things the Hon'ble Ministers advised His Excellency the Governor that there was no business for the Legislative Assembly and so it was prorogued---

Mr. PRESIDENT: Mr. Mukherjee, you need not refer to the proceedings of the other House. You better confine your observations to the point of privilege.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I am not referring to the proceedings of the other House. I am only saying that the Hon'ble the Finance Minister wants that this Bill should be passed in the shape and form in which it now stands; that there should not be any delay because he has got to take steps for the relief and rehabilitation of the destitutes. I say that he had induced the members of this House to pass the Bill hurriedly and we complied with his request, allowed the Bill to be passed but he has left the Bill in the lurch. Therefore, I say that the request the Hon'ble the Finance Minister has made that we should pass this Bill in the shape in which it stands at present is a request which ought to be placed before the Privilege Committee for the purpose of considering whether the request is in order or whether it is a request which is practically a mandate, as has been described by Mr. Kabir, to the supporters of Government that they should not support any amendments good, bad or indifferent. As a matter of fact, some of the amendments are very necessary and in spite of that the honourable members supporting Government have been asked to give their votes in favour of Government.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, on a matter of personal explanation. What I said is: that Government amendments will not be moved and there was, of course, a request that perhaps it would be wiser for us to pass the Bill as it is inspite of the minor defects, simply because it is bound up very closely with the question of subventions from the Centre. My object was far from insulting this House for which I have a very high respect. I hope my submission was couched in a language which could not possibly give any offence.

Mr. PRESIDENT: We have been discussing the point of privilege raised by Mr. Humayun Kabir. I tried to understand how the privilege of the House had been infringed. Government have made certain suggestions and requests and indicated the line of action which Government propose to follow with regard to the amendments of which they themselves had given notice. Now, whether the suggestions were reasonable or proper, it is not for the Chair to make any observation on that point. Government are no doubt free to decide whether they would move the amendments or not.

As regards the party arrangements in the House itself, the members are not bound to follow Party decisions. So the decision of the Party does not take away their privilege. The members can exercise their right of vote in any way they like, whatever the suggestions may be or whatever the advice may be. They are expected to act according to what they themselves feel to be in the best interest of their constituencies or according to their sense of public duty. The Chair feels that no privilege of the House has been infringed and the question of sending the matter to the Privilege Committee does not therefore arise.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, there is one matter on which I would like to say a few words. Having regard to your ruling and having regard to the statement of the Hon'ble Finance Minister that the Government amendments are not going to be moved, would it not be proper for you, Sir, to give us time to place further amendments?

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I think the difficulty may be obviated if Government amendments are allowed to be moved by the members of this side, if necessary.

Mr. PRESIDENT: I was going to suggest that if any particular member attaches very great importance to a particular Government amendment, he might be allowed to move it as his own.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, there are serious amendments which are not merely confined to the removal of a comma. Therefore, they should not be ignored.

Mr. PRESIDENT: Nobody ignores them, Khan Bahadur Sahib.

Khan Bahadur ABDUL HAMID CHOWDHURY: Sir, the usual practice and convention of this House is that no other member except the honourable member who gives notice of an amendment is entitled to move it.

Mr. PRESIDENT: I know that. But in the special circumstances of the case, I am allowing this procedure. As it is the general desire that we proceed with the Bill without further loss of time, the Chair relaxes these rules and allows the non-official members to move the Government amendments as their own.

Mr. HUMAYUN KABIR: Sir, will it be necessary for us to send formal notices of these amendments, or will it be enough if we get up on the floor of the House and move the amendments?

Mr. PRESIDENNT: Yes, it will be enough if you get up on the floor of the House and move the amendments.

Clause 1.

Mr. PRESIDENT: Clause 1 stands part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, it is my misfortune to be the first offender against the unusual request which the Hon'ble Finance Minister has made. I believe I shall also be the last offender in this respect, for the last amendment in the list also stands in my name.

Sir, I beg to move that after the Preamble to the Bill, the word and Roman figure "CHAPTER I" be inserted.

Sir, the Bill has been divided into chapters. In an overwhelmingly large number of Acts, both Central and Provincial, as well as in many English Statutes, clauses 1 and 2 have been given the dignity of an independent chapter. It is only in rare cases that they have been relegated to a subordinate position. I do not see any reason why we should not follow the precedent of the majority of the Statutes in this respect. I hope that clauses 1 and 2 would be given the dignity of an independent chapter and be marked as Chapter I.

With these few words, I hope that the House will accept it.

Mr. PRESIDENT: Amendment moved: that after the Preamble to the Bill, the word and Roman figure "CHAPTER I" be inserted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I wish to point out that in very important Acts like the Criminal Procedure Code, Act X of 1922, and in other Acts which this Legislature itself has passed in this Chamber, the arrangement is that there is a section called Preliminary and Chapters come afterwards. Therefore, I do not think that it is any very unusual procedure that we have adopted. There may be two opinions on this subject: but as very important Acts contain this arrangement, as I have already mentioned, I have followed the same procedure in respect of this measure. So I oppose the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, before deciding to move this amendment, I have carefully consulted——

Mr. PRESIDENT: You have no right of reply, Khan Bahadur Sahib. The question before the House is: That after the Preamble to the Bill, the word and Roman figure "CHAPTER I" be inserted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that before clause 1 of the Bill, the word "*Preliminary*" shall be inserted as the heading of clauses 1 and 2.

Sir, this is a very important amendment. It is calculated to cure a serious blunder in legislative drafting. The House will please consider the Preamble. It will be found that the word "*Preliminary*", which should really be a heading to clauses 1 and 2, and which is invariable in all Acts has, somehow or other, been allowed to trespass into the precincts of the Preamble. The effect of this amendment and other connected amendments relating to the Preamble, would be that the word "*Preliminary*", which finds an unauthorised place within the ambit of the Preamble, would be banished and expelled from the Preamble and be relegated to its proper position as a heading to clauses 1 and 2. This is the first of a series of amendments in this connection. I have examined over 500 existing Acts and many dead Acts too, but in none of them the word "*Preliminary*" is to be found in the texture of the Preamble. Sir, this mistake has a very interesting history. The Bill clause, as it was published in the *Calcutta Gazette*, was slightly different. The unauthorised presence of the word "*Preliminary*" inside the Preamble was detected, I believe, at the Select Committee stage and though the mistake was noticed, still nothing much was done to cure it. All that was done was that after the first portion of the Preamble, for the comma a full stop was substituted. The effect of it was that the Preamble is now divided into three incomplete sentences—one incomplete sentence before the word "*Preliminary*", then the word "*Preliminary*" itself as a complete sentence of one word and then another incomplete sentence, namely, "It is hereby enacted as follows." As a matter of fact, a Preamble always consists of one sentence only. It is never divided into independent incomplete sentences and the interposition of the full stop after the first part of the Preamble has no parallel in any Statute in India. I submit that the first part of the Preamble should end with a semi-colon or a colon; and the word "*Preliminary*" should be removed and placed below the words "It is hereby enacted as follows;—" As it stands, it is a serious blunder and we cannot be expected to agree to it. If the matter is left as it is, the effect would be disastrous. With these words, I submit that the amendment should be accepted.

Mr. PRESIDENT: Amendment moved: that before clause 1 of the Bill, the word "*Preliminary*" shall be inserted as the heading of clauses 1 and 2.

Mr. LALIT CHANDRA DAS: Sir, I rise to support the amendment moved by my friend Khan Bahadur Naziruddin Ahmad. If we look to the arrangement of the chapters, we find that Chapter I begins with clause 3. What the Khan Bahadur suggests is that the word "*Preliminary*" should be before clauses 1 and 2. What we find here is: Preliminary —it is hereby enacted as below . . . . and then clauses 1 and 2 and then one chapter follows another. That would not be in order. For putting the word "*Preliminary*" before "It is hereby enacted as below" is putting the cart before the horse. Therefore, I submit that the amendment moved by my friend is so just that Government should not hesitate to accept it.

Mr. HUMAYUN KABIR: Mr. President, Sir, I rise to support this amendment but not from a legal point of view: Many legal precedents

have been cited by my friend Khan Bahadur Naziruddin Ahmad, the mover. As you will remember, Sir, we have sometimes in this House delegated to him functions of draftmanship and references to books of law. I look at the question from a plain commonsense point of view. I feel, like the Khan Bahadur, that the Preamble does not make any sense when the word "*Preliminary*" stands midway. That is not the point to which I would draw your special attention. What I would draw your attention to is that certainly the clause "It is hereby enacted as follows" covers the whole Bill. This clause is not a "*Preliminary*" portion of the Bill. It cannot be regarded as belonging to any part or portion of the Bill. On the contrary, after the preamble states the reasons for promulgation of the Bill, the Legislature declares "It is hereby enacted as follows". The titles of chapters are to be divided according to the subject-matter of the different clauses. Therefore, inclusion of the word "*Preliminary*" here jars, not only against legal precedents, as suggested by the Khan Bahadur, but also against commonsense. Not merely that. I do not quite understand it and I would ask the Hon'ble Finance Minister who has a far greater acquaintance with legal language than myself, I would ask him what precisely is the force of the word "*Preliminary*" here. What would be the effect if the enactment clause is regarded as the preliminary portion of the Bill. The governing clause I take it is: "It is hereby enacted as follows" and this is the fundamental clause of the whole Bill. That is not a part of a particular section, that is not a section of any particular chapter. To compare small things to great, this clause is to the Bill what the sentence "God said let there be light and there was light" is to the rest of the Bible. The words "It is hereby enacted as follows" are in the position of this first statement of the Bible. It is the genesis of the whole Bill and if there is something wrong in the genesis, its consequences are going to be very wrong indeed. If the Hon'ble Finance Minister can satisfy me on this point, I assure him that I will certainly withdraw my support from the amendment of my friend Khan Bahadur Naziruddin Ahmad.

On the other hand, if he himself feels that he has no satisfactory explanation, or that he cannot satisfy any one of us, he should accept the amendment.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to support the amendment which has been moved by my honourable friend Khan Bahadur Naziruddin Ahmad, I would like to quote the words which the Hon'ble the Finance Minister has said in opposing the first amendment moved by the Khan Bahadur. In support of his opposition to the first amendment of the Khan Bahadur the Hon'ble the Finance Minister quoted the authority of the Civil Procedure Code and contended that the word "Chapter I" need not be incorporated as proposed in the first amendment but that "Chapter I" of the Bill as placed here is in proper place. If we now examine, having regard to the statement of the Hon'ble the Finance Minister, what is enacted, if the preliminary portion is left out of the enactment, the Bill will read as follows: "Whereas it is necessary to make an addition to the revenues of Bengal and for that purpose to impose a tax on agricultural income derived from land situated in Bengal" then comes the word "*Preliminary*" and then "It is hereby enacted as follows". He has left out the word "*Preliminary*" which should go first.

As regards the second observation, I want to say that it is well known that the heading of a Bill and the Preamble of a Bill have got to be taken into consideration together and then the other provisions will come. If this is done, we will find that the words "It is hereby enacted as follows" should be part of the Preamble and should not be detached from it. Therefore, I submit that the word "*Preliminary*" has been misplaced and it ought to be placed in its proper place so that the Bill may come out in a perfect form and not in the form in which it now stands. I know, Sir, that the Hon'ble the Finance Minister will not accept our amendments having regard to the

statement he has made this afternoon, but we consider it our duty to point out these glaring mistakes so that it might not be stated afterwards that we overlooked these things and allowed the defects to remain in the Bill.

With these words, I support the amendment.

Khan Bahadur ABDUL GOFRAN: Sir, I rise to oppose this amendment on the ground that it is useless. In its present place, the meaning of the word "*Preliminary*" is quite clear. So we should not waste a good deal of our time over this amendment. If the word "*Preliminary*" is brought down to a place before clause 1, in that case also there will be no difference in meaning. I, therefore, think it is absolutely useless for us to waste our time and energy over an amendment like this.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, on a point of information. My honourable friend, the last speaker, happens to be a great lawyer and is also as old as myself. Can he tell us whether during the whole career of his useful life he has come across such a blunder?

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Sir, Mr. Humayun Kabir is an author and he publishes his books. I think he will bear me out if I say that he also does not think that the word "*Preliminary*" loses its meaning if it is not placed properly.

Mr. BANKIM CHANDRA DATTA: Sir, I presume that when a Bill emerges from this House, the public will take it that the members of the Bengal Legislative Council must have been very careful in going through it. Therefore, if these glaring mistakes are not remedied by the Government, not only would they look small but we also will look small as we have some stakes somewhere. If the word "*Preliminary*" is to have some sense, it must be placed before clause 1, as suggested by my honourable friend the mover of this amendment. With these few words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I shall not endeavour to convince the honourable members opposite. Of course, it would be much better if the word "*Preliminary*" could have been transferred to a place lower down; but for reasons of expediency it is not possible, and therefore I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that before clause 1 of the Bill, the word "*Preliminary*" shall be inserted as the heading of clauses 1 and 2.

The question being put, a division was challenged and taken with the following result:—

AYES—14.

Khan Bahadur Naziruddin Ahmad.	Rai Bahadur B. M. Maitra.
Mr. S. C. Chakraverti.	Mr. H. D. Majumdar.
Mr. Khorshed Alam Chowdhury.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Mr. R. Pal Chaudhuri.
Mr. B. C. Datta.	Rai Sahib J. N. Ray.
Alhadj Khan Bahadur Shaikh Muhammad Jan.	Mr. A. D. Roy.
Mr. Humayun Z. A. Kabir.	Mr. B. K. Roy Chowdhury.

NOES—26.

Khan Sahib Fariduddin Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Mesbahuddin Ahmed.	Mr. Latafat Hossain.
Mr. Nur Ahmed.	Mr. Mohamed Hossain.
Khan Sahib Nurul Amin.	Maulana Muhammad Akram Khan.
Khan Sahib Abdul Aziz.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. Moazzemali Chowdhury.	Mr. T. B. Nimmo.
Khan Bahadur A. H. Chowdhury.	Rai Bahadur R. B. Roy.
Mr. Mohd. Habibulla Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Mr. J. W. R. Steven.
Mrs. K. D'Rozario.	Khan Bahadur M. Shamsuzzoha.
Mrs. L. P. Dutt.	Dr. Kasiruddin Talukdar.
Mr. R. W. N. Ferguson.	
Khan Bahadur Abdul Gofran.	

Mr. PRESIDENT: Order, order. The House has divided. For the amendment—14, against the amendment—26. The amendment is, therefore, negatived.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in sub-clause (2) of clause 1 of the Bill, after the word "Bengal", the words "excluding the temporary re-settlement estates of Sundarban in the districts of Bakarganj, Khulna and 24-Parganas" be added.

Sir, in moving this amendment I beg to remind the members of this House and the Hon'ble the Finance Minister, the mover of the Bill, the history of the land revenue settlement of the Sundarban estates. The Sundarban estates are not permanently settled; their rent is revised periodically. The landlords are given only a small percentage of the profits according to the collection made by them at the time when the rent is revised. The last re-settlement was made very recently when the revenue payable by the landlords was enhanced considerably and their position now is very precarious. They are hardly able to deposit the Government revenue in time. In the report of the Floud Commission, I would speak subject to correction, there is no suggestion for acquiring these Sundarban estates. As a matter of fact, so far as Sundarban is concerned, Government is really in the position of landlords and it would be a great hardship if upon the small profit which the landlords were allowed when the rent was revised last, an encroachment is now to be made in the shape of this tax. Any one acquainted with the history of the Sundarban estates would realise that these estates had been developed substantially with the money invested by the landlords and during a long period of time the landlords enjoyed little or no profit. The risk which they had undergone in investing large sums of money for the improvement of the Sundarban estates was very great, but they were greatly disappointed when the last settlement took place, and the revenue was revised and enhanced considerably. Sir, I would impress upon the Hon'ble the Finance Minister and members of this House that it would be really a double taxation, a hardship from which the landlords of the Sundarban estates and entitled to be exempted in accordance with the principle already recognised by the Government in connection with the assessment of tea companies and the principle recognised in the English Finance Act. I mean the provision relating to Income-tax in the English Finance Act. It is nothing but a further taxation on the profit which the Sundarban landlords are entitled to enjoy in accordance with the assurance given by the Government at the time when the rent was revised last.

I would remind the honourable members and the Hon'ble the Finance Minister specially of the discussion and the negotiation that took place during the time when the re-settlement of the Sundarban estates was made last: I mean, the dissatisfaction that prevailed among the Sundarban landlords at the time; the offer made by Sir Provash Chandra Mitter, who was then the Revenue Minister, and the terms arrived at at the time. There can be absolutely no analogy between these Sundarban landlords and the other permanently-settled estates in Bengal. There is no question here of a very large profit being intercepted from the collections made by the landlords from their tenants.

As a matter of fact, looking to the history of the Sundarban Settlement, we find that the term Sundarban is commonly used with reference to all the deltaic lands in the districts of 24-Parganas, Khulna and Bakarganj. This tract was not the subject-matter of the Permanent Settlement in Bengal. Regulation 9 of 1816 was passed by the Governor-in-Council on the 26th of April, 1816, making provisions for the appointment of Commissioners of revenue for the area. The provisions of clause 3, section 2, of Regulation 9 of 1825 are with regard to the assessment of revenue for the Sundarban. Literally "Sundarban" means Sundari forest tracts and was once the favourite home of Royal Bengal tigers. There is still a large

area there lying unreclaimed being preserved as reserved forest. It may be mentioned at this stage that the maintenance of reserved forest is essentially necessary in order to ensure the lands being benefited with rain water. As a matter of fact, there is a great cry now for afforestation. Expert opinion has now established that forest lands should not be reclaimed and converted into cultivable lands. When Government proposed to settle a portion of Sundarban lands, people did not come forward in large numbers for taking settlement. It was found that the area sought to be settled was below the sea level and in order to be of any use had to be protected by very high and strong embankments to keep away the salt water. Many capitalists were ruined in their ventures. It was found that it was very difficult to protect the embankments as frequent breaches resulted in the embankments unless a very strict watch over the same was kept throughout. When the original revenue was assessed for the Sundarban area, the rent was low, considering all the facts as stated above. After the settlement-holders succeeded at a very great cost to improve the lands, settled tenants on the same and began to earn a good profit from the same, the temporary period having expired, Government proposed to re-assess the rent. As a matter of fact, rent was assessed, in some cases, one thousand times more than the pre-existing rent. It was only when Sir P. C Mitter, the then Revenue Minister, intervened that the rent was reduced. So far as these lands are concerned, out of gross assets they are to pay 50 per cent. as Government revenue, 20 per cent. for maintenance of embankments and about 18 per cent. as establishment cost. The proprietors' share of cess, rates and taxes come to about 1½ per cent. Public works of utility and construction of tube-wells and tanks, etc., 2½ per cent.; this leaves a balance of only about 8 per cent. as profit for the Leaseholder. It is this 8 per cent. profit again which is going to be taxed under the present Bill.

Now, Sir, when I was speaking on the question of double taxation and was referring to the history of land revenue assessment in Bengal, I referred to paragraph 15 of the Majority Report of the Floud Commission. My statement that the land revenue had been described therein as a tax, evoked a strong protest in the House and it was said that I was drawing a wrong analogy. That I was not drawing a wrong analogy would be clear if we look to the history of land taxation not only in India but in Britain as well. What is the fundamental principle on which taxation is imposed on the subject? The fundamental principle is that the State must have funds to fulfil its ever-increasing functions of governing the people. For that purpose it is necessary that every one earning an income whether from service or from land or by business should contribute a portion of the income to the Government of the country to enable the Government to carry on the administration. Now, so far as land is concerned, it is very difficult to ascertain who was the owner of the land. I am not going to refer to the controversial point whether the State is the owner of land or the landlord or the tiller of the soil; but whatever may be the position with regard to the ownership, there was no question that a certain portion of income from the land is due to the Government. When the Permanent Settlement was made, this tax was taken into account and it will be found if honourable members of this House care to read the Floud Commission Report that at its inception the landlords were allowed only a profit of 10 per cent. the total profit being, as against a revenue of 241 lakhs, a sum of 23 lakhs at the time of Permanent Settlement. Subsequently, the landlords found great difficulty in depositing the revenues and many estates were sold for arrears of revenue and if we look really to the history on this subject, we will find that the present proprietors are mostly purchasers and not original settlement-holders from Government. The number of original settlement-holders can be counted at finger ends. Again we will find that the original settlement-holders could not retain a large portion

of their estates on account of the very heavy assessment of revenue and non-realisation of rent from the tenants. Now, so far as the permanently-settled tracts are concerned, it may be said that they have been deriving an inflated income at the present moment and as the revenue is fixed once for all, the State has been deprived of its share of the income which it is entitled to get from the produce of the land. Now, Sir, here we have to pause for a moment and carefully consider the situation. As I stated before so far as the Sundarban tracts are concerned, the revenue was settled very recently leaving the present landlords a very small percentage of profit. If you want to tax again this profit, would it not really amount to double taxation? I would like the Hon'ble the Finance Minister to note particularly this part of my argument that it is out of the profit of 8 per cent. that the tax is being levied. Government is not going to tax or realise any portion of the expenses.

Let us now take the case of the tea growers. I am glad that my colleagues of the European Group have now returned to the House and are going to hear what I suggest with regard to the assessment of the tea companies. It is said that they have to pay certain amount of tax to the Central Government under the Indian Income-tax Act; that they have to pay again a heavy assessment under the United Kingdom Finance Act. It is therefore reasonable and equitable that they should be relieved from paying tax again on the income on which they have paid once before to the United Kingdom. I would submit, Sir, that on the argument which is applied to the case of the Sundarban settlement-holders, these tea growers would be only taxed on the net profits which they derive after paying all outgoings including the taxes payable to the Central Government and to the United Kingdom and the Bengal Government will only claim taxes on the portion of the income left after making these allowances. As a matter of fact, we know that so far as the United Kingdom tax is concerned, an assessee is entitled to allowances which have not been provided for in our Bill and I would test the sense of justice of the members of the European Group of this House and members supporting the Government when I move my amendments regarding the same. But at present I am on the question of excluding Sundarbans. I say, Sir, that having regard to what I have narrated above, exclude Sundarbans altogether or if it is considered essential that the Sundarban proprietors should be taxed as well, give them the same relief which you are giving to the Europeans on the plea of double taxation. I submit that in moving my amendment I am only putting my European colleagues in this House to test. If they want that they should be relieved from the payment of this tax as they have already paid it in the United Kingdom, then so far as the Sundarbans settlement-holders are concerned they too are entitled to say that they should be placed under the same position and be given relief to which they are entitled on provisions similar to what you are going to apply in the cases of the owners of the tea gardens. With these words, I place my amendment before the House.

Mr. PRESIDENT: Amendment moved: that in sub-clause (2) of clause 1 of the Bill, after the word "Bengal", the words "excluding the temporary re-settlement states of Sundarban in the district of Bakarganj, Khulna and 24-Parganas" be added.

Mr. LALIT CHANDRA DAS: I rise to support the amendment of my friend Mr. Bankim Chandra Mukherjee. So far as the re-settlement of the estates of the Sundarbans, in the districts of Bakarganj, Khulna and 24-Parganas are concerned, we understand that the settlement-holders get an actual income of 8 per cent. only and every other thing goes to the coffers of Government. It is such a low margin that no further income-tax should be imposed on these estates.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I feel no embarrassment in opposing the amendment. If honourable members will

kindly refer to clauses 6 and 7 of the Bill, they will find that in the matter of reduction of the income-tax of the Sundarbans landlords, their difficulties have been taken into consideration and there is no need for taking any further discriminatory step in their favour. In computing their net income for the assessment of this tax, deductions have been allowed to these Sundarbans landlords in view of their peculiar position. It will further be found that under other provisions of the Bill, namely, under Embankment, sufficient consideration has been paid to the case of these landlords. In view of this, I do not think Government can do anything more.

Mr. PRESIDENT: The question before the House is: that in sub-clause (2) of clause 1 of the Bill, after the word "Bengal" the words "excluding the temporary re-settlement estates of Sundarban in the districts of Bakarganj, Khulna and 24-Parganas" be added.

(The amendment was negatived.)

Mr. HUMAYUN KABIR: I beg to move: that for sub-clause (3) of clause 1 of the Bill, the following be substituted, namely:—

> "It shall come into force on such date as may be notified in the *Official Gazette*, not being earlier than three months from the date of publication of the assent of His Excellency the Governor or the Governor-General as the case may be and shall remain in force till the 31st day of March following."

I have no doubt you will bear me out, Sir, that in the British constitutional procedure whenever a tax is imposed, the average tax-payer is given a period of time during which to adjust himself to the new imposition. It is only here that we find that very often taxes are sprung upon the poor rate-payers almost as a surprise and without giving them any opportunity whatsoever of adjusting themselves to the new financial position accordingly. I would submit that the position in this country all the more demands——

Mr. PRESIDENT: The time is up. Mr. Kabir may continue his speech tomorrow. I now adjourn the House till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Wednesday, the 5th July, 1944.

Members Absent.

The following members were absent from the meeting held on the 4th July, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. D. J. Cohen.
(6) Mr. K. K. Dutta.
(7) Mr. Abdul Latiff.
(8) Mr. N. N. Moholanabish.
(9) Khan Bahadur M. A. Momin.
(10) Mr. N. N. Mokerjee.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur Muklesur Rahman
(13) Dr. K. S. Ray.
(14) Mr. S. N. Sanyal.

BGP-44/5-8217A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 52.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 5th July, 1944, at 3 p.m., being the fifty-second day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY, J.P.), was in the Chair.

QUESTIONS AND ANSWERS

Proscribed books by Kazi Nazrul Islam.

204. Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the names of the books by poet Kazi Nazrul Islam, which have been proscribed by the Government; and

(*b*) whether the Government propose to consider the desirability of removing the ban on these books?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*)(1) Bisher Banshi, (2) Pralayer Shikha, (3) Bhangar Gan, (4) Chandra Bindu, and (5) Yuga Bani.

(*b*) The matter is under consideration.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state whether he is aware that resolutions were passed at different meetings requesting the Government to withdraw the ban on these books and that public feeling is very strong against this ban which has shut out the publication of some of the best literary works?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am aware of several resolutions being passed at meetings, but I am not aware of the fact that there is a very strong feeling in the matter.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state whether he is aware that some innocent religious poems like "Fateha Duazdham" have been banned?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state what policy is followed by the Government in the matter of withdrawing bans in such cases?

The Hon'ble Khwaja Sir NAZIMUDDIN: When applications are made for such withdrawal, they are considered on their merits and if Government find that there is no further necessity for the ban they withdraw it; otherwise the ban is kept on.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Who are the authorities to examine these books?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Home Department.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: We find that in the case of books like "Pather Dabi" the ban has been withdrawn, then why the ban on these books have not been withdrawn?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Is it a fact that high officials who were entrusted with the examination asked him to supply some copies of these proscribed books?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state when these books were banned?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that there has been a great change in the political background and condition since the time when the books were banned?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a matter of opinion.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state how long it will take to consider the matter which is under consideration of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe in a month or two.

Mr. BANKIM CHANDRA MUKHERJEE: 'In a month or two' is a very vague term. Will the Hon'ble Minister please give a more definite time?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry, I cannot be more definite in a matter like this.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state whether he has read these books?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. LALIT CHANDRA DAS: Have those gentlemen who are responsible for the banning of these books read the books?

The Hon'ble Khwaja Sir NAZIMUDDIN: These books were banned before this Government assumed office.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that a similar answer was given by the Hon'ble Minister himself in a different Cabinet about 3 or 4 years ago?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not remember it.

Mr. HUMAYUN KABIR: If I refresh his memory and remind him that the matter was under consideration by him about 4 years ago, will he be prepared to look into the old files?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, I may look into the files.

Mr. LALIT CHANDRA DAS: Arising out of answer (*b*), when the matter is still under consideration, will the Hon'ble Minister please take the trouble to read the books?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot give any guarantee that I shall read all the books; but I shall read the objectionable portions of the books.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister please get these books examined by non-officials?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no necessity for such a thing.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister please give the names of the members of the committee who will consider the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: There is no such committee but the Home Department will consider the matter.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please see that the persons who will examine this question know something about the Bengali literature?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already said, there is no committee but the Home Department will examine the question.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please see that the gentleman of the Home Department who examines this matter is a Bengali and has some knowledge of the Bengali literature?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member may rely on it that the examination will be done most efficiently.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please state if these books have been translated into English?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not know.

Mr. LALIT CHANDRA DAS: In looking through the objectionable parts of the books will he read the texts in originals?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member should assume that the thing will be done efficiently.

Mr. LALIT CHANDRA DAS: Sir, I have got an adjournment motion. Yesterday it was decided that the Hon'ble the Chief Minister would make a statement today. So, before he makes the statement may I read out my adjournment motion?

Mr. DEPUTY PRESIDENT: It is not necessary. The Hon'ble the Chief Minister will now make the statement.

Statement by the Chief Minister regarding export of rice from Bengal to Assam.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government have issued a communiqué on this subject and the Regional Food Commissioner has also issued a statement explaining the position. I will just read what has been stated there and add a few words more. It is clear from the statement made that there was no question of giving any rice or paddy from Bengal to the Assam Government or to the Army authorities apart from the question of on purely lending paddy. On account of certain unforeseen circumstances the Army made a demand on the Assam Government for five thousand tons of rice. The Assam Government did not have the rice and then the Army authorities approached the Government of India who approached the Government of Bengal and pointed out that from the point of view of transport it would be very convenient if Bengal could send the rice to Assam and that that quantity of rice would be given back by the Army authorities to Bengal and that it would be convenient from the point of view of transport to send five thousand tons of rice from North Bengal to Assam, and that the Government of India would send to the Government of Bengal the five thousand tons of rice which they would give to Assam from the Army quota. Later on the Army made a demand for another five thousand tons of rice and similar arrangements were made on the same

basis and on the distinct understanding that the Government of India would reimburse the same quantity of rice to Bengal from the Army quota, *i.e.*, in all ten thousand tons of rice will be sent from North Bengal to Assam, and before the end of August the Government of India will give back to the Government of Bengal the ten thousand tons of rice which they have sent to Assam. So it will be apparent that it is purely a question of temporary loan which will be repaid by the Government of India from the quota that is reserved for the Army outside Bengal and in other parts of India; and the House will agree with me that as it is extremely important to conserve transport as much as possible both in the interests of the War as well as of the Government of Bengal, that was the best arrangement that could be made. There can be no doubt whatsoever that the Government of Bengal is not sending any rice out of the province apart from what has been sent on the assurance that it will be given back and the total quantity of which is ten thousand tons.

Mr. LALIT CHANDRA DAS: Sir, will you permit me to make a statement on my adjournment motion?

Mr. DEPUTY PRESIDENT: Mr. Das, first let me know if you are satisfied with the statement of the Hon'ble the Chief Minister.

Mr. LALIT CHANDRA DAS: No, Sir. I am not satisfied at all.

Mr. DEPUTY PRESIDENT: Then you may just put one or two questions to the Hon'ble the Chief Minister in order to elicit from him further information on the subject.

Mr. LALIT CHANDRA DAS: Sir, the matter will be dealt with in connection with the discussion of the adjournment motion more fully and adequately. The matter is this. The Government of Assam issued a Press-note on the 1st of July stating that they wanted to meet certain commitments of the Army and that is why they required the rice and it is not that they had no paddy. The Assam Government had paddy but could not enforce its procurement from their own subjects. The cultivators there had plenty of paddy but the object of the Assam Government is to take away the rice of Bengal in order to bring down the price of rice in Assam and purchase paddy more freely and at lower price from their own people over there. Therefore, I say, Sir, that the Bengal Government had no business to go out of its way to lower the price of rice of another province when its own people in different parts of the Province and in several districts are unable to purchase rice because of very high price. The price of rice in Chittagong and Cox's Bazar and Noakhali is ruling at more than forty rupees a maund. That is the situation: and in a situation like this, export of paddy should take place not from North Bengal to Assam but to the coastal districts of Bengal and to the other deficit areas in Bengal. It looks innocent indeed when the Government of Bengal say that they have sent out 5,000 tons of rice to Assam because they received a call for it from the Government of Assam and that when there is a second call for a further 5,000 tons they will also send that quantity to Assam, and this is the limit of the quantity of rice that Bengal is prepared to send according to the statement of the Chief Minister. But, Sir, a statement has also been issued by the Regional Food Commissioner. In that statement he does not say anything about the quantity that has been or will be sent to Assam; all that he says is that certain tons of rice will be sent to Assam but what the quanity is going to be has not been mentioned. He does not mention anything about the quantity although he says that this province will be re-imbursed later on with further supply of rice. That may be done later on, but at present the people of Bengal are suffering because of the policy that is now being adopted, namely, the sending of rice out of Bengal to Assam which has really got paddy in sufficient quantities but is not purchasing

paddy from its own people because the price is so high. It is very curious, Sir: the position is very curious. The Regional Food Commissioner does not mention the limit——

Mr. DEPUTY PRESIDENT: He will no doubt confine himself to the limit fixed by the Central Government.

Mr. LALIT CHANDRA DAS: The present demand of the Assam Government is for 10,000 tons and later on we will perhaps find that more than that quantity has been actually sent out of Bengal; that will be a very serious situation for this province, Sir. This Government could not control the export of rice in 1942 and even in 1943 and as a matter of fact rice was being exported from the port of Calcutta sometimes with and sometimes without the knowledge of the Ministers. A statement was made to this effect from the Treasury Bench at the time of the discussion on the food situation sometime ago. The result was the famine in Bengal when thousands of people died for want of rice; a huge population was carried away by famine and not only by famine but also by diseases following in the wake of the famine. Even now we are passing through a famine of money and for want of money, people are unable to purchase rice at this abnormally high price. So, why not introduce the rationing system in these deficit areas? Why export rice again, for the people are still passing through acute distress and therefore this policy of sending to Assam paddy and rice in the face of this money-famine will result in food-famine even though rice is sent in driblets. The Honourable Minister has stated that he is prepared to send out 10,000 tons of rice to Assam in driblets. This policy is highly detrimental and prejudicial to Bengal and it is a matter of urgent public importance and of recent occurrence. Therefore, I do ask your consent to allow me to move this motion so that the House may have an opportunity to discuss the whole thing.

Mr. DEPUTY PRESIDENT: From the statement of the Honourable the Chief Minister it appears that it is only a question of loan.

Mr. LALIT CHANDRA DAS: The question is not a simple one of loan, Sir. Let me state the whole point thus. How does it look for one debtor country to advance money to a creditor country? It is not at all a creditable position. We must first of all be in a position to be secure in our own house and then consider the question of helping others. When we are in great difficulty, when we cannot manage our own household and when our own people are dying by thousands for want of adequate quantity of rice, why should we show this vicarious generosity of lending our things to others? Perhaps you know, Sir, that the Hin'ble Minister for Civil Supplies has had to rush to Chittagong and Noakhali after I placed my adjournment motion the other day, trying to meet the situation. That is the position which we are in at present. So how the question of loan of rice to Assam, or, for the matter of that, to other province, can arise at this stage? This is the policy—whether it is proper or fair on the part of the Government, who are responsible for the well-being of the people of Bengal, which should be discussed—the question of giving loan to Assam——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is a question of exchange——

Mr. HARIDAS MAZUMDAR: Whether it is a question of loan or exchange, Sir, we condemn this policy of the Government at this critical time when Chittagong and Noakhali and other places are in deficit so far as rice is concerned and the Hon'ble Minister for Supplies has himself had to run there. Is this the time to advance loans to other provinces? Sir, this is going to deteriorate the morale of the province and we want to discuss this policy through this adjournment motion.

Mr. DEPUTY PRESIDENT: Order, order. I have considered thi question very carefully and I am of opinion that after the statement of th Hon'ble the Chief Minister this adjournment motion is not necessary an I disallow it.

Mr. HUMAYUN KABIR: Sir, May I have two points cleared by th Hon'ble the Chief Minister?

Mr. DEPUTY PRESIDENT: No, the matter is closed.

ADJOURNMENT MOTIONS.

On Government's failure to provide rations for "Bhog" to Hindu Deities

Mr. DEPUTY PRESIDENT: I have got notice of an adjournment motio by Mr. Haridas Mazumdar which runs as follows:—

> That this Council do adjourn its business to discuss a definite matte of urgent public importance, namely, the failure of the Govern ment of Bengal to provide for the ration of "Bhog" to the Hindu deities in Calcutta and other rationed areas, though promises i this respect were held out by the Hon'ble Minister in charge o Civil Supplies times without number.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I make a state ment in this connection? As the honourable members are already aware the Hon'ble Minister in charge of Civil Supplies has gone to Chittagon to deal with a situation there. As soon as he comes back, he will make statement in this House defining the Government policy which has no been settled and the announcement of which awaits Mr. Suhrawardy' return from Chittagong.

Mr. DEPUTY PRESIDENT: When is he expected?

The Hon'ble Khwaja Sir NAZIMUDDIN: On the 6th.

Mr. HARIDAS MAZUMDAR: Sir, if I am not satisfied with th statement. I think I will be allowed to move my adjournment motion.

Mr. DEPUTY PRESIDENT: Yes, if it is found in order.

On Government failure to proceed with the consideration of the Benga Destitute Persons (Repatriation and Relief) Bill, 1944.

Mr. DEPUTY PRESIDENT: I have got notice of yet another adjourn ment motion from Mr. Bankim Chandra Mukherji which runs as follows:

> That this Council do adjourn its business to discuss a definite matte of urgent public importance, namely, the situation that has arise by the reason of the fact that the Bengal Destitute Person (Repatriation and Relief), Bill, 1944, which was passed by thi House on the 17th February, 1944, has not been further proceede with by the Government.

Mr. BANKIM CHANDRA MUKHERJI: May I move the motion?

Mr. DEPUTY PRESIDENT: No; at the very outset I want to know the subject-matter of your adjournment motion. As far as I have under stood it from the notice, you want to censure Government by this adjourn ment motion for their failure to proceed with a Bill which has been passe by this House and sent to the other House for their concurrence.

Mr. BANKIM CHANDRA MUKHERJI: Sir, If I may refer to th proceedings of this House, dated the 8th February, page 50, you will fin that there is a statement made by the President on that date when th Hon'ble Mr. Tarak Nath Mukherji gave notice of this Bill. I understan that these two Bills which are——

Mr. DEPUTY PRESIDENT: I want to be satisfied that you do no want to criticise the action of any Hon'ble Minister in connection with hi activity in the other House.

Mr. BANKIM CHANDRA MUKHERJI: No, Sir, I am not going to say what happened in the other House; but so far as this House is concerned, it was stated that that Bill was a very urgent and important one and it was necessary that that should be passed within a certain date because the Ordinance was going to expire soon. Actually, the Bill came before this House on the 17th February last and was passed within 10 days and now we are in July but the Bill has not yet become an Act.

Mr. DEPUTY PRESIDENT: Please explain now how it is a matter of public importance.

Mr. BANKIM CHANDRA MUKHERJI: If you, Sir, look to the Hon'ble Minister's statement of the 17th February, 1944, you will find that it was stated there that about 33,000 destitutes had been apprehended and taken into custody by Government and it was necessary that some provision should be made immediately for them.

Mr. DEPUTY PRESIDENT: Are they still in custody?

Mr. BANKIM CHANDRA MUKHERJI: They were in custody at the time the Revenue Minister made the statement but I do not know whether the destitutes are still in custody.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, may I say a few words in this connection? I submit that it is no longer a matter of urgent public importance, since the situation has immensely improved. Work houses have been established all over the province. At present, the situation is almost normal and we hope that the situation will gradually improve. We wanted to pass that Bill as a precautionary measure but there is no necessity for that now. Therefore, I submit that this motion should not be allowed. Most of the destitutes have been sent back to their homes.

Mr. LALIT CHANDRA DAS: Sir, may I ask the Hon'ble Minister through you whether a conference was held in the Writers' Buildings and whether that conference came to the conclusion that destitutes who were trying to come to Calcutta should be prevented from coming to Calcutta with the help of the railway authorities?

The Hon'ble Mr. TARAK NATH MUKERJEA: That conference was held only for the purpose of preventing people from coming to Calcutta to sell rice in the black-markets.

Mr. HUMAYUN KABIR: Mr. Deputy President, Sir, there are two points to be considered in an adjournment motion, namely, whether the matter is definite and of urgent public importance. So far as definiteness is concerned, I would refer to the statement made by the Hon'ble Minister when he introduced the Bill. He said that he wanted to pass the Bill in order to deal with a definite situation which had arisen. The Ordinance to deal with the problem would lapse within six weeks of the session of the Legislature, and hence the Bill was introduced at a very short notice in this House. Certain ordinary rules of procedure were suspended and the Opposition and Government came to a mutual agreement in order to facilitate the passage of the Bill.

Now, Sir, thereafter Government for reasons best known to themselves did not proceed with the Bill. It is not correct to say, as the Hon'ble Minister has said just now, that there was no necessity and therefore they did not want to pass the Bill. Actually this Bill was put on the agenda paper on a particular day in the other House, but Government found themselves in a hopeless minority on that day and Hon'ble Minister after Hon'ble Minister got up and said that they did not want to proceed with the Bills standing in their name. Therefore, Sir, it is not a fact that the matter was not urgent or important. The fact is that on a particular day

the Government members were not present in full strength—may be, it was an accidental fact, but this did not take away the definite character of the Bill or its urgency——

The Hon'ble Mr. TARAK NATH MUKHERJEA: Sir, we have never said anywhere or in the Lower House that we did not want to proceed with the Bill. On the particular day referred to by Mr. Kabir this Bill was not on the agenda at all. On the agenda there were other Bills, such as, the Murshidabad Bill, the Home Department's Bill and the Communications Department's Bill, but I can definitely say that this Bill was not there.

The Hon'ble Khwaja Sir NAZIMUDDIN: I can testify to the fact, Sir, that on that particular day no Bills were moved although they were on the agenda. These were the Bills that were to be moved, viz., the Murshidabad Bill, the Coroner's Bill and the Bengal Embankment Bill; but the Repatriation Bill was not on the agenda at all.

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, since February last the situation has immensely improved, and since the establishment of work houses the destitute people are not only getting their accommodation in these work houses but also they are getting scope for work there. So I submit, Sir, once again that there is absolutely no reason whatsoever to think that it is a matter of public importance.

Mr. HUMAYUN KABIR: I was going to make my submission, Sir, when the Hon'ble Minister interrupted me——

Mr. DEPUTY PRESIDENT: How do you establish that it is a matter of public importance?

Mr. HUMAYUN KABIR: I was going to state, Sir, that already in the streets of Calcutta we find that beggars are re-appearing. Along with that we find the Government have moved to stop the influx of people to Calcutta without tickets. Now, I take it that the Hon'ble Minister does not suggest that persons of the social status of the Hon'ble Ministers will flock to Calcutta without tickets. If people flock to Calcutta without tickets, it will be because they do not have the wherewithal to purchase tickets; and the Government move to stop this inflow of people without tickets into Calcutta is a clear indication that the Government are anticipating the situation which will be created by the influx of large numbers of persons in Calcutta. Besides, Sir, as was stated a little earlier today, there are signs of distress in different parts of Bengal. We are thankful that the distress is not so great as during the last year, but unfortunately there are unmistakable signs of distress. The attempt on the part of the Government to stop the inflow of people to Calcutta shows that this is an urgent matter and it is also a definite matter. It is this situation which we want to discuss today. This has been created by the failure of the Government to proceed with a Bill which they had hurried through in this House. That is why the matter is definite as well as urgent.

Mr. DEPUTY PRESIDENT: Order, order. I have heard both sides. Having regard to the statement of the Hon'ble Minister in charge of the Revenue Department, I am not fully satisfied that it is a matter of public importance. Besides, on motions for the adjournment of the business of the House, matters entailing legislation cannot be discussed (*vide* May's Parliamentary Practice, pp. 249 and 309). It has also been pointed out by the Speaker of the House of Commons (Vol. 108), House of Commons Debate, 5, s. 1339) that if that were allowed, a motion for adjournment could be moved every day when particular honourable members desired a certain legislative measure to be introduced in the House but which was not introduced by the Government. I have, therefore, no hesitation in disallowing this motion.

The Bengal Agricultural Income-tax Bill.

Mr. DEPUTY PRESIDENT: The House will now resume further consideration of the Bengal Agricultural Income-tax Bill. Mr. Humayun Kabir.

Mr. HUMAYUN KABIR: Sir, yesterday I had moved that in place of sub-clause (3) of clause 1 of the Bill, the following be substituted, namely, —It shall come into force on such date as may be notified in the Official Gazette, not being earlier than three months from the date of publication of the assent of His Excellency the Governor or the Governor-General as the case may be and shall remain in force till the 31st day of March following.

Now, Sir, it will be noticed that this amendment has two parts. The first part deals with the period which should elapse before the Act comes into force. Here I am standing on precedents not only in Great Britain but also in other countries of the world. Except in extraordinary cases, taxation measures are nowhere forced through the legislature, and in any case, new taxation is not imposed on the people without giving them an opportunity to adjust themselves to the demands of the new tax. In other countries the percentage of literacy is much higher, the circulation of newspapers is far greater than we can conceive, public consciousness is much more developed and political feeling strong on account of the existence of the party system. Even in such countries when a new taxation measure is passed, a certain period of time is allowed to elapse so that the different provisions of that measure may be known to all, and there may be no possibility of oppression or exaction upon the unsuspecting public.

If that is the case in countries where political consciousness is far more developed, I would suggest that in a country like ours where literacy is low, where political consciousness is not highly developed, where the party system has not yet come into full operation, where electioneering and the educating of electorates through continual meetings in different areas on specific issue which comes before the legislature is almost unknown—I would submit that in a country like ours it is even more desirable and not only desirable but necessary that a certain period should elapse before taxation measures enacted by the legislature are put into operation. I would like my honourable friends here to consider the fact that our people do not know the intricacies of the law and very often they are unnecessarily harassed. This also is an unfortunate fact. It has to be kept in mind that in many cases, specially on account of the deterioration in the conditions of the services there has been a growing laxity in recent years. As a result, the public are often put to great inconvenience.

In the case of a Bill like the Bengal Agricultural Income-tax Bill which deals with rural people and not with the town-dwellers, not with the municipalities but with the 92,000 and odd scattered villages, where political considerations are almost unknown, where a weekly newspaper is the only purveyor of the news of the world, I would suggest that in such circumstances it is imperative that Government should allow the provisions of the Bill to be broadcast and known throughout the country so that there may be no opportunity either for misrepresentation or illegal or undesirable exactions on the part of the officials. As I have suggested earlier, this practice obtains even in highly developed and politically conscious countries. Therefore, it is all the more necessary and desirable in a country like ours. The first part of my amendment wants to get the principle accepted that whenever a taxation measure is put on the Statute Book, a certain period should elapse so that the provisions of the Bill may be widely known, so that there may be discussions on its provisions and as a result of such discussions on the different sections, an idea of those provisions might gradually percolate to the minds of the masses. There would then be no opportunity for misrepresentations or exactions from the unwary public. I would

suggest specially to the honourable members of the House who have anything to do with rural constituencies, to remember that unless they give the masses some such opportunity to be conversant and fully conversant with the provisions of this taxation measure, which is new of its kind, they will be doing a very great injustice to their own constituents; and not only that: they will be making the people in the rural areas liable to exactions of all types.

Now, Sir, the second half of my amendment deals with the question of duration of such an enactment. It has been the intention of my amendment, first of all, to allow a breathing space, so to speak,—a period during which the provisions of the Bill can be widely discussed and circulated so that there may be no room for misrepresentation. The second half of my amendment deals with the actual duration and pendency of the Bill. You will remember, Sir, that we have discussed this subject in this House before. We held that it was desirable that all money Bills should be annual Bills. The Hon'ble Finance Minister was himself forced to admit when discussing this subject that this is a matter which had attracted his own notice. He had himself felt that unless money Bills were annual Bills, the Legislature could not have proper control over the functions of the Executive. He also informed the House that it was his aim when he first came to the Legislature to make some provision by which the Legislature will have control over the Executive. You have such annual money Bills not only in the free countries but also in the Central Government at Delhi. Many members are aware that money Bills are annual Bills, so that appropriations have to be made year after year. This annual appropriation gives the Legislature the opportunity to scrutinise the actions of the Executive and take the Ministry to task if it goes wrong.

Now, Sir, going wrong is not the monopoly of any particular Ministry. The present Ministry has gone wrong in many things and can go wrong again. Its predecessors also erred. The next Ministry may also err. He will be a bold man who will say that he will never err, for to err is human. If you have annual Bills, the Legislature can have a check over executive action. The Legislature should always see to it that an erring Ministry does not err too much. Whenever an erring Ministry wanders away from the straight and narrow path of rectitude, the Legislature must pull it round from the wrong path. It must check the peregrinations of the Ministers whenever they attempt to go astray. The Hon'ble Finance Minister and the honourable members opposite admitted that my proposal was desirable and some such provision should come into being as soon as possible. They also admitted that it was desirable that all money Bills should be annual Bills so that the Legislature may exercise effective control over the Ministry and thereby prevent it from developing a tendency towards becoming irresponsible.

And it is not a new development here. In other places as well, the Executive has tended to transform itself into an irresponsible Executive whenever they found that they could defy the Legislature. In many cases, the executive did defy the Legislature. The history of the British Parliament and the growth of the British Parliamentary conventions are valuable examples of what I say. The British Parliament fought for a long time for the right of having annual money Bills. The British people never yielded on this point. It was sometime in the period of the Lancastrians, I think in the reign of Edward III, that the question first came to the fore. The British merchants and the gentlemen of the boroughs refused to support any new taxation measure and they refused to vote any money unless the King was prepared to listen to their suggestions so far as the disbursement of the money was concerned. From that time onward for almost 200 years this struggle continued. Whenever the King was in difficulty, he accepted the claim of Parliament and promised that it should have control over expenditure; but as soon as things eased a little the King conveniently used to forget his promises. This struggle finally led to a

civil war. Charles I attempted for eleven long years to do without Parliament because whenever Parliament was summoned, the very first petition presented was about the control over the expenditure. Through control of annual money measures, the Parliament wanted to exercise control over the functionings of the Executive. In 1629, King Charles I decided to do without Parliament altogether. For eleven long years there was no Parliament in the British Isles.

Here, we have no doubt the statutory budgets every year. Therefore, here the Hon'ble Ministers, who are afraid of public opinion and do not enjoy the confidence of the Assembly, can perhaps do without the Assembly for one year but they cannot do without the Assembly for eleven long years. They will have to face the Assembly and feel the shock of public opinion as soon as February emerges out of the calendar. The Hon'ble Ministers here should realise that since they cannot enjoy the prerogatives of the British monarchs who attempted to usurp the functions of the Parliament, it is better that they should take the Legislature into confidence and facilitate the development of healthy co-operation between the Legislature and the Executive. In that case alone can all parliamentary or legislative activities be settled on a more amicable basis.

After eleven long years, Charles I found that he could not do without Parliament and he summoned what is known as the famous Short Parliament. Even then he had counted without his host. The very first demand made by Pym—an honoured name in British history and one of the finest parliamentarians of England—was about the redress of the long standing grievances of the people. Therefore, Sir, the Parliament was dissolved in the course of eleven days or twelve days,—I do not remember the exact period, but that is perhaps the shortest session of Parliament on record. Ultimately, the King had to submit to the scrutiny of the Parliament. The control of expenditure passed into the hands of the Parliament. Similarly, I have no doubt that the Hon'ble Ministers will also have to face either today or tomorrow the Legislature and public opinion. Now, Sir, as students of history we all know that certain incidents took place which ultimately led to the execution of the King.

The instrument which the British people, I would say by a stroke of political genius, had discovered about three to four centuries ago was the control through annual money Bills. They thought that this would ensure acual supervision over the activities of Government through control of the finance by the Legislature But they did not achieve their object in a day. For centuries their struggle continued. Sometimes the King won and sometimes the Parliament, but Parliament never gave up the demand that money Bills should be an annual affair. Whenever the King came before Parliament, or rather the Government came to Parliament for money to carry on the administration, the Legislature immediately put its fingers on the sore-spots and required correction of things. Three salutary principles were laid down in the course of the struggle. These three principles for which constitutional struggles went on were firstly, that there should be annual voting of supplies; secondly, that there should be public audit, that is, that every expenditure of the Government should be audited by a committee of the House publicly; and third, and the most important of the points—and which we have not yet developed in this legislature—was that——

Mr. NUR AHMED: I rise on a point of order, Sir. My learned friend's amendment is that this Bill will expire on the 31st of March, 1945, but he is speaking on a subject which is not the subject-matter of his amendment. He says that this Bill will be an annually renewable *Bill*. This is not relevant.

Mr. DEPUTY PRESIDENT: He is speaking *in justification of that* portion of his amendment.

Mr. HUMAYUN KABIR: Sir, I find that my honourable friend Mr. Nur Ahmed has also like many of his colleagues fallen into the habit of not reading the amendments at all. If he cares to read my amendment carefully, he will find that the purport of the amendment is to make money Bills annually renewable. Therefore, Sir, you have rightly pointed out that it is not a point of order at all but it is merely an attempt to delay the proceedings of this House by obstructive tactics. I am surprised that the honourable members of the Government side have taken it upon themselves to adopt obstructive tactics when the Opposition is prepared to co-operate. In fact, we are advocating the development of parliamentary conventions by suggesting ways and means by which the Executive and the Legislature may co-operate more fully with each other. But to proceed with my points.

I was contending that there were three principles for which the British Legislatures continually fought irrespective of any party. Here I would especially ask the honourable members opposite to note that when parliamentary rights and parliamentary conventions were at issue, there was little of any party in the Parliament. On such issues, there was no question as to who were the supporters of the Government and who were the Opposition. The Opposition and the supporters of the Government very often united over the questions which affect the prerogatives of the Parliament. Now, Sir, to cut a long story short, as a result of the struggle for several centuries and the Revolution of 1688, after the Petition of Rights it was finally decided that all money Bills would be annually renewable. That was a great achievement and is a landmark in the history of the constitutional development of the world. In consequence, since 1688 supplies and demands have been annually voted upon in the Houses of Parliament.

Now, Sir, the Parliament went one step further in order to ensure that the Government or the King did not in any way go behind the Parliament and did not in any way encroach upon the rights of the Legislature. They passed another Act which was called the English Mutiny Act. This Mutiny Act was equally an annually renewable Act. It was definitely enacted that the Mutiny Act shall be annually renewed and the purpose of the Mutiny Act was to pay for the Army. The idea of the Parliament was that if the Army was paid from year to year by annual grants of the Parliament, then the King could never defy for long the authority of the Parliament. King Charles I had shown that the King could attempt to rule without Parliament, but the annual Mutiny Act made a repetition of such attempt impossible. Annual budgets were therefore a direct corollary to the annual Mutiny Act. If the King defied the authority of the Parliament, then the Parliament would immediately stop the passage of the Mutiny Act. If the Army was not paid, the consequence would be that there would be mutiny. This Act continued, I think, for almost two hundred years, and it was only in 1888 or 1889 that it was repealed by Gladstone, another great figure in the parliamentary history of Great Britain. Gladstone felt that the name Mutiny Act had rather a bad odour, a bad savour about it. It suggested as if the British people were very prone to mutiny against their King.

It is certainly a fact that the British people have gone against their King more often than perhaps any other people in the world. As a result they have had a more peaceful constitutional development than perhaps any other country of the world. This was because the British people knew when to strike. They never allowed things to deteriorate to such an extent that the only possible remedy thereafter was violent revolution. The British people revolted against their Kings in time. If they mutinied, they did so only in order to check the depredations of their Kings. They were thus able to effect constitutional progress—and in most cases, peaceful constitutional progress, though there were times when heads did roll even in England. But even when heads rolled in England, they were less in number than the heads which rolled in France, Russia and other countries of the world.

In any case, Gladstone felt that the expression "Mutiny Act" had a bad odour about it and suggested that the British people were always in a rebellious mood. He therefore changed the name into "Army Act" and even today that Act is an annually renewable Act. It should also be remembered that during the course of the present World War which has disturbed the economic and political life of all countries of the world almost beyond recognition, when great dangers have faced the British people, they have never given up this valued right of an annual budget. Even today, supplies are annually voted upon, even today the demands are annually considered and I am not quite sure,—but I believe that even today the Army Act is being annually repeated. It is only in this way that the Legislature, I mean the Parliament of Great Britain, can scrutinise and exercise control and effective control over the functionings of the Executive.

Now, Sir, in our country, we have very few rights. In the Upper House, in terms of the Government of India Act, 1935, we have no right to vote demands for grants. But there is nothing whatsoever in that Act to prevent us from voting upon supplies. There is, I repeat, nothing whatsoever in the Government of India Act, 1935, to prevent us from voting on supplies. If in this House we can establish a convention that there should be annual voting on supplies, we shall then have just as much control over the functioning of the Ministry as the other House has. By their right to vote demands, and their right to refuse particular appropriations, our colleagues in the other House exercise control, over the Ministers which we do not exercise in this Chamber. If we establish a convention that we shall have the right to vote upon supplies, that we shall have annually renewable taxation measures, the Ministers will be just as much under our control as they are under the control of the other House.

I now beg to draw the attention of my friends opposite to another peculiar development in British Constitutional history. Without enactment of any definite provision of law and by certain manipulations of the existing practice, the Legislature there has acquired control over the functioning of the Executive. I refer to the Cabinet system. The Cabinet system has no place in British law but is a direct consequence of the practice of annual voting on supplies. If this principle were not there, if such measures were not annually voted upon, then there would be no Cabinet in the British system of administration. Why is it that the King in England is bound to call to the office of his Chief Minister the leader of the party that has topped the polls in the general election? There is nothing in the law to compel him to do so. There is nothing in the British Constitution which compels a King to dismiss a Ministry even if it has not got the confidence of the people. Even as late as the period of the American War of Independence, British Kings had tried to carry on their administration with Ministers that did not enjoy the confidence of the Parliament. Young Pitt when he first formed his Government did not enjoy the confidence of the House of Commons but he gradually acquired it. But with the annual Mutiny Act, such irresponsible Government could not continue. The system of voting supplies developed and became an instrument through which Parliament could turn out a Ministry that did not enjoy its confidence. If this principle of annual voting on supply measures were not there, the King could appoint as his First Minister anybody he liked, he could set up in office any one he chose. The moment Parliament acquired this right of annual voting on taxation measures, the rights of the English Kings became circumscribed. Nobody could form a Government or remain a Minister unless he was sure that he could carry the budget through the Parliament.

I am relating these things for one and one purpose alone. Let us here also evolve, on the lines of the methods by which the British Parliament were able to acquire their power, conventions by which we can check the action of the Executive. I would request my honourable friends opposite

to consider this question carefully. It is not a question which affects only the Opposition. It is a thing which would be beneficial to both sides. When a similar question was last discussed in this House, I suggested that after all Governments are temporary affairs. Today somebody is in the Government and somebody else is in the Opposition. It may so happen that tomorrow this opposition may come into power. My friends opposite know that they escaped their fate by the skin of their teeth. Another meeting of the Legislative Assembly and the table would have been turned. Nobody can say that he would be in power for all time to come. No one can say who will be in the Opposition and who will be on the Government side. Healthy conventions should be established which would help all the parties. I would ask the honourable members opposite specially to consider this point. Unless we develop gradually..... I am afraid, Sir, there is too much conversation on the Government benches and the two Hon'ble Ministers sitting there are talking too much. I shall be thankful if you ask them to take their proper place.

Mr. DEPUTY PRESIDENT: I shall see that there is no disturbance. Go on Mr. Kabir.

Mr. HUMAYUN KABIR: Thank you, Sir. Honourable members may also have noticed that so far as this particular Bill is concerned, I have tabled very few amendments. I have tabled only three or four amendments in a Bill consisting of 55 or 56 clauses and where there are about 450 amendments tabled by various members. I also could have, if I had so desired, moved as many amendments. What I believe is that if we gain this one point—that taxation measures shall be annual, that the Legislature shall annually review the work of the Executive, that the Legislature shall annually scrutinise the conduct of the executive and see to it that they do not go astray, then I believe we have got the substance of what we need. It will be parliament's triumph not only in this House but in the country as a whole. It is in this way, through struggle and discussion, through give and take, that parliamentary conventions have been built up in other countries. I invite the honourable members opposite to support me in this amendment and see that the power of the Legislature is increased—that the power of the Bengal Legislative Council is increased. At present the Council is almost like a *post-mortem* House where we carry out examination and dissection of what has happened elsewhere. The moment we have control over the annual supplies, the moment we have annual taxation measure, this House will become just as important as the other House. Through the exercise of proper power, I believe the Legislature can contribute a great deal to the development of parliamentary rule.

I may conclude with one word specially to the Hon'ble Finance Minister. The Hon'ble Finance Minister is never tired of saying that he finds a more reasonable frame of mind in this House than elsewhere. If that be so, he should on his part prove that he really means what he says by helping in the extension of the rights of this House without which this House is reduced almost to the position of a non-entity.

So far as my European friends are concerned, they know all these principles very well. So far as their own country is concerned, they have fought and fought severely and with the blood of their heart for the establishment of their rights. I would like them to remember what very often they forget. Rights cannot be divided geographically. If they do not maintain same or similar rights in all parts of the world, repercussions of that are bound to be terrible. Repercussions may not be immediate, but as the saying goes "The mills of God grind slowly but grind exceedingly small". If they take up an attitude of authoritarianism, of blind support of the Executive, if they take up an attitude of non-parliamentarianism or if they take up an attitude of Fascism, used in the worst meaning of the word, if they take up an attitude of fascism as the prerogative of the

Europeans in India, it is bound to affect their own political life in their own country. There are already disturbing signs and thinking people are afraid of the new despotism. The constitutional *pundits* in their own country are trying to find out how to prevent and resist the aggression and invasion of the State into the most sacred sanctuaries of their private life. They can never do so while they take up an attitude of fascism abroad. I would like them to remember that as they will act here, so they will be made to act in their own country whether they like it or not.

Mr. DEPUTY PRESIDENT: Amendment moved: that for sub-clause (3) of clause 1 of the Bill, the following be substituted, namely:—

"It shall come into force on such date as may be notified in the Official Gazette, not being earlier than three months from the date of publication of the assent of His Excellency the Governor or the Governor-General as the case may be and shall remain in force till the 31st day of March following."

Mr. NUR AHMED: Sir, I——

Khan Bahadur M. A. MOMIN: Sir, may I say a few words as regards the length of the speeches——

Mr. LALIT CHANDRA DAS: Sir, I rise on a point of order. Can two honourable members speak at a time? You have already called upon Mr. Nur Ahmed to speak and now the Khan Bahadur wants to speak.

Mr. DEPUTY PRESIDENT: I have called upon Mr. Nur Ahmed and he will speak first.

Mr. NUR AHMED: Sir, I rise to oppose the amendment moved by the learned Professor Humayun Kabir. His amendment is that the Bill shall come into force on such date as may be notified in the Official Gazette, not being earlier than three months from the date of publication of the assent of His Excellency the Governor or the Governor-General as the case may be and shall remain in force till the 31st day of March following.

Now, Sir, what is the good of wasting time of the Legislature to make a law which will expire in three months. It will be sheer waste of public money. Sir, my learned friend, Professor Humayun Kabir, has raised a very important question of parliamentary privilege and control of this House over finance. Sir, I have gone through his amendment very carefully but I found therein no indication of anything like annual renewal of the Bill. If his amendment is accepted, the effect will be that the Bill with expire on the 31st of March, 1945. My learned friend has referred to parliamentary practice and the Finance Acts of the United Kingdom and also of the Central Assembly. Sir, with all respect to the learned professor I must submit that he is mistaken. If he had gone through one of the Finance Acts of the Central Government, he would have found that by that Act the Central Government did not make any changes in the provisions of the Acts except in the schedule of rates attached to these Acts, such as, Indian Tariff Act, Indian Postal Act, Indian Salt Act or in some provision of the Acts which relates to the imposition of taxes or duties. For example, in the Indian Finance Act of 1940 the Central Government have changed only the rates of telegraph fees, etc., by some provisions in the Act but the substantive Acts have remained on the Statute Book as they were. Also in the Assam Agricultural Income-tax I have found that only the rates of income-tax are changed annually and not the whole Act itself, and this is being done in Assam since 1939. Some years the rate of agricultural income-tax is three pies in the rupee and some years it may not be so but I find that the rate is the same from 1939. My learned friend suggests nothing of this sort in his amendment. Sir, this Act is a very extensive Act containing about 65 sections. So, if the amendment of my learned friend is accepted, it will involve a great deal of time and energy to renew the Act

every year and it will become inoperative soon after it receives the assent of the Governor and becomes the law of the land. This will be the state of things if his amendment is carried. There is another ground on which we can uphold the present Bill and that is that the whole purpose of this Act is to secure some subvention from the Central Government and to raise additional duty. The Government will be in a position to secure loans on the basis of this income and also subvention from the Central Government. I would therefore ask the learned professor to take into consideration all these things and see what will be the effect of his amendment if accepted.

If this amendment is accepted, then as I have stated the whole of the time devoted to its consideration by both the Houses will have been wasted. In the case of English Acts and other legislations in the world, I find that there are permanent Acts on a similar basis. Only some sections are reviewed annually in order to vary the rate of the tax. Suppose, we want to reduce or repeal the rate of the salt tax, then only that section will be considered and not the whole Act. If on the contrary the whole Bill is laid under consideration and if it is renewed every year after full consideration, then the work of the House will simply be voluminous and unmanageable and we will never come to a decision. I ask my friends on the other side to consider this aspect of the matter. With these few words, I oppose the amendment.

Mr. BANKIM CHANDRA MUKHERJI: Sir, in rising to support the amendment moved by my honourable friend, Mr. Humayun Kabir, with reference to sub-clause (*3*) of clause 1 of the Bill, I would like to remove a certain amount of misapprehension which I think is prevailing amongst honourable members who are supporting the Government. Before placing the amendment itself, I would like to place before honourable members the clause in the Bill which is proposed to be substituted through the amendment. In the original Bill the provision so far as clause 3 is concerned, is the following——

Mr. DEPUTY PRESIDENT: What do you mean by "original Bill"?

Mr. BANKIM CHANDRA MUKHERJI: Not the Bill that came out from the Assembly but the Bill as went to the Select Committee of the Lower House. In the Bill we find the following after clause 3: It should be deemed to have come into force on the 1st day of April, 1944. Now, this is an extraordinary state of things in itself. We are now on the 5th of July, 1944, and we do not know when this Bill will be passed here and will receive the assent of the proper authorities so that it might be enforced. The Hon'ble Finance Minister got this amendment passed into the Bill as it now stands. "It should be deemed to have come into force....., etc." I think the Hon'ble Finance Minister knows very well the significance of the word "deemed" in legislative enactments. The word "deemed" is used in cases where the fact is really not so but by reason of some legislative fiction it is said to have come into operation on a certain date. Therefore, although this Bill was not passed and was not taken into consideration on the first of April, 1944, the provisions of the Bill should be deemed to have come into force on the 1st day of April, 1944; that is to say, that this fiscal statute should be made retrospective in its operation.

Having referred to the clause in the Bill itself, I would now refer to the clause by which Mr. Kabir proposes that the clause should be substituted.

It shall come into force on such date..... The amendment is in two parts, as was very clearly pointed out by my friend Mr. Humayun Kabir himself "it shall come into force on such date as may be notified in the Official Gazette, not being earlier than three months from the date of publication of the assent of His Excellency the Governor or the Governor-General as the case may be"..... This is the first part of the amendment and that refers directly to the clause in the Bill itself. Then there is a further proposal

that the amendment "shall remain in force till the 31st day of March following." If we have understood the implication there, I think the honourable member proposes that in the first instance this fiscal statute should not have retrospective operation—you should not tax the people before the Bill is considered by the House and is passed into law. So far as this part of the amendment is concerned, I would not repeat what Mr. Humayun Kabir has said in support of the amendment, but I would give additional reasons which would induce the honourable members of the House to accept this amendment. Now, Sir, it is clear that every one of this House knows about the distressing condition in which the people of Bengal passed last year when famine was prevailing admittedly in this province. The distress that prevailed in Bengal last year was unheard of and it was not a distress which was due to natural causes; but it was a distress which was practically the making of man. As a matter of fact, we charge that it was the making of the present Ministry. It is further clear that in the present year in spite of the assurance of the Government, rice, which is the staple crop of Bengal is selling at Rs. 13 or 14—this is the control rate and not the actual rate prevailing in other parts of the province. I say that the people of Bengal, especially those whom we are going to tax by this Bill, have suffered and have not yet been able to recoup from the effects of the distress of last year. If that is so, I submit that the Hon'ble Finance Minister would realise that this tax should not be made to come into operation with effect from the 1st April, 1944, and have a retrospective operation. There is another aspect of the matter which I would like the Hon'ble Finance Minister to consider so far as the amendment which has been moved by my honourable friend Mr. Kabir is concerned. You say "the Bill shall be deemed to have come into force on the 1st April, 1944" therefore you are going to tax the people with reference to the official year from 1st April, 1944, up to the 31st March, 1945. If we look to the other provisions of the Bill, we find that provision has been made to take into account the total agricultural income which the assessee has received in the previous year. Now, what is the previous year so far as the amount of assessment is concerned? Previous year would be 1st April, 1943, to 31st March, 1944.

Now, let us consider, Sir, how the provisions of the Act would affect the people of Bengal. Last year, those few agriculturists who produced some paddy of their own had to buy at a later stage rice which was selling at that time between Rs. 14 to Rs. 120 per maund and we are going to tax those people with regard to income from the 1st of April, 1943, and up to 31st March, 1944. That will be a great hardship and the honourable members should consider whether they should tax the members of their own constituency. As a matter of fact, I made it clear when I moved my motion to circulate this Bill and also in connection with my Select Committee motion that this House represents all sections of people and by this Bill we are going to tax almost one and all and therefore the responsibility of this House is very great so far as the present Bill is concerned. If that is so, I submit, that the honourable members will have to consider whether they should make the Bill retrospective as it is proposed to be made.

Now, Sir, so far as the second part of the amendment of Mr. Kabir is concerned, it says that ".....shall remain in force till the 31st day of March following". With reference to this portion of the amendment, I find that Mr. Nur Ahmed has referred to the legislation in other countries. Referring to the English Finance Act he stated that the English Finance Act is practically a permanent Act except with reference to the Schedule. I think, I have represented him correctly and I speak subject to correction. I say, Sir, that so far as the present amendment of my honourable friend Mr. Kabir is concerned, the proposal is that the Bill should remain in force for one year. That means that if the Hon'ble the Finance Minister who is in charge of the Bill next year thinks that in view of the then prevailing condition the tax is necessary, then he will have to bring this Bill for the consideration of the House. He will have to assign reasons for

bringing in the Bill again and then the Bill will be placed before the House again and shall remain in force for another year.

Now, Sir, with reference to this matter, may I remind the honourable members of this House——

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. The honourable member has already spoken for more than 15 minutes and the speaker previous to him has spoken for 40 minutes. I submit this is against the rule.

Mr. DEPUTY PRESIDENT: To which rule do you refer?

Mr. HAMIDUL HUQ CHOWDHURY: I refer to rule 42, sub-rule (*4*). Of course, the heading here is "Motions" and it may be objected to that this rule refers to motions and not to amendments to a Bill. To that I shall reply by saying that there are four procedures laid down as regards the discussion on points raised in the House. One relates to questions, the other to motions, the third to resolutions and the fourth to adjournment motions. There is no other way by which a point can be raised in the House and no question can be discussed except by way of raising it as a motion. Therefore, Sir, the general provision relating to motions shall govern all discussions except those which are specially provided for. Now, as there is no special provision in regard to Bills and amendments to the clauses of Bills, this rule 42 is the only rule which would apply. As a matter of fact, Sir, if this salutary rule is not made applicable, there will be no end of the discussion on the clauses of the Bill in the House and it will go on *ad infinitum*. In every legislature some provisions are made in order even to curtail discussion on certain classes of motions, when it appears not likely to be concluded within a certain time. But here at least this salutory rule should be made applicable.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I speak on the subject of this point of order

Mr. DEPUTY PRESIDENT: Yes.

Khan Bahadur NAZIRUDDIN AHMAD: Sir,, so far as I am aware, the rule limiting the discussion on amendments to the clauses of a Bill to 15 minutes has never been applied in the case of discussion of Bills. My learned friend's difficulty is that he fears that there would be no end of discussion. But, Sir, there are some salutary checks on endless discussions. There is a rule that if a member is guilty of tedious repetition, then he can be brought to a halt. Then there is also the rule of relevancy; and the President has always the power to require a particular member to be relevant. If he is found to be irrelevant, then he can be brought to a halt. There is also another procedure which may be resorted to, viz., the closure motion. If any particular member has spoken for an inordinately long time, then it is the President's discretion to stop him and to see that there is a reasonable debate. Therefore, there are checks of reasonableness, of relevancy and of prevention of repetition. I think there is another automatic check in the good sense of the House and in the over-riding power of the President. These are, I think, specific and sufficient reply to Mr. Hamidul Huq's objection.

Mr. LALIT CHANDRA DAS: May I point out to you, Sir, that rule 74 of the Council Procedure Rules provides that "if a motion that the amendments be taken into consideration is carried, the President shall put the amendments to the Council in such manner as he thinks most convenient for their consideration." As to the limit of time for consideration of the amendments and for the speeches on the amendments, everything

is left to the discretion of the President. The second point that is provided in rule 74 is that——

Mr. DEPUTY PRESIDENT: Mr. Das, you are referring to rule 74. But this rule relates to Bills originating in the Council——

Mr. LALIT CHANDRA DAS: But, Sir, this Bill has come from the Assembly and is now being considered here——

Mr. DEPUTY PRESIDENT: Order, order. Mr. Das, I should like to be assisted only on the point at issue, namely, whether sub-clause (*f*) of rule 42 applies in the case of Bills.

Mr. BANKIM CHANDRA MUKHERJI: My friend, Mr. Hamidul Huq Chowdhury, has referred to rule 42, sub-clause (*f*), which is in Part IV of the Bengal Legislative Council Procedure Rules. There, we find that "except with the permission of the President no speech upon any motion shall exceed fifteen minutes in duration". Now, with regard to a motion itself if you look at rule 37—and for that purpose you will have to go to Part IV also—you will find the following:—

(1) A matter requiring the decision of the Council shall be brought forward by means of a question put by the President on a motion proposed by the President himself or by any other member.

(2) A member who wishes to move a motion (other than a motion for which is specified period is otherwise prescribed) shall give notice of his intention to the Secretary ten days before the meeting at which he intends to move the motion:

Provided that the President may, in his discretion, admit at any time any motion at shorter notice than that prescribed by any rule or may admit a motion without notice.

Now, let us look at other provisions on this subject. Part V deals with the question of Legislation and the gentlemen who framed the rules under this Part considered that the question of legislation was the most serious thing to be considered by members of the House and as it has been admitted that the Upper House is a revising Chamber, the framers of the rules advisedly did not make any provision for time-limit in respect of speeches on amendments in Part V itself. If we now come to other parts of the Procedure Rules, I mean Part VI, here we will find that that part deals with resolutions. There again, we find that there is a rule, rule 93, which provides for a specific time-limit for discussion of resolutions. Then if we go to Part VII, there again, we will find a rule, rule 102, which lays down limitation of time for discussion of adjournment motions. These are the four Parts dealing with discussion in this House, namely, Parts IV, V, VI and VII. These four parts deal with discussion and with regard to every one of them except in the case of the part that deals with legislation, we find a time-limit provided. Therefore, I submit that the question about time in the case of speeches on amendments to Bills was specifically and advisedly left undefined, because we know that while dealing with legislation we have to speak of many things. As my friend, Khan Bahadur Naziruddin Ahmad, has pointed out the penalty of repeating oneself, the penalty of going beyond the bounds of relevancy—these are enough checks on a speech apart from the question of time-limit. Therefore, I submit that the point of order raised by Mr. Hamidul Huq Chowdhury has no legs to stand upon.

Mr. NAGENDRA NATH MAHALANOBISH: With regard to rule 42 my submission will be that it is absolutely irrelevant for the consideration of the present matter, because rule 42 has got no relevancy with regard to the matter we are now discussing. Discussion in regard to legislation

is governed by Chapter V, as has just now been pointed out by my friend Mr. Mookerjee. It will be found that Part V is divided into several chapters or rather sub-parts (*a*), (*b*), (*c*), (*d*), etc. If you look to (*d*), you will find that provision is made there for consideration of amendments to Bills. We are not at all concerned with Part IV; we are concerned with Part V, as we are dealing with legislation and we are considering the question of amendments to Bills after the question of taking it into consideration has been adopted. Therefore, the framers of the rule took into consideration the fact as to whether there should or should not be any time-limit with regard to these discussions. As has just now been pointed out, there is a time-limit provided for consideration of various other motions; but so far as these motions are concerned, Part V(*d*) does not at all refer to any time-limit. Therefore, the contention that rule 42(*1*) lays down a time-limit for speeches on Bills is absurd and is absolutely irrelevant. You are now to consider, Sir, whether within Part V you find any rule which would restrict the member as to time save and except the discretion of the President. So far as the question of amendments to Bills are concerned, there is absolutely no time-limit imposed on the members and reference to rule 42 is irrelevant.

Mr. LALIT CHANDRA DAS: Sir, you told me that rule 74 refers to Bills originating in the Assembly and asked me to explain how it applies here. I say that rule 74 read with 80 would show that it applies to Bills sent to this House from the Assembly. If you look to rule 80 which says—"If the motion made under rule 77 that the Bill be taken into consideration is carried, the Bill shall be taken into consideration and the provisions of these rules regarding consideration of amendments to Bills (save that the period of notice of amendments shall be seven days) and the subsequent procedure in regard to the passing of Bills originating in the Council shall apply", it will be seen that rule 74 shows the procedure regarding Bills originating in the Council and sent to us or returned from the Assembly. Therefore, I say that rule 74 applies in this case. It is the only rule which refers to the procedure for consideration of amendments. Rule 42 does not apply to amendments to a Bill and it has been admitted by Mr. Chowdhury himself that there is no such provision relating to amendments to a Bill. But for the consideration of the amendments to any Bill, rule 74 is the only rule, where it is stated: "the President shall put the amendments to the Council in such manner as he thinks most convenient for their consideration". Ample power has been given to carry on the debate just as the President would allow and no fetter has been placed on the discretion of the President. In fact, much latitude has been given to all members in such cases to discuss the provisions of a Bill from different points of view so that there may not be any loophole left. So my request is that you consider rule 74 read with rule 80 which deals with the procedure for the consideration of amendments. Section 42 referred to by Mr. Chowdhury has no application here.

Mr. NUR AHMED: Sir, the question has been raised as to whether rule 42 applies or not. In this conection, definition of the word "motion" may be read. What is a motion? The word "motion" has been defined in sub-section (*5*) of section 1, Part I of the rules. It says "'motion' means a proposal made by a member for the consideration of the Council relating to any matter which may be discussed by the Council, and includes an amendment". So, Sir, the definition makes the meaning of the word "motion" clear and rule 42 says that it will apply in the case of a motion. So, according to this definition, amendment to a Bill or any matter which is the subject-matter of discussion in this House is a motion. Therefore, in my humble opinion rule 42 applies to amendments to Bills also.

Mr. HUMAYUN KABIR: Sir, we have listened to the points raised by Mr. Hamidul Huq Chowdhury; but before I speak on the points which he

has raised, I would refer to the particular clauses in the Bengal Legislative Council Procedure Rules. I would draw the attention of the honourable members to the convention of this House and I would mention to you, Sir, that it has already been held in this House by more than one President that there is no definite time-limit so far as the discussion of amendments is concerned. I do not remember whether you have given any such ruling but I definitely remember that the late Hon'ble Mr. S. C. Mitter gave one such. Very recently when the circulation motion of this Bill was before the House, my friends opposite raised the question of the limitation of time. I claimed that there was no such time-limit fixed for such motions and I was upheld by the Hon'ble President that so long as I do not violate rule 15, I was free to discuss anything I liked and that so far as money Bills are concerned, anything is relevant from the post-boy to His Majesty the King. I think that is the exact language used by the President of the Central Legislative Assembly during the discussion of a select committee motion with regard to a money Bill.

Now, coming to rule 42, as has already been pointed out, it deals with motions. It refers to time-limit in connection with motions. Part VI deals with resolutions and Part VII relates to adjournment motions. There is time-limit for all these different debates but there is no such time-limit for the discussion of amendments to Bills. In the case of legislation, there is a glaring and significant absence of any time-limit because it was never intended that there should be time-limit so far as discussion on Bill clauses is concerned. I would draw your attention to rules 66 and 67 where the procedure for considering the Bill clause by clause is laid down. Mr. Lalit Chandra Das has referred to rules 74 and 80 which taken together, govern our proceedings so far as consideration of Bills are concerned. I would therefore submit that rule 15 governs the whole procedure of the Legislature and it gives to the President the power to control debates and prevent irrelevancy or repetition. Beyond rule 15 no other rule applies so far as the discussion of matters relating to legislation is concerned. Therefore, I submit, Sir, that you will hold that the point of order raised by Mr. Hamidul Huq Chowdhury is not maintainable. Rule 42 specifically refers to motions. We shall be governed by Part V, namely, by rules 48 to 86.

Mr. DEPUTY PRESIDENT: In regard to the point of order raised by Mr. Hamidul Huq Chowdhury, the point at issue is: whether sub-clause (*4*) of rule 42 of the Council Procedure Rules applies in the case of legislation also. I have very carefully considered the matter, and I find that the word "motion" occurs twice, once under Part IV and again under Part V. Part V deals with legislation, and there is no provision anywhere under Part IV for imposing any time-limit. There are two rulings in this connection. One ruling was given by the late President Mr. S. C. Mitra in which he ruled that "our rules do not provide for any time-limit as regards the speeches during the discussion of Bills." Then he referred to another ruling in the Central Assembly where exactly the same question arose. One honourable member, Mr. Ahmed, asked—"Is there no time-limit for speeches, Sir." The ruling of the Chair was—"The honourable member is referred to the Rules and Standing Orders. There is no time-limit when legislation is being discussed." So, I rule the point raised by Mr. Hamidul Huq Chowdhury out of order.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, may I again point out to you that——

Several Opposition Members including Mr. Lalit Chandra Das: *Sit* down, sit down. You have no right of reply.

Mr. HAMIDUL HUQ CHOWDHURY: Don't howl. *Keep quiet.* I am rising on a point of order.

Mr. LALIT CHANDRA DAS: Don't show your temper. That is not a point of order.

Mr. HAMIDUL HUQ CHOWDHURY: That is for the Chair to decide. You keep quiet. Sir, I wanted to ask you one point.

Several honourable members of the Opposition. Don't ask anything, sit down.

Mr. HAMIDUL HUQ CHOWDHURY: You dam——(inaudible). (Shouts and counter-shouts went on.)

Mr. NAGENDRA NATH MAHALANOBISH: Sir, he has called us "dam buggers." He must withdraw it. (Cries of "withdraw", "withdraw", from several Opposition members.)

Mr. HAMIDUL HUQ CHOWDHURY: I have not said that.

Dr. DEPUTY PRESIDENT: He says he has not used that expression.

Mr. LALIT CHANDRA DAS: If he is a gentleman, he should stand up and say that he has not said it.

Mr. HAMIDUL HUQ CHOWDHURY: I did not say "dam buggers". What I said was "paglas", and I withdraw it.

Khan Bahadur NAZIRUDDIN AHMAD: What he said was "dam paglas".

Mr. BANKIM CHANDRA MUKHERJI: Sir, to bring down the temper of the House, I resume the thread of my argument. I am glad that my honourable friend Mr. Hamidul Huq Chowdhury raised this point of order as we have still got to consider about 497 amendments and considering the seriousness of the Bill and the seriousness of the situation, and also the seriousness of the fact that a new tax is going to be imposed upon the poor agriculturists of Bengal, I think the point of order was raised just in the nick of time and decided to the satisfaction of all concerned.

Now, Sir, to resume the thread of my speech with reference to the amendment that has been moved by Mr. Humayun Kabir. I think I was dealing with the second part of the amendment when this interruption was made. The second part of the amendment states that the Bill shall remain in force till the 31st day of March following. Now, Sir, if we refer to the statement of the Hon'ble Finance Minister and the repeated appeals that he has made to the House so far as the present Bill is concerned he made it quite clear that the Bill has been introduced by reason of the unprecedented fact that the budget of the present year was in deficit to the extent of more than 11 crores. I submit that the Hon'ble Finance Minister will realise and I think he should be attentive to what I say now —for I see that he is now attending to other business. I do not know, Sir, whether you will ask him to listen to my remarks. (Mr. BANKIM CHANDRA DUTTA: That is not showing proper courtesy to the House on the Minister's part.) Sir, I am saying something which should be listened to by the Hon'ble Minister.

The Hon'ble Mr. K. SAHABUDDIN: Sir, I find that the Hon'ble Finance Minister is speaking to an honourable member of the Opposition who has gone over to him for some information and it is hardly graceful on the part of the Opposition to complain of this.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: May I submit that I was only explaining certain things to an honourable member of the Opposition at his own request and may have appeared to be inattentive, but I did not mean it.

Mr. BANKIM CHANDRA MUKHERJI: I think what we are saying are all meant for the ears of the Hon'ble Finance Minister and if he does not care to listen to us it would probably be useless for us to refer to these matters.

Mr. DEPUTY PRESIDENT: It is almost time for us to adjourn; may I therefore enquire how long you will take to finish your speech, Mr. Mukherji?

Mr. BANKIM CHANDRA MUKHERJI: About 10 minutes or 15 minutes, because I shall have to refer to Finance Acts of other countries.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I suggest that we sit longer hours in order to make some progress with the Bill.

Mr. DEPUTY PRESIDENT: Mr. Mukherji, you better conclude your speech today in another five minutes.

Mr. BANKIM CHANDRA MUKHERJI: I am sorry, I have an engagement just at 5 o'clock today and so I would like to continue tomorrow. It was ordinarily understood that as this House never sat beyond two hours, today also it would not sit longer. That is why I made an engagement at 5 o'clock. If the time is extended, then proper notice should have been given to us beforehand. If, however, that is the sense of the House we are quite prepared to sit longer hours, but today I submit that we may stop at this hour.

Mr. DEPUTY PRESIDENT: Mr. Mukherji, I can give you 10 minutes if you conclude your speech today.

Mr. BANKIM CHANDRA MUKHERJI: Sir, I may finish my speech tomorrow, as I may take 10 or 15 minutes. I have got an engagement just now and I think it is an unreasonable request which the Hon'ble Leader of the House has made to extend the hours.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I think there are precedents of House sitting till midnight. So my request is not at all unreasonable.

Mr. BANKIM CHANDRA MUKHERJI: In case of longer sitting and change in the hours of sitting, we want previous notice.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There are also precedents of Parliament sitting till early hours in the morning. The request made by me was not unreasonable. I do not force the honourable members to sit for longer hours. It is only a request.

Mr. HUMAYUN KABIR: Certainly, Sir, if you so desire, the hours may be extended. But generally this House does not sit for more than two hours. Today as there was no previous notice, it may be inconvenient to some members. If it is the desire to have a longer sitting hours, in future you may extend the time after consulting the different parties. The Leader of House is prepared to sit up till midnight, we are also prepared to do so.

Khan Sahib NURUL AMIN: Sir, when you asked Mr. Mukherji to finish his spepech in 10 minutes, he was agreeable but afterwards he said he had engagement. He said nothing when you granted him 10 minutes to finish his speech.

Mr. DEPUTY PRESIDENT: I think the point should be considered by the House as to how long it should sit. But before the settlement is made, I do not think we should sit for more than two hours. So I adjourn the House now till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Thursday, the 6th July, 1944.

Members Absent.

The following members were absent from the meeting held on the 5th July, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerji.
(4) Mr. Humayun Reza Chowdhury.
(5) Dr. D. J. Cohen.
(6) Mr. K. K. Dutta.
(7) Mr. Abdul Latiff.
(8) Mr. N. N. Mookerji.
(9) Mr. R. S. Purssell.
(10) Khan Bahadur Muklesur Rahman.
(11) Mr. K. C. Roy Chowdhury.
(12) Mr. S. N. Sanyal.

BGP-44/5-8223A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First session, 1944—No. 53.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 6th July, 1944, at 3 p.m., being the fifty-third day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY, J.P.). was in the Chair.

Points of Information.

Mr. HUMAYUN KABIR: Sir, we find from today's agenda that there are no questions, though a large number of questions tabled by the honourable members still remain unanswered. Will you kindly enquire from the Government whether they intend to answer these questions at all or whether, as was once said by the Hon'ble Mr. H. S. Suhrawardy, questions if they are not answered in time become so out of date that they need not be answered at all.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, every attempt is being made to answer questions as quickly as possible. The bulk of the outstanding questions relate to the Civil Supplies Department and every body knows how busy the Hon'ble Minister for Civil Supplies is. So, some delay is bound to take place in regard to questions relating to his department. As regards the questions of the other departments, their number is not at all large and every effort is being made to answer those questions quickly.

Mr. HUMAYUN KABIR: Sir, there is another matter to which I would like to draw your attention as well as the attention of the honourable members and that is with regard to the resolution given notice of by me in connection with the grant of help to literary figures of Bengal. In order to take that resolution out of its turn, 30 members of this House had signed a representation, as required under our rules. I understand the Hon'ble President had given his consent that it should be taken out of turn. I now learn that Government are very nervous about the discussion of that resolution in the House and even though 30 members have signed the representation, sanction of the Hon'ble Minister concerned has not yet been obtained. May I through you ask what are the great difficulties in the way of Government to allow this harmless and non-political resolution to be taken out of its turn and discussed on the floor of this House?

Mr. DEPUTY PRESIDENT: I am told that the Hon'ble Minister has refused his consent.

Mr. HUMAYUN KABIR: Yes, we know that, and that is why I am asking you what are the reasons for refusing consent to a non-political and harmless resolution like this. Are we to understand that when the rules were framed, they were meant to be arbitrarily exercised, that they should be exercised in a manner which is without any justification whatsoever? No question of policy is involved in the resolution. In fact, 30 members expressed their desire in favour of discussing that resolution out of turn and out of those 30 members, half belong to the Government party. Then what are the reasons that have led the Hon'ble Minister to refuse consent to this resolution?

Mr. DEPUTY PRESIDENT: The Hon'ble Minister concerned is not here to make any statement; but in this connection I may tell the honourable member that it is within the discretion of the Hon'ble Minister to refuse his consent.

Mr. LALIT CHANDRA DAS: Sir, may I draw your attention to Rule 24 of the Bengal Legislative Council Procedure Rules which provides that "the first hour of every meeting shall be available for the asking and answering of questions." Sir, there are outstanding questions and they can be placed before us, and at least one hour we can devote for the purpose of putting supplementary questions.

Mr. DEPUTY PRESIDENT: I think we have passed over that matter.

Motion for Adjournment.

Mr. DEPUTY PRESIDENT: I have received from Mr. Nagendra Nath Mahalanobish notice of a motion for adjournment to the effect that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the failure of the Government to supply sugar to the Jalpaiguri town and district during the last two months according to quota allotted, in spite of repeated requests and reminders by the local authorities, causing serious distress amongst the people of the said town and district.

Now, at the very outset, I would ask the honourable member to satisfy the House that it is an urgent matter of public importance, because this scarcity of sugar has occurred for the last two months.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, what I stated in my motion is that supplies did not come during the last two months with the result that at present there is absolutely no sugar available anywhere in the Jalpaiguri district and a situation of acute distress has arisen. It is the result of many months of inaction on the part of the Government. The persistent failure of the Government for the last two months in supplying sugar to the Jalpaiguri district and town in spite of repeated requests and demands has led to this situation. You cannot get a grain of sugar in the district. There is an acute distress which has resulted from this inaction on the part of the Government. This failure on the part of the Government to supply sugar to our district has been a continuing wrong. This distress is still continuing and will continue unless it is redressed by Government at once. Therefore, Sir, it is a matter which requires urgent consideration and it is of urgent public importance.

Mr. DEPUTY PRESIDENT: There are other factors which also have got to be taken into account in this connection. It is known to one and all that the major portion of sugar comes from outside Bengal over which this Government has no control and also that this Government has nothing to do with the quota of sugar that is fixed for Bengal. This question again is linked up with the question of transport over which also this Government has no control. Therefore, I cannot understand how the Government of Bengal can be held responsible for this state of things in Jalpaiguri.

Mr. NAGENDRA NATH MAHALANOBISH: Now, Sir, with regard to that aspect of the matter, I would like to draw attention to the provisions with regard to the moving of adjournment motions. I must confess that I am a comparatively new member and am not fully acquainted with the conventions obtaining here. But so far as I have been able to ascertain, the rules regarding adjournment motions are to be found at page 7 of the Rules which I understand have got the force of law. Now, Sir, if you will kindly turn to rule 97, you will find that we have got the right of moving adjournment motions for discussing a definite matter of urgent public importance. The first point, therefore, is, that there is not the silghtest doubt that if the facts are true,—and no doubt they are true because I have got personal

knowledge of the matter, being a member of the District Executive Food Committee, and President of the Town Food Committee,—they are also definite matters of urgent public importance. Now, the question is: whether my adjournment motion is liable to be disallowed on any of the grounds mentioned in rules 98 and 99. I would like to refer to section 100 first. There, you will find that the last sentence in clause 1 of rule 100 says that after an adjournment motion has been put in his hands in time, the Secretary shall inform the member, as early as possible, whether the President has given his consent or not. Of course, I do not know—I have not had the privilege of having a communication from the Secretary—however I put in a notice but I think that is assumed——

Mr. DEPUTY PRESIDENT: What rule you are referring to?

Mr. NAGENDRA NATH MAHALANOBISH: I am referring to rule 100(*1*), last sentence, to the effect that the Secretary shall inform the member as early as possible whether the President has given his consent or not.

Mr. DEPUTY PRESIDENT: Well, we are not concerned with that. My point has no bearing on that.

Mr. NAGENDRA NATH MAHALANOBISH: Certainly not. With your permission, I am only placing the position of a member who wants to move an adjournment motion——

Mr. DEPUTY PRESIDENT: Order, order.

Mr. LALIT CHANDRA DAS: Will you not kindly allow us to show how this matter is a matter of urgent public importance?

Mr. DEPUTY PRESIDENT: Order, order. Before I give my ruling on this adjournment motion, may I know either from the Hon'ble the Leader of the House or from the Hon'ble the Chief Minister if it would be convenient on the part of the Hon'ble Minister in charge of the Civil Supplies Department to make a statement which may throw some light on the circumstances connected with the failure of supply of sugar to the Jalpaiguri district?

The Hon''ble Khwaja Sir NAZIMUDDIN: Mr. Suhrawardy is expected to be back tomorrow and a statement explaining the whole position may be made by him tomorrow.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have looked up the notes in the office of the Civil Supplies Department on this subject and can say that every step is being taken to relieve the situation: that much I can assure the honourable members of this House.

Mr. DEPUTY PRESIDENT: After what has fallen from the Hon'ble the Chief Minister, perhaps the honourable member will have no objection to wait till tomorrow!

Mr. LALIT CHANDRA DAS: What about the question of urgency? Will it be waived?

Mr. DEPUTY PRESIDENT: That will be waived if it is found otherwise in order.

The Hon'ble Khwaja Sir NAZIMUDDIN: On the urgency of the question I want to say something: this matter may wait till tomorrow.

Mr. NAGENDRA NATH MAHALANOBISH: What about the question of urgency: will that be waived?

Mr. DEPUTY PRESIDENT: I shall consider that point. If it is otherwise in order, I will waive urgency of the motion.

Mr. NAGENDRA NATH MAHALANOBISH: In any case, the difficulty of my constituency has been brought before the Council.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, are we to understand that the question of urgency would be waived?

Mr. DEPUTY PRESIDENT: Yes, if I find the motion otherwise in order.

Mr. LALIT CHANDRA DAS: May I intervene in this matter for a minute or two? The facts are before you and the rule is there——

Mr. DEPUTY PRESIDENT: No discussion is necessary today, because the motion is postponed till tomorrow.

Mr. LALIT CHANDRA DAS: It will come up tomorrow but with regard to the question of urgency, will it be waived?

Mr. DEPUTY PRESIDENT: Order, order. The matter should not be prejudiced by further continuing it today.

Communication from the Government intimating action taken on Motion under rule 112.

SECRETARY (Dr. S. K. D. Gupta): Sir, the following communication has been received from the Government, intimating the action taken by them on the motion (copy enclosed), regarding release of Mahatma Gandhi and other Congress leaders, moved in and adopted by the Council on the 16th July, 1943,, under rule 112 of the Bengal Legislative Council Procedure Rules:—

The Hon'ble Chief Minister has requested the Governor to make the views of the Bengal Legislative Council known to the proper quarter.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. DEPUTY PRESIDENT: The House will now resume further discussion of the Bengal Agricultural Income-tax Bill, 1944. Mr. Mukherjee.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Regarding the communication read by the Secretary, the latter portion has not been read out. What is the communication to the Government of India?

Mr. DEPUTY PRESIDENT: What is your query?

Mr. LALIT CHANDRA DAS: The Chief Minister has requested the Governor to make the views known to the proper quarter: but the latter portion has not been read out. What is the request made by the Chief Minister?

Mr. DEPUTY PRESIDENT: Order, order, it is not necessary. Yes, Mr. Mukherjee.

Mr. BANKIM CHANDRA MUKHERJEE: Mr. President, Sir, I was dealing with the second part of the amendment moved by Mr. Humayun Kabir when we rose yesterday. I may read again the second part which runs as follows: "and shall remain in force till the 31st day of March following". The idea is that the Act should be renewed every year: the Finance Minister every year would have to come before this House for the purpose of establishing the necessity of the tax and also the necessity for imposing it and including it in the schedule. These are the two important things which have got to be considered and the amendment has been worded in this way because the Finance Minister has brought the Agricultural Income-tax Bill as a permanent measure without making any provision in the Act itself so that certain portions of it might be renewed every year and brought before the House as is done in the case of the English Finance

Act. Mr. Nur Ahmed raised objection to this procedure being followed; but I would show that his objection has no legs to stand upon, because looking to the Act as it is there is no other alternative for the honourable mover but to move the amendment in the way he did.

Now, Sir, if we look to the General Income-tax Act of 1918, we will find that the very first section makes provision for the rate at which the tax shall be charged. Then there are other provisions with regard to the claiming of allowances and they are to be renewed every year. If we look to the Finance Act of 1920 we will find that the rate has been prescribed for the year 1920. We will find that from section 14 onwards and there the rate and the allowances which are to be claimed with reference to the tax for that particular year are detailed. I need not dilate upon that point again. I take another Finance Act of 1936. There again you will find from section 14 onwards making different provisions suitable for that year for the purpose of the rate and also the allowances to be given. Coming to the last year, 1942, or year before the last, I believe I would like the honourable members to refer to one particular section so that the Hon'ble the Finance Minister might note what are the considerations which he has to bear in mind for the purpose of giving relief to the assessees whom he wants to tax. The relevant provisions will be found from section 21 onwards. If the Hon'ble Minister will look to section 26 of the Finance Act of 1942, he will find the provisions as follows: "If it is shown in the case of a person assessed to income-tax under Schedule E in respect of any office or employment not being a weekly wage-earner assessed in accordance with rule 2 of the rules applicable to cases I and II of Schedule D that his place of work or his residence has changed through circumstances connected with the present war and that in consequence he is obliged to incur out of the emoluments of the office or employment additional expenses in travelling between his residence and his work, the additional expense so incurred and defrayed shall be allowed as a deduction from emoluments in computing the amount of the assessment." These considerations are shown by the British taxing authorities to the assessees who are to be taxed under the British Finance Act.

Now, I think the Hon'ble the Finance Minister knows full well that due to war many villagers and cultivators and owners of lands have been asked to leave their villages, to leave their own hearths and homes, to go away elsewhere and therefore it is necessary that provision should be made to give them relief. These people will be affected by the Agricultural Income-tax Act and you will have to consider these provisions before you want to tax their income which they are supposed to have derived with respect to the properties during the last year. It would be a great hardship to them if you do not take all these facts into consideration. I submit that it is necessary that this matter should be considered every year and the Hon'ble the Finance Minister for the time being will have to place before the House and to face the House with regard to particular circumstances prevailing in every year when he will want to bring up a provision for taxing the agricultural population of Bengal. With these few words, Sir, I support the amendment of Mr. Kabir.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the amendment consists of two parts. The first part deals with the commencement of the Act, and the second part prescribes its termination. With regard to the commencement of the Act, there is this thing to be said in favour of the amendment that people should get some breathing time in order to adjust their matters and be ready for an imposition as contemplated in this Bill. With regard to the termination of the Act, some amount of confusion of thought prevails in the House. A very experienced member of this House has stressed the fact that the amendment says nothing about renewal of the Bill. I think the condition of renewal is so inherent in the amendment that it does not require any explanation. According to the amendment, the Bill should

expire automatically on the 31st of March, 1945, unless renewed. This would necessitate the Hon'ble Finance Minister to renew the life of the Act by a short amendment, namely, by substituting the figure 1946 for the figure 1945. I, therefore, think that this is so much implied and so clear that there can be no doubt about it.

Then, Sir, we have heard in this House that the time of the House is being wasted. I think here also there is some misunderstanding. I do not think the time of the House is being wasted. The "unusual" request made to the House by the Hon'ble Finance Minister to drop all amendments, has created some uneasiness among some serious members in the House. We should sympathise with the Hon'ble Minister, but the House has a duty to discharge. The request made by the Hon'ble Minister is nothing unusual. During the last seven years that this House is functioning, we have heard this reuest so many times, and the promise of an amending Bill has so frequently made and so often forgotten, that it has ceased to be of any interest to us. In fact, Bills after Bills have come before this House and holes after holes have been picked and very good amendments were on many occasions withdrawn or not moved by us at the request of the Hon'ble Ministers in charge on the so-called grounds of convenience.

Matters are going from bad to worse. The bad drafting of Bills is so much a by-word in this House that it has received strong condemnation from different sections of the House including the European Benches, who are not accustomed to talk too much; but even they were so much irritated that they also expressed their condemnation. Faulty drafting of Bills has become a chronic affair. The House therefore has to consider what it has to do. On the one hand there is the request of the Hon'ble Minister to give him a free passage this time for a promise that a better Bill would come. In fact, such promises have been made before and have been regularly broken. In the circumstances, there are great difficulties in accepting this suggestion. There is, on the other hand, a feeling in the House that however, reasonable the amendments might be and however convincing the arguments might be in their favour, they will not be accepted by the Government. The comfortable majority which the Government has at the present moment in the House, makes it incumbent on the part of independent members to explain their reasons fully. It is not that we are addressing this honourable House only, but we are also addressing a very large public outside and also, if I may be permitted to suggest, even posterity too. The fact that Bills are badly drafted will reflect no credit on this House; in fact this complaint has been repeated time after time and if we allow this Bill to be passed as it is it will create a very bad impression on the work that is being done in this House. In these circumstances, it is necessary, specially in the case of a badly drafted Bill like this, that members of this House should dissociate themselves from bad drafting and refuse to take responsibility for the rebukes that this bad drafting will evoke from the law courts and from the public. There are so many defects in the Bill, so many gross and careless mistakes and the rate at which the Legislative Department or persons in charge of the drafting of Government Bills proceeds, and the rate at which things are deteriorating, suggests that unless a definite stand is made by this House the disease will be aggravating. There are very highly paid officers in the Legislative Department and it is their business to draft Bills correctly.

Mr. DEPUTY PRESIDENT: Khan Bahadur, these remarks may be made at the time of the third reading of the Bill. Therefore, please confine your observations only to the amendment before the House.

Khan Bahadur NAZIRUDDIN AHMAD: I am grateful to you, Sir, for this direction; but my only justification for making those remarks at this stage was the charge made that some members are rather disposed to waste the time of the House. That is a very serious charge. I was trying to

justify a fuller treatment of amendments than would otherwise have been necessary. In fact, if there was a tendency on the side of the Government to consider the amendments with any sympathy and attention, and if they were in a position to consider them on their merits, then probably this feeling would not have arisen; and the situation that has arisen out of this attitude has not been made at all easier by the unusual outburst of my friend Mr. Hamidul Huq Chowdhury yesterday. We are getting accustomed, in the serene atmosphere of this House, to the vulgarities of the fish market. I was thus compelled to make those remarks in justification of the fuller treatment of the amendments. I, however, bow down to your ruling that normally, at this stage of the Bill, we should confine ourselves to the merits of the amendment only. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. Deputy President, it was, of course, open to my honourable friend Professor Humayun Kabir to hang an essay on English constitutional history on the peg of his amendment. It was a learned discourse—that I felt instinctively; whether it was a very accurate recount of constitutional history—of that I have some doubts; but as to the irrelevancy of his remarks in connection with the amendment itself, I have not the slightest doubt.

Mr. HUMAYUN KABIR: It is a reflection on the Chair.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, this amendment proposes that the Bill should come into force about two or three months before, and should expire on the 31st day of March, 1945. I may point out, Sir, that for the purpose of enacting such a Bill the Legislature of Bengal has already taken about 8 or 9 months. Is it the wish or the suggestion of my honourable and learned friend that each year we should spend 8 or 9 months in getting a new Agricultural Income-tax Bill passed? It is true that the practice of having the Finance Bill as a sequel to the Budget every year in the Central Legislature is a salutary practice. But I have to submit that a Finance Bill of that kind, having regard to the constitution under which we are working, is to a large extent impracticable in the Bengal Legislature. My honourable friend Mr. Kabir said that on one occasion I admitted that I had considered the question very seriously. But on that occasion I also mentioned that there were actual constitutional difficulties in introducing this procedure here. That, Sir, again is beside the point. What I wish to say is this: that, if he had been seriously desirous of attaining his object, he should have attacked some other part of the Bill. As it is, his amendment leads us to a *reductio ad absurdum*.

It was said by another honourable member that by means of this Bill we are seeking to tax incomes received during the year 1943—the year of the great famine. I would say that, while it is true that many people suffered great hardships last year, it is equally true that certain sections of the population earned much larger incomes than they could ever have expected to earn. After all, what are we taxing? We are only taxing net incomes of over Rs. 3,500; and such net incomes—that is, such assessable incomes—are to be computed after the very ample deductions provided in this Bill; so that we are really touching only those who have actually received net incomes of over Rs. 3,500. Naturally, they were not the people who were most hard hit by last year's distress. I know, Sir, that the honourable member wanted to be sentimental. But, Sir, he as a lawyer, a lawyer attached to many zemindari estates knows very well that the last year's zemindari collections were much higher than the annual collections of perhaps ten previous years. Therefore, there was surplus money somewhere.

Mr. BANKIM CHANDRA MUKHERJEE: On a point of personal explanation, Sir. May I know from the Hon'ble Minister how much of this profit remains with the landlords after paying off their old debts?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I have myself suffered from debts and creditors; but assuredly that is not a reason why the Bengal Exchequer should not lay its hands on that part of the income which certainly is due to the State, for the amelioration of the condition of the people.

It has repeatedly been said that the Bill is objectionable because it is retrospective in character. According to leading authorities on Statute Law, a Bill should not be and cannot be properly regarded as "retrospective" if only certain stages in the passing of the Bill are posterior to the date on which it is deemed to take effect. This is an acknowledged principle; and further, Sir, it cannot be said that the public had no notice of the Bill. This Bill has been before the public since September, last year. So, there was ample notice to the people to adjust their domestic finances in view of the impending enactment of the Bill.

Sir, I think I have answered all the points that were at all relevant to the amendment and I hope that if the amendment is put to vote, the House will reject it.

Mr. DEPUTY PRESIDENT: The question before the House is that for sub-clause (*3*) of clause 1 of the Bill, the following be substituted, namely:—

"It shall come into force on such date as may be notified in the Official Gazette, not being earlier than three months from the date of publication of the assent of His Excellency the Governor or the Governor-General as the case may be and shall remain in force till the 31st day of March following."

The question being put, a division was challenged and taken with the following result:—

AYES—17.

Khan Bahadur Naziruddin Ahmad.	Rai Bahadur B. M. Maitra.
Mr. S. C. Chakraverti.	Mr. H. D. Mojumdar.
Mr. L. C. Das.	Mr. N. N. Mohalanabish.
Mr. B. C. Datta.	Mr. B. C. Mukherji.
Mr. N. C. Datta.	Mr. R. Pal Chaudhury.
Mr. M. R. Jaipuria.	Rai Sahib J. N. Ray.
Alhadj Khan Bahadur Shaikh Mohammad Jan.	Mr. A. D. Roy.
Mr. Humayun Z. A. Kabir.	Mr. B. K. Roy Chowdhury.
	Khan Sahib Maulvi Wahiduzzaman.

NOES—25.

Khan Sahib Fariduddin Ahmad.	Mr. Latafat Hossain.
Mr. Meebahuddin Ahmed.	Mr. Mohamad Hossain.
Mr. Nur Ahmed.	Maulana Muhammad Akram Khan.
Khan Sahib Nurul Amin.	Mr. W. S. G. Laidlaw.
Khan Sahib Abdul Aziz.	Khan Sahib Subidali Mollah.
Mr. Moazzemali Chowdhury.	Khan Bahadur M. A. Momin.
Mr. Muhammad Habibullah Chowdhury.	Mr. T. B. Nimmo.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. K. D'Rozario.	Khan Bahadur M. Shamsuzzoha.
Mr. R. W. N. Ferguson.	Mr. J. W. R. Steven.
Khan Bahadur Abdul Gofran.	Dr. Kasiruddin Talukdar.
The Hon'ble Khan Bahadur S. M. Hosain.	

Mr. DEPUTY PRESIDENT: Order, order. The House has divided. For the amendment—17; against the amendment—25. The amendment is, therefore, negatived.

Mr. LALIT CHANDRA DAS: I beg to move that in sub-clause (*3*) of clause 1 of the Bill, the words "be deemed to have" in line 1 be deleted and for the words "the 1st day of April, 1944" the words "the 1st day of April following the conclusion of the war" be substituted.

Sir, if this amendment is accepted, then sub-clause (3) of clause 1 would read thus: it shall come into force on the first day of April following the conclusion of the war. Sir, the time for this enactment is according to me most inopportune. The war is at the very gates of Bengal, and Bengal of all the provinces of India is suffering most from the effects of the war. Last year we had a famine in our midst and as a result many people died. Then, diseases followed after the famine which again carried away a large number of people. People of all status in society were hard hit. Of all the people who were the most hard hit, I can say without any fear of contradiction that rent-receivers and zemindars were the worst sufferers (The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Certainly not) together with the agriculturists. I do not deny that as a result of the war some persons are profiting and that their income has increased. They generally are contractors and some of them are labourers also. But the other classes of people were very hard hit. The result was—and I say it is also the effect of the war—that the prices of all commodities and of all necessaries of life rose so high that even persons who had an income of Rs. 700 a month four years back could not maintain their family with Rs. 3,500 a month last year or even this year. That was the result of high prices. Generally, in our society rent-receivers or zamindars have to maintain a large family consisting not merely of their sons and daughters and wives but also of their relations many of whom I know are poor. Along with this, one other thing should be considered. It is this: last year these people at the call of the Government of Bengal contributed to the Indian Red Cross Fund a sum of 40 lakhs of rupees. Similarly there were other calls and we know as a matter of fact that local authorities were not sitting idly over all these calls. These calls were mostly answered by the rich agriculturists and also by the rent-receivers and zamindars. They had to pay heavily and they paid without grudge. That is a fact which should not be overlooked. This year also there have been several calls already to help the war situation and I do say that the so-called rich agriculturists, and rent-receivers and zamindars will have to pay lavishly.

Sir, this year not 40 lakhs but 44 lakhs is to be contributed by the people of Bengal and I have no doubt that the rent-receivers and zamindars will have to pay heavily and I think the call will continue till the end of the war: 44 lakhs this year, possibly 50 lakhs next year and more afterwards and it will get up in this way till the war ends. I say that owing to the position in which the rent-receivers and zamindars are placed and owing to the high price of all necessaries of life it is an undoubted fact that most of these people are heavily indebted. If, as the Hon'ble Finance Minister has said, their collections have been heavy, I am to say that their coffers are empty by this year and I think this will be their condition till the war ends. It is said and urged by the Hon'ble Finance Minister that the Government of India will watch what we do in respect of this Bill. I say that I am one of those who believe that the Government of India consist of a set of practical people and they have already granted 10 crores subvention and will do so in future if necessity arises. Our claim for subvention does not rest on this taxation measure alone. Our claim is based on account of the extraordinary charges in India due to war and the Government of India is solely responsible for meeting these charges. Famine is also one of the main grounds for subvention. These are factors which were taken into consideration by the Government of India and upon these factors the Government of India decided that we shall have subvention of 10 crores, no matter whether the Agricultural Income-tax Bill is passed or not.

The subvention we are bound to get and we will get more if necessity arises. When we think of Agricultural Income-tax Bill we should remember one other fact. This fact is that the Floud Commission in its report said that when a taxation measure like this is taken up it should be seen

that the income derived from it is *solely* devoted for agricultural improvement or for projects connected with agriculture. This is the intention for which the agricultural income-tax is to be saddled upon the province of Bengal. Now, Sir, I ask in all seriousness if this purpose is to be carried out, it comes to this that the income that will accrue will have to be devoted for the improvement of agriculture. If the income cannot be diverted for any other purposes, how will it help the Government of India in any way whether we pass it now or it takes effect after the war? It would not affect at all the Government of India's decision about subvention. If it is passed into law without ear-marking of the income, whatever is derived will be misspent and will not be spent for the purpose for which it was originally intended. It was intended that it should be devoted for the improvement of agriculture. But if it is now passed into law and given effect to before the war concludes, there are so many calls for money now, that the money will not be spent for the purpose for which it was originally intended but will be diverted to wrong channels.

Now, one other fact in this connection should be remembered. In the course of couple of years the revenue of Bengal increased from Rs. 16 crores to Rs. 21½ crores. What benefit has been derived from this huge increase in income? I may then safely say that income derived from this agricultural income-tax will be also misspent. We have an increased revenue and far from reaping any benefit out of that increase we have famine and acute distress. Even now we are passing through acute distress. Therefore, my argument is that even if it is passed now, this tax should come into force from the 1st day of April following the conclusion of the war.

With these words, I move my amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (*3*) of clause 1 of the Bill, the words "be deemed to have" in line 1 be deleted and for the words "the 1st day of April, 1944" the words "the 1st day of April following the conclusion of the war" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, Government have made it abundantly clear that they want the law to come into force with effect from 1st April, 1944, and therefore it is my painful duty to oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in sub-clause (*3*) of clause 1 of the Bill, the words "be deemed to have" in line 1 be deleted and for the words "the 1st day of April, 1944" the words "the 1st day of April following the conclusion of the war" be substituted.

(The amendment was negatived.)

Mr. AMULYA DHONE ROY: Mr. Deputy President, Sir, I beg to move: that in clause 1 of the Bill, for sub-clause (*3*) the following be substituted, namely:—

"(*3*) It shall come into force on the 1st day of April, 1945."

Sir, in the year 1923 when I was receiving my college education, I came to know a fine gentleman, then a candidate for election to the Indian Legislative Assembly and is now the Finance Minister of the province. Sir, in introducing measures for taxation after taxation his fine qualities have now been changed into an instrument of oppression, perhaps under circumstances over which he has no control. A Finance Minister unable to control and regulate the finances of the province has no right to come with a proposal for taxation with retrospective effect which is bad in principle and unfair to the assessees. Sir, you must stop the expenditure incurred by the creation of unnecessary departments, you must prevent the loss of revenues on account of the corruption of the officials which has become a

matter of frequent occurrence. Has the Hon'ble the Finance Minister ever enquired into the amount of damage suffered by the Government due to the purchase of paddy which were allowed to rot on the various railway platforms?

I was glad to know, Sir, just a few minutes back that the Hon'ble Finance Minister has exhausted all his arguments and he has no argument in favour of his proposal to give a retrospective effect to this Bill. His only argument is that the Bill was gazetted and the Bill was introduced before the 1st of April, 1944, and that is why he is in favour of retrospective effect. His argument is absurd and does not appeal to me. Sir, with these few words, I commend my amendment to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Order, order. Amendment moved that in clause 1 of the Bill, for sub-clause (*3*) the following be substituted, namely:—

"(*3*) It shall come into force on the 1st day of April, 1945."

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would support the motion for amendment moved by my friend Mr. Amulya Dhone Roy, because another amendment which stands in my name is also practically to the same effect. Sir, if we compare the condition of things in Bengal during the last year with the condition of things that is prevailing now, it would be clear that but for the help afforded by the Central Government in supplying Calcutta and greater Calcutta with foodstuffs, it would have been impossible for the Bengal Government to provide the bare necessaries of life, even rice, for 60 million inhabitants of Bengal. So far as the agricultural population who are going to be hit by the present Act is concerned, I submit, Sir, it will be admitted on all hands, that they have not been able to recover from the effects of the distress and famine that prevailed during the last year. It is clear that the Bengal Government has failed to reduce the price of rice to any appreciable extent. The price now ruling is in the region of Rs. 14 to Rs. 16 per maund, a price which was stated by the Government members when they were opposing the last Ministry as unheard of. If honourable members take the trouble of referring to the proceedings of the Assembly and the Council of the last year when the honourable members now supporting the Government were in the Opposition, it will be seen that they raised a hue and cry. I remember the speech of Mr. Hendry, the Leader of the European Group in the Lower House, which considered the price of rice then ruling, viz., Rs. 14 per maund to be very high, and mentioned that as the reason for opposing the last Ministry. It is only in some of the districts that rice is available at the controlled rate; in most of the districts rice is not available at the controlled rate. In Chittagong the situation is serious. We had it from a very high authority, namely, Mr. Badi Ahmed Chowdhury and Mrs. Nellie Sen Gupta, members of the Bengal Legislative Assembly, who represent the Chittagong district and who are personally aware of the things that are happening at Chittagong, that rice is not available at Chittagong even at Rs. 60 per maund and that people are dying there in the streets for want of foodstuffs. We have thus a repetition of the same state of things in Chittagong as we had in the whole of Bengal last year. It has commenced in Chittagong and if the situation is not tackled with care and sympathy, the distress may spread to other parts of Bengal gradually. I would request the Hon'ble the Finance Minister to consider whether or not he would shut his eyes to the distress of the people around him and enforce this Act at a time when people are hardly able to have a square meal. The provision that the Act shall come into force on the first day of April, 1944, i.e., that it will have a retrospective operation although it has not yet been considered and passed by the Bengal Legislature nor has it received the assent of His Excellency the Governor of

Bengal, is something unique. To make a fiscal measure retrospective is a very serious thing and I would request the Hon'ble the Finance Minister to consider whether there is no way out except by making this Bill operative from the first day of April, 1944.

The Hon'ble Finance Minister has assigned three reasons why this Bill should be retrospective in its operation. The first reason that he has assigned is that the agriculturists have realised a large income last year owing to the phenomenal rise in the price of rice and the Government of Bengal therefore expect that they should get a share out of that in the shape of this taxation. Well, Sir, when I rose on a point of personal explanation, he gave away that ground quoting his own instance in particular. Then, the second reason which he assigned for making this Act retrospective was that the Bill was published in September, 1943, and that therefore the people have had enough opportunity to know what were the amounts which they were to pay as the tax. Had they known of the rate of tax which they were to pay, they would have laid by something so that they could pay the tax this year when the Bill was passed by both Houses of the Legislature and received the assent of the proper authorities. I submit that the proposition has only to be stated to be rejected as groundless. I submit that the Finance Minister has not been able to substantiate his reasons for making this fiscal measure retrospective. As a matter of fact, when a fiscal legislation is passed, people have got to know what are the amounts which they have got to pay and again I submit that the reasons which he assigned for making the Act retrospective have no substance which can be accepted by this House. I submit that it would be a dangerous thing. Let us now refer to other provisions in this Bill where provision is made as to the method of computation of the tax, for instance, to clause 6 of the Bill. We find there a provision that the tax is to be assessed in the current year with reference to the total agricultural income received in the previous year, i.e., for the year commencing from the 1st of April, 1943, to 31st March, 1944. The computation will have to be made on the basis of the income received in the year 1943-44. I have already stated what I had to say in this connection in moving another amendment and I am not going to repeat them now. I hope my honourable friends will remember that. It is clear that so far as the agricultural population is concerned, they have not yet been able to liquidate the debts, majority of which had been incurred for maintaining themselves during the last year's distress. I hope the Hon'ble Finance Minister is aware of the indebted condition of these people. The Finance Minister is also aware that in spite of the inflated income which a few of them received for the surplus crops which they could command, they have not yet been able to reach a position when they might regard themselves as beyond want. Government is also aware of the distress of the landlords, so far as Midnapore is concerned. As a representative of Midnapore I should bring these cases particularly to the notice of the Hon'ble Finance Minister for his consideration and I hope he will kindly listen to what I have to say in this matter. The landlords have not been able to pay the revenue and cess and their properties have been put up for sale. Even the big landlords like Mahisadal Raj Estate and Narajole Raj Estate and other landlords have had to apply to Government for exempting their estates from being sold for arrears of revenue.

The distress that is prevailing in some of the other districts is also equally acute. It may be that in some fortunate districts people may have just recovered themselves from the after-effects of the distress of last year. Even they, I submit, Sir, are entitled to have some respite in order, to adjust themselves to the new situation that has been created by reason of the war. It is admitted that the prices of ordinary foodstuffs and all essential commodities, such as, cloth and other necessaries have increased 300 per cent. and I would request the Hon'ble Finance Minister to consider

whether or not he will allow some relief to the fortunate few who may have just recovered themselves from the after-effects of the distress. After all, it is a measure which is not going to meet the deficit in the budget to any very appreciable extent. We have been told that the Hon'ble Finance Minister expects to get at most a revenue to the extent of about 50 lakhs of rupees. I shall stand corrected if the Hon'ble Finance Minister wants to challenge my statement. The Central Government have granted a subvention of 10 crores to the Government of Bengal and we must thank His Excellency the Viceroy for that. We have been told that the subvention of 10 crores has been given subject to the condition that the Bengal Legislature should pass this taxation measure. But I submit that by postponing the provisions of the Act, after it is passed, till one year will not in any way affect the subvention that has been promised by the Central Government. I submit that if this tax is enforced from 1st April, 1944, it would be nothing but taking away a portion of the *dal-bhat* from the mouth of the people of Bengal which they require for their sustenance. I hope the Hon'ble Finance Minister will consider this matter seriously and agree to the postponing of the operation of the Act till a later date. Sir, the Government proposed some amendments so that there was no doubt that the Act would have to go back to the Lower House. But now I find that they are not going to move their amendments and these amendments may be moved by some other members of the House. I submit that the request of the Hon'ble Finance Minister that the Bill should be passed here in the shape in which it came out of the Lower House, is not a request which ought to have been made. There is one other point which I want to impress upon the Hon'ble Finance Minister. If by reason of discussion in this House honourable members are satisfied that there are some provisions which affect seriously the position of the assessees who are entitled to relief, is it not reasonable that the Bill should be amended and should go to the Lower House again; whether after being convinced that there are some provisions which ought to be changed and some amendments which ought to be accepted, they should not agree to the Bill being sent to the Lower House again? Simply because the Hon'ble Finance Minister says that he will have to go to the Lower House if changes are made, therefore they should not agree to this proposition. That should not be the attitude of the honourable members. There is one other fact so far as this matter is concerned. Either the Government have got a majority in the Lower House or they have not (the Hon'ble Mr. TULSHI CHANDRA GOSWAMI: Certainly we have got majority). If they have got majority as the Hon'ble Finance Minister says, in the Lower House—if they have a comfortable majority, they should have no hesitation in accepting the amendments which are essential. Government themselves thought that there should be some change in the Bill and with that view they tabled amendments. If you can face the Lower House and if you have a majority there why not accept the amendments which are essential? If he has not got the majority in the Lower House, then I think it is the duty of the Government to resign. That is the point which I want to impress upon the Hon'ble the Finance Minister so far as this Bill is concerned. After all, Sir, the function of this House is to examine the provisions of the Bill and to revise them, if considered necessary. Sir, I hope the members of the Council will consider the responsibility which lie upon them in an important measure like this and will not consider these amendments as in any way censuring the Government. I emphasise upon this fact because it might possibly be the idea which is passing in the minds of the supporters of Government. When considering the provisions of a legislative enactment consideration should be given as to in what shape the Bill should emerge out of the Legislature. It is not a question of confidence or no confidence but it is the function of this House to see that the Bill emerges out of the Legislature in a perfect shape.

With these observations, Sir, I support the amendment.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I would like to speak in support of the amendment, but before I do that I just want to have one information. There are amendments Nos. 11, 11A, 11B standing in my name and in others' names. Now, I want to know whether those amendments will come later on or whether the consideration of this amendment would automatically decide the fate of the other amendments.

Mr. DEPUTY PRESIDENT: The whole thing hinges upon the fate of this amendment.

Mr. NAGENDRA NATH MAHALANOBISH: There is another information I want to know. On the 4th of July, I think Government said that they were not going to move any amendments proposed by them. I want to know which amendments they are going to move or which they are not going to move.

Mr. DEPUTY PRESIDENT: Order, order. Those things are irrelevant when considering this amendment.

Mr. NAGENDRA NATH MAHALANOBISH: That is why I said in the beginning that I rose on a point of information. I do admit that these things are not relevant. I do not know in whose name those Government amendments are standing and whether Government would move any amendment at all.

Mr. DEPUTY PRESIDENT: Order, order. There is no knowing what amendments will be moved by Government. So, I would request you to confine your arguments to the amendment under consideration.

Mr. NAGENDRA NATH MAHALANOBISH: All right. Sir, I wholeheartedly support the amendment. It seems to be a very reasonable amendment. It says that the Act shall come into force on the 1st day of April, 1945, that is, some time after or rather from the commencement of the next financial year after the passing of the Act. There is no unusual or unreasonable delay. It is well known that a taxing enactment should not be retrospective. Even ordinary enactments dealing with the rights of properties are not made retrospective simply because vested rights are affected. These are the general rules of legislation. I do not like to dilate upon that point which is perhaps known to every member of this House. The Hon'ble Finance Minister wanted to say that because this Bill had been published in September, 1943, and was before the public all these months, therefore there is justification for making this Bill retrospective. Let us examine that point. What does the publication of the Bill in the gazette mean? Does it at all entitle the Hon'ble Minister in charge of Finance who is sponsoring this Bill to put that Bill before the House or to move it for consideration——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The Bill was introduced in September last year.

Mr. NAGENDRA NATH MAHALANOBISH: September last year means September, 1943, I think. That is what I am saying. Now, Sir, the publication of the Bill in the gazette does not ensure that the Hon'ble Finance Minister is entitled to put the Bill before the House or to move it for consideration——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The Bill was introduced in the Legislature in September last year.

Mr. NAGENDRA NATH MAHALANOBISH: That is what I have been repeating——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: You are talking of publication of the Bill in the Gazette. The Bill was published in the *Calcutta Gazette* in August last, and it was introduced in the Legislature in September, 1943.

Mr. NAGENDRA NATH MAHALANOBISH: That makes no difference. It may have been introduced, but that does not, I submit, make any difference whatsoever, because this Bill was not circulated for eliciting public opinion thereon. This Bill has not passed through any Select Committee, nor has it passed through any Committee of the whole House so far as this House is concerned. Therefore, the mere introduction of this Bill is not sufficient. From the very beginning of the functioning of Legislatures in this world, Bills are being introduced, they are being considered and they are being passed. There is no reason why if a Bill is introduced in one year and passed in a subsequent year, that Bill should have retrospective operation. I do not understand the logic of it. I therefore submit, Sir, that that ground does not convince anybody as being a justification for making this Bill retrospective.

Now, another point that has been put forward is the subvention which we are supposed to be receiving. I do not know whether we are actually receiving it or we shall receive it in future from the Central Government. But unless we pass this Bill, according to the Hon'ble Finance Minister, we would not get that money. Granted. But what is the harm in making this Bill prospective instead of retrospective? If we have to get the money, we will get it; but it seems to be an absurd and unreasonable condition which suggests that unless this Bill is passed we should not get the money (the Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Self-help). I quite understand the Central Government saying that unless you try to raise funds, we will not give you any money. But, if the Bill is made prospective having effect from the 1st of April, 1945, would that amount to saying that the Bengal Government or for the matter of that the Hon'ble Minister in charge of Finance has failed to do his duty? Would that justify the Central Government in going back upon their promise? I submit that this is an argument which cannot deceive even a child. But it is perhaps what I may call, in the absence of a better expression, *zid* on the part of the Ministers or of a particular Minister who wants to show his ability to carry through a Bill of this nature with retrospective effect in spite of opposition. But we have got a taste of that ability on the 4th of July here when he admitted that the Bill was defective in many material points which required amendment, but because the Assembly was not in session, therefore, they were not going to move the amendments which they themselves had tabled; and that he would bring in an amending Bill for the purpose of rectifying the mistakes that were found in the present Bill. Therefore, it is almost a confession that the Bill is not what it should be, that the Bill is not a Bill that any conscientious, intelligent Legislature should be asked to pass. Nevertheless, it is the *ipse dixit* of the Government. Whatever defects there may be in the Bill, we will still pass it, since by the counting of heads we are larger in number than the Opposition. We do not mind intelligence, we do not mind criticism: but because I say that I must pass it, therefore I must pass it. Whether Government will correct or amend the Bill later on or not, that is no business of mine at the moment, Sir. I do not care at all, because I know that these promises made today from the Treasury Bench are promises which are seldom fulfilled. For, it may be that the honourable gentleman who is now in charge of the Finance Department may not be in charge of that portfolio after a few months, so that these promises have got no value at all. They have not the binding force of a statute or of a resolution of this House. At the present moment I am

considering the question as to whether the gentlemen now constituting Council would accept the *ipse dixit* of the Finance Minister or exe their own commonsense or their brain and consider this questio its merits and then give their opinion on my contention that a ta enactment should not be *retrospective*, but that it should be *prospec* Therefore, the earliest that the Bill can come into force is the 1st of A 1945. Well, Sir, I see that my friends on the other side are laugh But I may say that we are not in the habit of laughing when my fri talk; it is neither courtesy nor good manners. When your opponents you laugh—that certainly is not the etiquette of this Hon'ble House. H ever, I leave them to laugh as much as they like and let me go on my argument. (Noise in the Government benches.) Mr. Deputy P dent, I am not wasting the time of the House but please see how the of the House is being wasted by the other side.

Mr. DEPUTY PRESIDENT: Don't take notice of it. Please go with your speech.

Mr. NAGENDRA NATH MAHALANOBISH: Now, Sir, the hist of taxation on agricultural income in Bengal is perhaps commonly kno We have enjoyed this——

Mr. DEPUTY PRESIDENT: Order, order. I would request honourable member not to introduce any irrelevant points.

Mr. NAGENDRA NATH MAHALANOBISH: I bow down to y ruling. But I submit that in order to explain that this delay of 9 or months will not matter much, I was bringing in all those points

Mr. DEPUTY PRESIDENT: I think you have already sufficie discussed it.

Mr. NAGENDRA NATH MAHALANOBISH: What I was submitt was that if the Government could do without this agricultural income for the last two hundred years, whether they cannot wait for another 8 9 months. I think I am entitled to develop that point

Mr. DEPUTY PRESIDENT: Yes.

Mr. NAGENDRA NATH MAHALANOBISH: Now, Sir, as you find from the history of the British administration in India, it is a hist of promises from lips and not promises from the heart.

Mr. DEPUTY PRESIDENT: Are you speaking against the ame ment or in favour of the amendment?

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I am develop my point to show that the delay of 8 or 9 months to enable the people have time in order to pay this tax will not cause any harm and that i not an unreasonable request that I am making. Government at that t introduced the Income-tax Act but deliberately omitted to tax inc derived from the agricultural land. Then, Sir, there came the educat cess and other taxation measures affecting the land. There was no qu tion of taxing the agricultural income. Now the question has arisen because Bengal is in need of agricultural tax for Bengal herself but necessity has arisen owing to certain peculiar circumstances under wh Bengal finds herself today. No. 1 is war, No. 2 is proximity of war Bengal and the consequential abnormal increase of the prices of necessa of life and No. 3 is the indiscriminate purchase by the military of f crops from Bengal which has had the effect of shooting up the prices every article with the result that hundreds of thousands of people are dy

necessitating the Government to spend an enormous amount of money in order to come to their relief. That is what I understand to be the burden of the song of the Hon'ble the Finance Minister—that a large amount of money had to be spent on that account and therefore although the Central Government are willing to help us, they would not help unless we impose this tax. Then, Sir, it is said that we must impose this tax with retrospective effect this year! I submit, Sir, that these facts and circumstances clearly indicate that this tax was forced upon Bengal. It was a tax which Bengal has been forced to adopt because of certain views held by the Central Government. And it cannot be argued by any reasonable and right-thinking man that that situation was brought about by mismanagement of the Bengal Government or this situation was certainly created by the agencies beyond the control of the Government of Bengal. In these circumstances, don't you think it is extremely reasonable for the Government of Bengal to say to the Central Government that this Bill should not be passed with retrospective effect but should be passed with *prospective* effect, that is, from the earliest available opportunity, or from the next financial year, namely, 1st April, 1945? May I not suggest to the Hon'ble the Finance Minister that he should very kindly take into consideration this aspect of the matter and then come to the decision finally whether the request involved in this amendment is not reasonable?

Now, Sir, you will find from the other provisions in the Bill that you are going to tax the people not on this year's income but on the income of the previous year. Sir, I am not wrong perhaps when I say that not even ½ per cent. of the people care to read the *Calcutta Gazette* or, read the proceedings of this House or the other House. But immediately with the passing of this Bill, machinery will be set up for the realisation of taxes and the people will be asked to produce accounts of the last year and and will also be asked to pay taxes. In these circumstances, how do you feel that the people would behave? Now, let us assume for the sake of argument that the salary that the Hon'ble the Finance Minister is drawing is being drawn from his own agricultural income. He cannot know that there would be a taxation enactment with retrospective effect and he must have in the ordinary course of things spent his income from lands.

Then, as regards keeping of accounts. Now, Sir, very big zemindars have got staff to keep accounts but at the same time there are a large number of people who have got income from agriculture but do not keep accounts. How they will be able to furnish accounts and pay taxes of the previous year? Every company or every business house keeps accounts —

Khan Sahib FARIDUDDIN AHMAD: On a point of order, Sir. Are all these things relevant?

Mr. DEPUTY PRESIDENT: Perhaps he is developing his arguments. However, Mr. Mahalanobish, please try to conclude as soon as possible.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, how can I speak when the honourable members are talking so much. I cannot speak when there is so much noise in the House, because that is not a proper atmosphere to speak on an important legislation of this kind. (Khan Sahib FARIDUDDIN AHMED: No body will be sorry for that.) That submission should be made to the Chair and not to me.

Mr. DEPUTY PRESIDENT: You need not take any notice of those remarks.

Mr. NAGENDRA NATH MAHALANOBISH: As I was saying, every business house or firm keeps account of the incomes and expenditure of the transactions. Now, we are passing through the month of July and if we are asked to pay taxes from April, 1944, then we shall have to take recourse to borrowing or selling some of the articles for the purpose of paying

taxes. Money which they had has already been spent merrily, knowing full well that they had paid off their old debts and that there was no other debt. Now, by one stroke of the pen you are going to make the people liable to pay tax on the money which they had practically spent without having the slightest idea that they will have to disgorge it. It may be that the man who made that income that year has had to sell out his land last year, and the big profits that he might have made owing to the high price of food crops may not be with him now. In the circumstances, is it fair to ask him to pay tax on that income which he earned but which he has spent without knowing that a liability would come soon? I, therefore, submit, Sir, that considered from whatever point of view, you will find that there is not the slightest justification for making a taxing enactment like this retrospective in effect.

Now, Sir, if it is permissible for me to refer to the original Bill, I would just refer to clause 1, sub-clause (*3*), which says that "it shall come into force on such date as the Provincial Government may by notification in the official gazette appoint." You will, therefore, see, Sir, the publication of this Bill or its introduction in the Legislature would not give the people any notice that Government is going to have the Bill with retrospective effect so that the income that the people had earned in the year 1943 will have to be disgorged in the year 1944. Therefore, Sir, my submission, is that this amendment is not only a reasonable amendment having regard to the circumstances prevailing in Bengal at the present moment, but it is a reasonable amendment which is consistent with the invariable practice of the Legislatures in every part of the civilized world. I wonder whether Bengal has gone out of that pale.

Mr. LALIT CHANDRA DAS: Sir, will you allow me to speak on this amendment, or you will allow me to move my amendment No. 11?

Mr. DEPUTY PRESIDENT: I think I have already given my decision on this point to the effect that if this amendment is negatived, you cannot move your amendment. You may speak on this amendment, if you like.

Mr. LALIT CHANDRA DAS: Sir, the Hon'ble Finance Minister has not been able to show a single instance wherein a Finance Act was made retrospective. Generally, Acts are prospective but Finance Acts are never made retrospective. Indeed the present Government in introducing the Bill never intended that this Bill should be retrospective in its operation. The Bill according to the statement of the Finance Minister was introduced in September, 1943. It was introduced in September, 1943, to be passed that session. That shows indeed that the Government meant that it would be prospective and not retrospective. For the Bill was to come into effect on the 1st of April, 1944. Therefore, I submit that Government stand convicted out of their own mouths and they should not now want to make it retrospective. Having introduced the Bill in the Lower House in September, 1943, and not having proceeded with the Bill they allowed the Bill almost to lapse. In fact, 1943 is a record year; it was a year of the greatest distress. Bengal passed through a famine. Government took into consideration all these surrounding circumstances. They had not therefore the courage to pass the Bill in the September Session of 1943 and to push it through the Council because they knew that by doing so they would be the butt-end of ridicule of all and sundry. Therefore, they took counsel amongst themselves and kept silent. They waited to tide over this difficult period and had allowed matters so to drift that the public were led to believe that this Bill would not be at all proceeded with. This is what I construe their action to be; otherwise, if they found that additional income was necessary, absolutely necessary, there was no reason why they should not have pushed it then through the Legislature in hot haste. I,

therefore, urge that when they introduced the Bill they had not really meant it to be retrospective. Having therefore lulled the public into a feeling of security that the Bill would not be proceeded with, how can the Hon'ble Finance Minister now take advantage of the fact that the Bill had already been before the public having been published in the *Calcutta Gazette* in August, 1943, and introduced in the other House in September, 1943? Can he really take advantage of that fact? I would say that this fact rather goes against the Government, for having introduced the Bill they did not proceed with it and thus they actually allowed the public to believe that the Bill would not be proceeded with. Now I beg to draw the attention of the House to clause 6 of the Bill which says *inter alia*:—

"Agricultural income-tax shall be payable by an assessee under the head 'Agricultural income from rent or revenue' in respect of all rent and revenue, including any local cess or education cess referred to in section 4 derived from land referred to in sub-clause (*a*) of clause (*1*) of section 2 included in his total agricultural income and received in the previous year, subject to the following allowances, namely———"

I lay emphasis upon the words "received in the previous year". If this Bill came into effect from the 1st of April, 1944, people would be called upon to pay the tax for their income derived from agricultural land in 1943. I say that the year 1943 was a year of great distress and famine; it may, however, be said: "but those people who are destitute will not have to pay anything". I say that 1943 was a year in which both rent-receivers and zemindars, big or small, rich or poor, suffered equally and had to incur a large amount of debt and had to extend charity not only to their own family but to the sons and daughters of their relations and to the public as well. It was a year of such great distress that the sympathy of the whole world was drawn to Bengal. Will it, therefore, be just or fair for the Finance Minister to insist that for that particular year of all years the people of Bengal especially the rent-receivers and zemindars should be called upon to pay this agricultural income-tax?

Now, Sir, this is the month of July, Government intended that it should be prospective and if the Bill is now passed and assented to by His Excellency the Governor, say, in the course of 3 months then to make it prospective Government would have to fix April, 1945, as the date for the commencement of the Act, as the intention was to make it prospective and not retrospective. With these words, I support the amendment of my friend Mr. Amulyadhone Roy.

Mr. DEPUTY PRESIDENT: Hon'ble Minister.

Mr. HUMAYUN KABIR: Sir, I want to speak a few words on this amendment.

Mr. DEPUTY PRESIDENT: But I have already called upon the Hon'ble Minister to speak.

Mr. HUMAYUN KABIR: Sir, I was on my legs immediately after Mr. Das sat down. If you stifle the discussion in this way on such an important matter, the position of the Opposition members becomes very difficult. In a matter like this, it is necessary that different sides should be given an opportunity to speak and if you want to stifle our discussion in this way, we shall have——

Mr. DEPUTY PRESIDENT: Professor Kabir that is far from my intention. I do not want to stifle the discussion in any way. There are other amendments and you will have sufficient opportunity to speak.

Mr. HUMAYUN KABIR: But this amendment will not be discussed again. I have not followed your decision in this matter.

Mr. DEPUTY PRESIDENT: I have already called upon the Hon'ble Finance Minister to speak.

Mr. HUMAYUN KABIR: With great regret, Sir, I must say that in a matter like this it is not the prerogative of the Chair to shut out the minority party in this way. Those who have spoken so far on this amendment have spoken from the landlord's point of view. From the point of view of the peasantry not a single speech has been made today.

Mr. DEPUTY PRESIDENT: Professor Kabir, let the Hon'ble Minister proceed with his speech. The rules do not preclude the Chair from allowing other members to speak after the Hon'ble Minister's speech and you will have opportunity after the Hon'ble Minister.

Mr. HUMAYUN KABIR: Thank you, Sir.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. Deputy President, I shall be very brief. It has been said this afternoon that there is no precedent for retrospective legislation in respect of taxation. Well, Sir, first of all, I desire to inform the House that this Bill is not retrospective except, perhaps in the sense in which the word has been used by the Opposition members. With regard to this, I need only cite the instance of the Assam Agricultural Income-tax Act. (Mr. BANKIM CHANDRA MUKHERJEE: We are not going to follow Assam.) But this is in answer to the question that there is no precedent for what you call retrospective legislation. The Assam Act received the assent of Government of Assam in August, 1939, and it was operative from the 1st of April, 1939. So we have one handy precedent at least. Now, Sir, as I have already pointed out that it is on account of some technical language that it is regarded that the Bill is being given effect to with retrospective effect. The Bill was introduced in the Bengal Legislature in September last. Now, supposing, by a different arrangement of the legislative business Government had made it possible for the Legislature to pass this Bill into law by the 31st of March, 1944, you would not have spoken of retrospective effect. Now, it is only a matter of a few months after the 31st March, 1944. In any case, if it had been passed into law on the 31st March, 1944, before officers could be appointed, before assessment could be started, some months would have elapsed. In any case some delay would have occurred. Owing to congestion of legislative business during the present session, we have a few months' delay. That does not make the Bill retrospective at all.

As regards the question of the income of 1943, the bad year, I think I have already said enough to justify my position that not only is it not inappropriate that assessment should commence on the basis of income of 1943, but from the point of view of economics it is a sound year—the year which saw larger collections of rent than in any of the 10 preceding years. I do not think that any economist will challenge the proposition which I have placed before the House. With these words, Sir, I close the debate.

Mr. DEPUTY PRESIDENT: Mr. Humayun Kabir.

Mr. HARIDAS MAZUMDAR: Sir, the time is up.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I may mention that today this Bill has got much more time than was allotted to it because of the fact that there was no question and Government cannot grumble that there was less time for the discussion of the Bill. The Bill has its due share of discussion today.

Mr. HUMAYUN KABIR: Sir, I am entirely in your hands. If the discussion is continued, I may speak tomorrow.

Mr. DEPUTY PRESIDENT: Order, order. As regards sitting for longer hours, I leave it entirely to the House to decide. But as a result of discussion yesterday, I thought that the Hon'ble the Leader of the House and the other leaders would meet and discuss the matter and come to a decision. However, I would request the leaders of different groups to meet together and decide this point. I am not unconscious of the fact that it is the privilege of the Chair to decide whether the House should sit for a longer period or not, but as the permanent President is expected to come in a day or two, I do not propose to exercise that discretion today.

Now, before we depart, I would like to say a few words mainly meant for our esteemed friend Professor Humayun Kabir. It is far from my intention to stifle any individual member or any party from participating in the discussion on any matter which is before the House. I thought that sufficient discussion had been made on the question of the retrospective nature of the Bill, and so I asked the Hon'ble Minister to reply on behalf of Government. Then again, looking at the hands of the clock, I found that there was little time left and considering from that point of view I think I have done a service to Mr. Kabir by not asking him to speak at that time. Because, if I had asked him he would have very little time to speak. It would have been quite inadequate for him. However, before adjourning the House I would like to have the decision on the question of sitting for a longer period.

Mr. HUMAYUN KABIR: Sir, I am thankful to you for your remarks. I was under the impression that the debate would be closed after the Hon'ble Minister's reply, but as soon as you said that I would be given an opportunity to speak after the Hon'ble Minister's reply, I accepted it with thanks. I wanted to speak on this amendment because I thought that our point of view was not represented. However, I am thankful to you for the opportunity you have given me to speak on this amendment on the next day.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think it is Government which fixes the hours of sitting. For the present we may not fix the hour of sitting. When the permanent President comes, the hour of sitting will be fixed.

Mr. DEPUTY PRESIDENT: The House stands adjourned till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Friday, the 7th July, 1944.

Members absent.

The following members were absent from the meeting held on the 6th July, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerji.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. Khorshed Alam Chowdhury.
(6) Mr. K. K. Dutta.
(7) Mr. Abdul Latiff.
(8) Mr. N. N. Mookerji.
(9) Mr. R. S. Pursell.
(10) Khan Bahadur Muklesur Rahman.
(11) Dr. K. S. Ray.
(12) Mr. S. N. Sanyal.
(13) Khan Sahib Maulvi Wahiduzzaman.

BGP-44/5-8247A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 54.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 7th July, 1944, at 3 p.m., being the fifty-fourth day of the First Session of 1944, pursuant to Section 62(2)(a) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOUDHURY, J.P.), was in the Chair.

Point of Information.

Mr. LALIT CHANDRA DAS: Sir, may I rise on a point of information? I put a short-notice question regarding the ex-Mayor Mr. Sanat Kumar Roy Chowdhury and another person named Mr. Hariprasad Misra. I do not know, Sir, why that short-notice question has not come up for reply today.

Mr. DEPUTY PRESIDENT: Order, order. The Hon'ble President has admitted your question as a short-notice question, and it has been sent to the department concerned but nothing has been heard of it as yet.

Mr. LALIT CHANDRA DAS: Sir, I raised this question only because my friend Mr. Haridas Majumdar sent a similar question, and I see that with respect to the question regarding the ex-Mayor Mr. Sanat Kumar Roy Chowdhury the answer will be given today, but I do not understand why my question relating to another gentleman mentioned along with Mr. Sanat Kumar Roy Chowdhury should not be answered.

Mr. DEPUTY PRESIDENT: Will the Hon'ble the Leader of the House kindly enlighten the House on the point?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, evidently materials are being collected to answer the question.

Mr. LALIT CHANDRA DAS: Sir, I do not understand how further materials can be collected to answer my question which is the same question as this. Evidently, the Hon'ble the Leader of the House has no knowledge of the case at all.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May be; it is not my department.

Mr. DEPUTY PRESIDENT: Order, order. Some questions down for answer today are to be answered by the Hon'ble Mr. H. S. Suhrawardy and there is one question which is to be answered by the Hon'ble Sir Nazimuddin. But none of them is present in the House.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, on behalf of the Hon'ble Chief Minister, I am ready to answer his question.

Mr. LALIT CHANDRA DAS: Will he be in a position to answer supplemantary questions?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, Sir. The file is with me and I shall be able to answer all supplementary questions.

Mr. DEPUTY PRESIDENT: What about the questions relating to the Department of the Hon'ble Mr. Suhrawardy?

Mr. MESBAHUDDIN AHMAD: The Hon'ble Mr. Suhrawardy is expected to be here at any moment, Sir.

Mr. HARIDAS MAZUMDAR: Has this power been delegated to the Leader of the House?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, that is not necessary. One Minister can answer for another.

Mr. DEPUTY PRESIDENT: I find that the Hon'ble Mr. Suhrawardy has not yet come; what about those questions?

Mr. MESBAHUDDIN AHMAD: In that case those questions may stand over.

QUESTION AND ANSWER

Arrest of Mr. Sanat Kumar Roy Chowdhury.

205. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if he is aware that ex-Mayor, Mr. Sanat Kumar Roy Chowdhury, has been put under arrest for holding a meeting at the Sradhananda Park to protest against the Secondary Education Bill, now on the anvil of the Bengal Legislature;

(*b*) if it is a fact that in course of the debate on the adjournment motion, regarding the banning of the Lora Conference, he stated in unambiguous terms that he had allowed hundreds of meetings regarding the said Bill to be held all over the country, particularly in Calcutta, without any interference; and that under very special circumstances he had to ban the Lora Hindu Conference;

(*c*) if it is a fact that he had publicly and inside the House stated on different occasions that the Regulation of 1940-41 for holding public meetings will not be made applicable in the Province; and

(*d*) if so, whether Government propose to withdraw proceedings against the said ex-Mayor; if not, why not?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of the Minister in charge of the Home Department): (*a*) Yes.

(*b*) and (*c*) It was pointed out that there was no question of encroaching on civil liberty when the people were enjoying the freedom of holding public meetings in all parts of the Province except in one or two places.

(*d*) The proceedings have been withdrawn.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that the case was not merely against Mr. Sanat Kumar Roy Chowdhury but also against one Mr. Hari Prasad Misra, who is, I believe, Secretary to the Students' Federation?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That question does not arise.

Mr. LALIT CHANDRA DAS: How it does not arise?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It does not arise because the original question is only about Mr. Sanat Kumar Roy Chowdhury.

Mr. LALIT CHANDRA DAS: Sir, I am asking a supplementary question as to whether the case that was withdrawn—

Mr. DEPUTY PRESIDENT: Arising out of which part of the question?

Mr. LALIT CHANDRA DAS: Arising out of (*a*)—

Mr. DEPUTY PRESIDENT: All right. What is your question?

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state whether the case which has been withdrawn has been withdrawn only in the case of Mr. Sanat Kumar Roy Chowdhury and not in the case of another?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As the question was asked in respect of Mr. Sanat Kumar Roy Chowdhury only, so I have given an answer only in respect of him. As no other question was asked, I have not studied it.

Mr. LALIT CHANDRA DAS: Have the proceedings been fully withdrawn or only partially withdrawn?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do say most definitely that the case against Mr. Sanat Kumar Roy Chowdhury has been fully withdrawn.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that the case has been fully withdrawn?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, the case against Mr. Sanat Kumar Roy Chowdhury has been fully withdrawn.

Mr. SHRISH CHANDRA CHAKRAVERTI: Has it been withdrawn already?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes.

Mr. LALIT CHANDRA DAS: Has the case been fully withdrawn?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Against Mr. Sanat Kumar Roy Chowdhury the case has been fully withdrawn.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the case was only against Mr. Sanat Kumar Roy Chowdhury or against anybody else?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I had no business to look to that.

Mr. LALIT CHANDRA DAS: May I enquire from the Hon'ble Minister whether this case which has been withdrawn was only against Mr. Sanat Kumar Roy Chowdhury or against Mr. Roy Chowdhury and another gentleman?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am not aware of any other gentleman.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state if the file with regard to the case of Mr. Sanat Kumar Roy Chowdhury is with him now?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The file regarding this particular question is with me.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state from this file whether the case was against any other person besides Mr. Roy Chowdhury?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There is no mention in the file that it is against any other person also.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister let us know on what ground the case has been withdrawn?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am not prepared to state that here.

Mr. SHRISH CHANDRA CHAKRAVERTI: Why not?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The reason need not be given here.

Mr. SHIRISH CHANDRA CHAKRAVERTI: Do I then assume that there was no case against him?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Evidently it was not considered proper to go on with the case. I do not know whether the case was actually substantiated against him or not.

Mr. AMULYADHONE ROY: Why was it then allowed to be proceeded with?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The police starts the case first and it is not done with the permission of the Government and without any reference to the Minister in charge.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the case was withdrawn because of a certain policy which is being followed by the Government in respect of civil liberty?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government do not interfere at all. The case was started by the police and when the police themselves thought that the case need not be proceeded with, they withdrew it.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state if Government consider the desirability of taking steps against the police concerned for starting a false case and harassing persons in this way?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There is no question of taking steps against police here. In the Penal Code there is provision for taking steps against any officer who intentionally harasses anybody. In this case, this point does not arise.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to consider the desirability of enquiring into the matter and see if this case was started without reason?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government do not think it proper. Hundreds of cases are started by the police and they are withdrawn afterwards for want of proper evidence. As a Magistrate for a long time, I know that such things happen in hundreds of cases.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the suggestion proceeded from the Home Department to the police to withdraw this case?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No.

Statement made by Hon'ble Minister for Civil Supplies on "Bhog" ration scheme.

Mr. HARIDAS MAZUMDAR: Sir, with regard to my adjournment motion on the question of *bhog* ration, I think the Hon'ble Minister for Civil Supplies is prepared to make the statement today.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the consideration of this matter has caused me a great deal of anxiety. On the one hand, there are not only religious susceptibilities but also positive religious duties and obligations to be considered; on the other, there is the necessity for curtailing wastage and duplication of supplies, and for general austerity in consumption. It is extremely difficult to arrive at an adjustment without treading on religious susceptibilities and sentiments. I may inform the House that in Bombay there does not seem to be any special provision for *bhog* and in Madras the only special provision is for the offering of *bhogs* to deities in public temples: but even then on no account to more than six such shrines per temple. No suplies are given to individuals or to endowments. These limitations appear to have been accepted by the Hindus of Bombay and Madras. In the consideration of this problem I have been severely handicapped by the very unhealthy atmosphere prevailing in the Province, when no credit will ever be given for honest endeavour and when anything that we may do will be criticised as a deliberate attempt to wound Hindu susceptibilities. In spite of this drawback, I have given my most earnest consideration to the problem and have endeavoured to meet as far as possible the various suggestions that have been placed before me by the very learned and esteemable gentlemen whom I had the honour to invite for a consultation. The plan which I am now adopting goes much farther than either Bombay or Madras and I hope that it will be accepted by the Hindu community of Bengal.

I propose to set up a Committee of Hindu gentlemen at once to whom matters relating to *bhog* within the ambit of the plan outlined by me will be referred for advice. The questions that will arise are of such a delicate nature that I cannot ask any permanent member of the Civil Service to take upon himself the responsibility of presiding over the Committee or assisting in its deliberations. I, therefore, am of opinion that the Minister himself should accept full responsibility for the decisions that Government must make and preside over it. I now propose to discuss the allotments themselves which, it should be borne in mind, will always be governed by our ability to supply.

To household deities installed in *thakurghars*, which are generally rooms in residential dwelling houses, I do not feel I would be justified in making a separate allotment. The somewhat generous allotment given to individuals at the present moment will be sufficient to provide for those individual cases where *purohit* gets the *bhog* or a portion thereof.

As regards household deities consecrated in temples, they may either be unendowed or endowed. If unendowed, they may be given an allotment as for a shrine; and if endowed, then in the same manner as for an endowed deity installed in a temple.

As a general proposition only such supplies will be given as are not appropriated by the members of the family but are given to priests, guests, *sannyasis* and beggars, regard being had, however, to the avoidance of duplication in the case of priests. The Committee which I have proposed will be requested to take into consideration applications on behalf of such deities.

There is another class of deities which have been designated as semi-public deities. Many of them are endowed and there are arrangements for feeding guests, *sannyasis* and beggars. A portion goes to the *sebaits* and the priest of the family. In so far as a certain amount is required for outsiders and is covered by the endowment, supplies can be made available for these semi-public deities.

Then, there are deities installed in temples: some are unendowed and some are endowed. Those without endowments will get a ration of one unit for each shrine per day, up to a maximum of six shrines per temple. As regards deities with endowments whose expenditure is fixed by deeds

creating them, an allotment will be made to them having regard to the expenditure under the endowment, the amount actually spent and the supplies available. Then, there are several occasional *pujas*, ceremonies and festivals. As regards festivals, we feel that the present conditions require a considerable degree of austerity in consumption and the necessity for the elimination of all avoidable waste of foodstuffs. I regret that I am unable to make any general allotment for the festivals; only such allotments as are sanctioned by an endowment for purposes of *puja* or sanctioned by a scheme of a court of law will be taken into consideration.

I am not unmindful of the other requirements, particularly of *sradhs* when *pindas* have to be offered. Deaths, happily, are not too frequent in a family; and it is suggested that the small quantity of foodstuffs necessary to perform the strictly religious obligations can be met from the savings from the general rations of the family.

I would like to touch on a certain point which has been raised by some of the honourable members who have tendered me advice. It appears to have been generally assumed that the *purohit* must receive remuneration in kind and hence the entire remuneration must be in the form of *bhog*. I am informed, however, that whereas some offering in kind is essential, the *purohits* themselves would be happy to receive remuneration in cash, in addition to a token payment of the sacred offering.

I have dared to encroach on this very delicate and controversial subject being led to do so by the supreme sense of duty to come to a decision on the problem which may as far as possible meet Hindu religious opinion. I hope that my difficulties will be appreciated. I trust that the Committee which I am setting up and which will be composed of learned priests, managers of temples and certain other gentleman who are in a position to offer well-informed advice, will be able to assist Government and their fellow members of the Hindu community in assessing the different requirements of the various institutions and in offering advice to Government from time to time how to reconcile rationing with the imperative religious duties of the Hindu community.

Mr. HARIDAS MAZUMDAR: Sir, I have heard the statement of the Hon'ble Minister. The labour of the last five months has produced the proverbial mouse, namely, the appointment of a Committee. I am not satisfied with this statement, and therefore I press my adjournment motion for discussion in the House.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, may I enquire through you of the Hon'ble Minister as to whether he has formed any Committee as yet?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I said that I was prepared to form a Committee. I have invited a number of priests, managers of temples and certain other gentlemen who, everyone considers, are capable enough of offering advice to Government on this matter.

I did not, of course, ask Mr. Haridas Mazumdar on this Committee. Now, Sir, the gentlemen whom I invited have given me a list and a statement of their requirements. I propose, as an initial measure, to appoint all these gentlemen as members of the Committee. If I find that this House does not object in any measure to what I have stated, then I may appoint the Committee tomorrow; but if any objection is taken to the proposal, then it is no use my proceeding with the matter further.

Mr. DEPUTY PRESIDENT: As regards the adjournment motion tabled by Mr. Haridas Mazumdar, it appears from the proceedings of the meeting held on the 19th February last that the very same question arose at the instance of Mr. Haridas Mazumdar when after a statement made by the Hon'ble Minister in charge of Civil Supplies Mr. President was pleased

to observe "Then, Mr. Mazumdar, I take it that you do not ask for premission to move the adjournment motion." The reply came from Mr. Mazumdar thus—"In view of the assurance of the Hon'ble Minister, I do not press the adjournment motion." So, in view of these facts, I think, Mr. Mazumdar, you are not entitled to move another adjournment motion on the same subject in the same session. Therefore, after the statement of the Hon'ble Mr. Suhrawardy I hold that the purpose of your adjournment motion has been served. At any rate, I would ask Mr. Mazumdar to consider whether

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Mr. HARIDAS MAZUMDAR: Sir, that assurance was not implemented. It has taken the Hon'ble Minister more than five months to make a statement like that. And it is still in the region of planning: only a scheme has been made but the personnel has not yet been selected. In view of this fact, I think this matter should be discussed here in the best interest of the Hindu community.

(Members from the other side: Why not wait till tomorrow?)

Mr. HARIDAS MAZUMDAR: Very well, Sir, I am prepared to wait till tomorrow. If the appointment of the Committee satisfies the House, then I shall have no need to bother the very hard-working Minister in charge of Civil Supplies in this respect any longer. Not only are our sentiments and susceptibilities but our religious duties also are involved in the matter, and I hope they will be adequately considered. In this view of the matter, I would request you, Mr. Deputy President, to waive the question of urgency on the next occasion. Moreover, I may say that this adjournment motion was held up so long only because of the assurance given by the Hon'ble Minister in respect of that matter. I am prepared to wait till tomorrow and if I am not satisfied with the personnel of the Committee that is appointed, then I request that I may be allowed to bring up this adjournment motion again. I think I shall have your permission to do so.

Mr. DEPUTY PRESIDENT: Order, order. When the Chair is called upon to give a ruling on any motion it is not the incumbent duty of the Chair to take into account the fact as to whether the remarks made by a particular Minister are satisfactory to the House or not. I am to give my ruling only in consideration of whether the motion satisfies the conditions laid down in the rules. If according to rule I find it admissible, I must give my ruling in favour of the motion; otherwise it will be my painful duty to refuse. However, as regards the request of Mr. Mazumdar, I have no objection to wait till the House meets again on Monday next. Of course, on that day I shall not be in the Chair and the permanent President will give a ruling.

Mr. SHRISH CHANDRA CHAKRAVERTI: May I enquire through you of the Hon'ble Minister in charge of Civil Supplies what are the names of the persons he intended to appoint on the Committee.

Mr. DEPUTY PRESIDENT: That question does not arise.

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, may I mention about my motion for adjournment regarding——

Mr. DEPUTY PRESIDENT: Yes, I am coming to that. Are you prepared to wait till Monday next?

Mr. NAGENDRA NATH MOHOLANOBISH: I am afraid, Sir, in that case several objections may be raised against the motion by the other side. Besides, my motion may not be taken up for discussion before Firday and Friday is a non-official day.

Mr. DEPUTY PRESIDENT: Can you not wait till Monday, the next sitting day?

Mr. NAGENDRA NATH MOHOLANOBISH: All right Sir.

NON-OFFICIAL RESOLUTIONS.

Steps for improving the indigenous shoe-making industry of Bengal.

Mr. DEPUTY PRESIDENT: On the last non-official day, the House rose when it was considering the resolution tabled by Mr. K. C. Roy Chowdhury which runs as follows:—

> "That this Council is of opinion that steps be taken to improve the indigenous shoe-making industry of Bengal as carried on by the *muchis* by supply of leather purchased from big tanneries to Bengalee *muchis* at reasonable prices and providing facilities to Bengalee *muchis* for making and selling shoes in at least fifty shops in Calcutta and Howrah, the rent of which is to be borne by Government for the first six months."

As many as three honourable members participated in the discussion of this resolution.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, in supporting this resolution I submit that the condition of these *muchis* is really deplorable. The attack on this indigenous industry by large foreign organisations has told very heavily upon their economic position. Though to a large extent this inroad is inevitable, still it is the duty of the Government and public bodies to help these poor people as much as possible. It is found from the Census Reports that their number is dwindling very rapidly and this means their numerical and economic extinction. Their poverty is a difficult problem. For want of funds they cannot go to the free market and have to buy their raw materials on credit at uneconomic prices from middlemen who fleece and exploit them as much as they like. Then, when they produce their goods, they do not get proper marketing facilities, and, as a result, a very useful industry is languishing and perishing. If some encouragement could be given to them, then probably this indegenous industry may improve. There is the Industries Department which spends lakhs of rupees on many impractical and unpractical projects. If this department can take up this matter, this dying industry may survive. After all, the prosperity of Bengal depends largely upon the prosperity of the poorer as well as on the richer section. Government should therefore take steps to help them.

First of all, money should be supplied to them. They should further be organised into co-operative purchasing and selling societies with Government money. These *muchis* should be supplied with raw materials and their products should also be brought to the markets. If Government takes the initiative, possibly these poor people may be saved. Although the resolution is confined to the *muchis* only, there are various other industries which are languishing for want of proper support; but perhaps it would be irrelevant to speak about them. Mr. K. C. Roy Chowdhury is a life-long champion of labour movement and these poor people are fortunate in having in him a very able and persistent champion. Whatever he moves for the welfare of the poor, should deserve careful consideration not only of this House but of the Government also. With these words, Sir, I wholeheartedly support the resolution.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Mr. Deputy President, Sir, as far as this resolution is concerned, I may confess at the very outset that Government so far have not done very much to improve the condition of the *muchis* specially in and around Calcutta. Sometime ago an offer was made to train Bengalee *muchi* youths in the Government Tanning Institute; but it was found that the response from the *muchis* was very disappointing. One of the reasons was that they were very poor and found it difficult to come to the Institute for getting the training. Evidently, they thought that instead of doing so, they might utilise that time for making some additional income and thus contribute something to their family income. Sometime back it was also suggested that some stipends should be awarded

to them. Unfortunately, that scheme is still under consideration. I can assure the House that the scheme will soon be considered and I hope in the near future it will be possible to sanction a number of stipends specially for the Bengalee *muchi* youths, so that they avail themselves of the stipends and come to the Tanning Institute for getting the training.

As for the opening of 50 shops, a similar scheme also is under consideration. The difficulty is that with the establishment of these shops it will be necessary to arrange for the supply of leather and other instruments at reasonable and cheap rates. And that is not all; it will also be necessary to make arrangements for the sale of finished goods turned out by them. Therefore, I would request the honourable member not to press this resolution, as a similar scheme which has been recommended by the Director of Industries is under the consideration of Government.

Sir, we have been trying to help these *muchis* as far as possible. Apart from what I have just now informed the House, it was also found that a certain class of *muchis* in the Raja Bazar area were very much persecuted by the money-lenders. Investigations were undertaken and it was recommended by the officer who undertook the investigation that it would be necessary to organise co-operative societies among them. Unfortunately, it was found that these people as a class were so suspicious of each other that they were not prepared to accept this suggestion of Government to organise co-operative societies. These are the difficulties under which Government are working. The *muchis* are a very backward and ignorant people and they are so poor that we have got to do a great deal to help them, especially in view of the recent distress in the Province.

Large sums of money are being spent for the rehabilitation scheme. Raw materials as well as instruments in connection with shoe-making are proposed to be supplied to the *muchis* as a sort of free gift in the case of those *muchis* who are unable to take them as loan; and wherever it is found that the *muchis* will be able to repay them, these things will be given to them in the form of loan. Such a scheme is already not only under the consideration of Government but action is also actually being taken. As a matter of fact, on the recommendation of the District Magistrates and the Subdivisional Officers such help is being given to these people. In short, as I have explained, Government have got full sympathy with the main principle underlying the resolution.

Mr. LALIT CHANDRA DAS: Then why are you not accepting the resolution?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, as I have said before, the resolution is in line with the policy of the Government and that there is no harm in allowing the resolution to be passed.

Mr. K. C. ROY CHOWDHURY: Sir, I am very thankful to the Hon'ble Minister for giving us the assurance that a scheme prepared on the lines indicated in my resolution is at present under the consideration of the Government. It is certainly a news to me. In the report of the Industries Department I have found a paragraph in which they have talked about tanning. But I am not interested in tanning and the *muchis* are also not interested in tanning. Tanning is a different thing altogether.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, may I rise to say a few words just by way of personal explanation? In the Tanning Department of Government there is a department exclusively for shoe-making, and it is in this department that the *muchis* are being trained.

Mr. K. C. ROY CHOWDHURY: I think I may give some facts and figures that will help the department to revise the scheme if they have already made some sort of a plan in regard to this matter. The facts are these: from the census figures I find that

the number of *muchis* is dwindling. In 1911, they were 455,000 in number; in 1921 they were reduced by nearly four lakhs; and in 1931 there was a further reduction. The result of this is that these lakhs of poor people for want of materials, patronage and capital, are driven to the plight of landless labourers and many thousands died during the famine. These *muchis* are not only Hindus but Muslims also; it must not be forgotten that there is any number of Mussalmans among the *muchis*. Their source of living consists in making shoes and other leather goods in the villages and sundry other things. They have been facing during the last ten years a serious competition from the great corporation of the Batas. In fact, the Batas are mainly responsible for killing this important cottage industry which is their principal source of livelihood. Sir, all that this resolution requests is to direct the Industries Department to buy leather from the tanneries and sell it to the *muchis* at cost price. Certainly, we have got a very big Department of Industry which purchases and supplies for the military worth crores and crores of rupees. Why don't you ask the department to purchase Rs.10,000 worth of leather and advertise to the *muchis* so that they can come to the Industries Department and purchase it. We have a Commercial Museum also, and what is it doing? It is only advertising fancy goods and Bata's productions. If you enter the Museum, you will find yourself faced with these advertisements because the Batas give the museum good fees. Can anybody deny that our *muchis* are in want and that for want of support they are leaving their profession and joining the landless brigades? All the grandiose things are being done in the Industries Department without reference to the needs of the poorer section of our community. I would, therefore, request the Hon'ble Minister to go into this question with the Director of Industries and at once start a scheme for the purchase of leather and to announce through the Press, or through other notices that the *muchis* can buy leather from Government at cheap rates. Let me relate a story relating to myself. I went to order a pair of shoes with the local *muchis*. The *muchi* said that he had not the money to buy leather, but even if he had the money he would be charged 15 to 20 per cent. more for small quantities of leather than those who buy large quantities from the up-country merchants at Tangra and Colootolla who have monopolised the trade in leather. Our indigenous *muchis*, therefore, have not the ghost of a chance to buy leather economically. We know that hand-made shoes last longer and fit better than ready-made shoes and that hand-made shoes work up cheap in the long run and are besides beneficial from the point of view of the users of the shoes, provided good and cheap leather is available. Hand-made shoes are much better than machine-made shoes. I, therefore, request the Hon'ble Minister to do his utmost to procure leather and supply it to the *muchis*, and arrange to have the shoes thus made exhibited for sale at the Industrial Museum.

I am thankful to the Hon'ble Minister in charge who has given the assurance that a similar scheme is in his contemplation and on this assurance, I beg to withdraw my resolution.

Mr. LALIT CHANDRA DAS: Sir, can he withdraw the resolution without the consent of the whole House?

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, I want to make my position clear on this point. I am grateful to my friend Mr. Roy Chowdhury for accepting my suggestion——

Mr. LALIT CHANDRA DAS: Sir, the Hon'ble Minister has accepted the principle underlying Mr. Roy Chowdhury's resolution and so no question of withdrawal arises——

The Hon'ble Mr. Khwaja SHAHABUDDIN: I have not accepted the resolution as it is, but I have signified my approval of the spirit underlying the resolution.

Mr. LALIT CHANDRA DAS: I object to the withdrawal of the resolution.

Mr. DEPUTY PRESIDENT: After I have put it to the House, then it will be time for you to object.

Is it the pleasure of the House to allow Mr. K. C. Roy Chowdhury to withdraw his resolution?

Mr. LALIT CHANDRA DAS: I object.

Mr. DEPUTY PRESIDENT: As the House is not unanimous in allowing him to withdraw, I now put it to vote.

The question before the House is: that this Council is of opinion that steps be taken to improve the indigenous shoe-making industry of Bengal as carried on by the *muchis* by supply of leather purchased from big tanneries to Bengalee *muchis* at reasonable prices and providing facilities to Bengalee *muchis* for making and selling shoes in at least fifty shops in Calcutta and Howrah, the rent of which is to be borne by Government for the first six months.

The motion being put, a division was challenged and taken with the following result:—

AYES—16.

Khan Bahadur Naziruddin Ahmad.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Mohotanabish.
Mr. L. C. Das.	Mr. B. C. Mukherjee.
Mr. B. C. Datta.	Mr. R. Pal Chaudhuri.
Mr. N. C. Datta.	Mr. A. D. Roy.
Mr. M. R. Jaipuria.	Mr. B. K. Roy Chowdhury.
Alhadj Khan Bahadur Shaikh Mohd. Jan.	Mr. K. C. Roy Chowdhury.
Rai Bahadur B. M. Maitra.	Khan Sahib Mauivi Wahiduzzaman.

NOES—22.

Khan Sahib Fariduddin Ahmad.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Mesbahuddin Ahmed.	Mr. Latafat Hossain.
Mr. Nur Ahmed.	Mr. Mohamed Hossain.
Khan Sahib Nurul Amin.	Maulana Mohd. Akrum Khan.
Khan Sahib Abdul Aziz.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Khan Sahib Subidali Molla.
Mr. Moazzemali Chowdhury.	Khan Bahadur M. A. Momin.
Mr. Mohd. Habibullah Chowdhury.	Rai Bahadur R. B. Roy.
Mrs. K. D'Rozario.	Mr. Yakub H. S. Sattar.
Mrs. L. P. Dutt.	Mr. J. W. R. Steven.
Khan Bahadur Abdul Gofran.	Dr. Kasiruddin Talukdar.

Mr. DEPUTY PRESIDENT: Order, order. The House has divided. For the resolution—16; against the resolution—22. The resolution is, therefore, negatived.

Formulation of a comprehensive scheme for development of indigenous drug industry.

Mr. DEPUTY PRESIDENT: Next resolution, Mr. Nur Ahmed.

Mr. NUR AHMED: Sir, I beg to move that this Council is of opinion that the Government of Bengal be urged upon to formulate and put into operation a comprehensive and well-planned scheme for the development of indigenous drug-industry in Bengal.

Sir, this is a very simple——

Mr. BIREN ROY: On a point of privilege, Sir. When we are going to discuss this resolution which is a very important subject, the Hon'ble Minister in charge of the Forest and Excise Department which would play a very effective part in the development of this industry should have been

present in the House, but we do not find him here. I think that very scant courtesy is being shown to the members of this House when we are deliberating such an important matter.

The Hon'ble Mr. Khwaja SHAHABUDDIN: Sir, this matter is in my charge, and I am present here. As far as the Excise Department is concerned, they are concerned with the drug control order, and as far as the manufacture of drugs is concerned, it is the Industries Department which is administering it, and therefore I am the proper person to attend to whatever Mr. Biren Roy has got to say about it.

Mr. DEPUTY PRESIDENT: Mr. Nur Ahmed.

Mr. NUR AHMED: Sir, this simple resolution deals with a very vital question affecting human and other lives. This indigenous drug industry has fallen on evil days. It is in a stage of decay not only in Bengal but in other provinces too. It was not so during the Hindu period and also during the Moslem regime. Even during the Buddhist period it catered to the needs of the vast population of India. With the advent of foreign drugs, this industry has decayed, and we have felt it necessary to revive this industry during this great war. When the war broke out and continued for some time, there was scarcity of all kinds of foreign medicines to save human lives; I mean the medicines which used to be imported from foreign countries like Germany, etc. Owing to the shrinkage in the shipping space and hostilities with the principal source of supply, namely, Germany, the want of drugs was increasingly felt and the result was that people began to suffer and die for want of proper treatment. I want to give a very brief description of the state of things which obtained in the past, and to indicate what should be done to revive this industry. As regards the first point, we have got various books and literature of ancient times on the pharmacopœia of indigenous drugs, regarding the development of the ayurvedic drug and medicine. Coming later to the Moslem times, we find that the *unani* (what is also called *tibbi*) system of medicine was also developed along with the ayurvedic system in India and Nawabs, Emperors and other big personages encouraged this industry in all possible ways. All the big *hakims*, *kavirajes* received stipends and salaries for the development of the drug industry. It is also gathered that big hospitals were started with salaried doctors and salaried nurses who used to go about the countryside treating the sick free; institutions were also built where this industry was developed by expert *hakims* and *kavirajes*. From the book named the Urban Socialism published by Mr. Mumtaz in America, we find that there were big hospitals founded during the times of the Mussalman Emperors, thorughout the world. In Alexandria, Bagdad and Samarkand, the industry was encouraged and developed by the staff which was engaged in research work. In this connection, I may mention about the *unani* and *tibbi* college of the late lamented Hakim Ajmal Khan. This college was established by him with laboratory and research departments where both *unani* and *kariraji* system were taught. Researches were made on both *unani* and *kariraji* systems of medicines and both *pundits* and graduates joined this college. I know, Sir, some *kavirajes* in Chittagong who came out of this college. Some of them also came to Calcutta and were researching in the *unani* system of medicine. We find from books that there are about 2,000 plants which can be very effectively used for preparation of drugs. Out of 11,000 plants which are used for preparation of medicines, about 2,000 have been specifically mentioned. We now find that in India raw materials are available for preparing three-fourths of the medicines and drugs manufactured by British and other manufacturers. The Research Laboratory of the School of Tropical Medicines has made up to this time experiments on 200 plants and from their report it is found that some of the plants are very suitable and effective for the treatment of the people of this country. Out of these 200 plants, the Tropical School has prepared some drugs and medicines which are of the standard of western

drugs and of great value for use in India and other countries. We know that before the war India used to manufacture only 15 per cent. of the medicines required in India.

Sir, there is a proverb that "Necessity is the mother of invention" and bearing that in mind Indians have made great progress in the drug industry. Indians now produce about 64 per cent. of the medicines and drugs for consumption in India and even many of the medicines produced or manufactured by Indians are exported to other countries. So, in order to develop this industry it is necessary that more laboratories, research institutes, and big hospitals should be started. *Hakims* and *kavirajes* should be helped to make researches on the various plants of which mention has been made in various books and also researches should be carried on in modern lines regarding the 2,000 plants mentioned in the books. It is regrettable that in Bengal there are very few dispensaries or research institutes which have discovered indigenous medicines. In the United Provinces and other provinces during the regime of the Congress Governments, I find that a number of these hospitals have been started where the patients are being treated according to *ayurveda*, *tibbi* and *unani* systems. These systems cater to about 80 per cent. of the population of Bengal and it is also an admitted fact that facilities for medical treatment is hopelessly inadequate in Bengal compared to what obtains in other parts of India. It has been ascertained that in Bengal there is one female doctor for more than 2 lakhs of women and one doctor for 40,000 men. From the recent report we find that India requires doctors seven times more than what it is at present; nurses 20 times and health visitors 27 times more.

There is another aspect of the matter. If these laboratories and research institutes are opened, then many unemployed people will be provided. It is admitted on all hands that we, Bengalees, lag behind in respect of starting such research institutions and European travellers who come to India have expressed surprise how an advanced province like Bengal can lag behind in this respect. There is no adequate number of nurses and doctors in Bengal hospitals to take care of the people of Bengal. Therefore, medicines and medical treatment should be developed in such a way that no one may die without proper treatment.

In 1943 a dismal picture was presented to this country when for want of medicine and medical treatment people died like flies, when children and young people who were the future hopes of this Province died like cats and dogs. It was then realised most strikingly that along with dearth of medicine there was also dearth of doctors. Therefore, this is the proper time to come forward with a proposal like this. Every Provincial Government along with the Central Government are now engaged in preparing schemes for post-war reconstruction. Sir, the purpose of my coming before this House with a resolution like this is to impress on the Hon'ble Minister in charge the need for a well-planned scheme for the development of indigenous drug industry in Bengal. Sir, I hope and trust that this resolution will be accepted and not only accepted but will be acted upon, so that there may not be a repetition of the scene like that of 1943, and so that medical relief may be brought within easy reach of every householder.

Sir, there may be a question as to what methods are to be adopted for achieving this object. My suggestion is that laboratories and research institutions should be established and more hospitals should be started. There is another method of encouraging the development of this industry and that is by subsidising *hakims* and *kavirajes*. These *hakims* and *kavirajes* should be made to practise their profession in the mufassil areas in order to popularize indigenous medicines among the masses. Sir, with the advent of the English or foreign system of medicine a very clever and intelligent section of the people induced the people to think that foreign medicine was

more efficacious and more useful than the indigenous drugs. Therefore, Sir, it would be the duty of the Government to subsidise the *hakims* and *kavirajes* for popularising the indigenous drugs among the people there.

Again, if these *hakims* and *kavirajes* make themselves very popular in the mufassil areas and build up a good practice there, then the prejudice created by a very clever section of the people against this system of medicine will be dissipated.

We generally find that the most famous *hakims* and *kavirajes* choose to practise in the towns where however there are a sufficient number of doctors to look after the needs of the townspeople. It is in the rural areas that doctors, *kavirajes* and *hakims* are most needed. As far as I remember, in the United Provinces this system of subsidy has been introduced with good effect and is doing well. In the Punjab also, as far as I remember, a scheme was prepared and put into operation but how far it has succeeded I do not know. But I may say again that in the United Provinces this system of subsidy has proved very successful and the number of *kavirajes* and *hakims* has been increasing. There is however the question of money. Those who practise indigenous medicines belong to the poorer section and accordingly cannot afford to establish any laboratory or any research centre for discovering new medicines and for popularising the existing ones. So they are in great need of help. Of course, I do not support the idea that the beneficent *sarkar* will do everything and we shall do nothing. If only Government will be good enough to subsidise and encourage the establishment of dispensaries and institutions for this purpose, that will greatly help these people to revive the indigenous industry. Sir, in my resolution I have used the words "well-planned scheme". That scheme should include all aspects of the question and it should be prepared by experts on the subject. Whenever a demand is made for a scheme or a plan, it sometimes comes in driblets and not in the shape of a well-thoughtout and comprehensive scheme. I am glad to find that the present Ministry is making such well-planned and comprehensive plans and is trying to put them into action. I hope therefore that our Hon'ble Minister who is doing so much for the encouragement of other industries will do his best to revive this most important industry which concerns the people of this Province so vitally. With these words, I commend my resolution to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Resolution moved: that this Council is of opinion that the Government of Bengal be urged upon to formulate and put into operation a comprehensive and well-planned scheme for the development of indigenous drug industry in Bengal.

Mr. BIREN ROY: Mr. Deputy President, for the adequate supply of essential drugs for the sick and the poor in this country, indigenous drugs industry will have to be developed on sound and rational lines. We understand that members of an Industrial Planning Mission have been touring around and are at work but they have not taken any effective measures for the growth of such industries and their approach and treatment towards these industrial concerns has neither been sympathetic nor helpful.

Sir, in pre-war days this country had a few chemical concerns and some essential indigenous drugs were produced. But as things stand at present, if properly encouraged even with all handicaps, they will enable the Indian manufacturers to supply 60 to 70 per cent. of the total requirements of drugs in India.

It may not be out of place to mention here that a country like Australia within the last two years of this war has been able to develop her drug industry with such speed and effectiveness that whereas before the war she used to import practically most of her medicinal requirements, she is now not only meeting the full quota of her internal consumption but is actually exporting various kinds of British Pharmacopœial preparations abroad

including even this country. This has been made possible through effective help rendered by England and also by United States of America.

Real development of Indian drug industry will make it possible for India to be self-sufficient in the matter of essential drugs and this can be achieved only by rational organisation and a well-planned scientific development of this side of her industry with its ancillary fine and heavy chemical factories and pharmaceutical education as unanimously recommended by the Drugs Enquiry Committee, known as the Chopra Committee, as far back as 1930.

Although the Indian Drugs Act came into being in 1940, its implementing is long overdue. A drug control order came into force in 1943, on account of scarcity of essential and important drugs, but unfortunately the "natural channel" of distribution has not been adopted, i.e., hospitals, doctors, and patients. On the other hand, it is being made operative through executive channels in utter disregard of actualities. In this Control Order in Part II of Schedule A, such British Pharmacopœial preparation as insulin, pituitrin,, aspirin, etc., have been noted as proprietary drugs though they are not recognised as such by the Indian Drugs Act, 1940. The prices fixed for such articles in this Schedule not only vary widely but are rated at a much higher figure than similar substances enlisted in Part I of Schedule A, i.e., produced here from fine raw materials by local manufacturers even though these may be of the standard of purity as recognised by the British and U. S. Pharmacopœia.

To make the position more absurd, the fine chemical and other essential raw materials for the production of essential drugs as are included in Part III, have been rated in such a manner and so little of these materials are imported that these are either unavoidable to the essential drug manufacturers in this country or are available only at "black-market" rates, thereby making it impossible to place in the market such essential Indian preparations at rates noted in the Control Order. This position must have to be substantially altered. What should be done is that instead of allowing the importation of finished and well-packed British Pharmacopœial preparations taking a lot of shipping space, essential ingredients taking a very much smaller space should be imported in bulk in sufficient quantity to allow for increased production of drugs in India and then by effectively controlling its price and distribution these drugs should be made available at economic prices to India's millions.

In the meantime, a Central Drugs Laboratory and Provincial Drugs Laboratories as recommended by the Drugs Enquiry Committee of 1930 may be established to check the standards of purity of all indigenous drugs manufactured before these are put on the market for sale.

The Indian manufacturers are also faced with an insuperable problem not only as regards lack of suitable machineries but also of such essential stuff as fuel and spirit or absolute alcohol required as a base for essential spirituous extracts and tinctures. We find instead advertisements in most of the papers now-a-days of Indian made foreign liquors of various brands flooding the market thereby creating an impression that everything is set for the profiteers to effectively drug the people instead of helping them by providing spirit for cheap and large scale manufacture of useful and essential drugs to relieve their suffering. As I was saying before in this connection that the Hon'ble Minister in charge of Forest and Excise should have been present here to usefully add to the discussion and deliberation of this House so that we might have learnt from him how the manufacture and production of quinine and cinchona are going on in Kalimpong and in Darjeeling districts as well as the production and distribution of the quantity of alcohol for medicinal purposes as compared to the allowance of spirit and other things for the manufacture of Indian made foreign liquor. These figures are not available and perhaps it may not be available to us for a long time. This House should recommend that spirit and absolute alcohol should

be made available to indigenous drug manufactures in larger quantities to provide for cheap and indigenous essential drugs and tinctures for the public and thus really help the growth of indigenous drug industry in this country.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I have great pleasure in supporting the resolution that has been moved by my honourable friend Mr. Nur Ahmed. The resolution seeks to bring before the Government a problem which is now very serious and urgent. Now, Sir, due to difficulties about imports we are not getting the medicines that used to come before and to which we were accustomed in spite of the fact that we had indigenous drugs under the Ayurveda and Unani systems which could have supplied all the requirements of Bengal, nay, of the whole of British India. We have left those medicines to be prepared by the *kavirajes* and *hakims* according to their own *shastras* and method but there is no means of examining whether those people are giving us genuine medicines or not. Therefore, I would request the Hon'ble Minister in charge of the Department of Industries to consider whether he cannot immediately start a laboratory on the lines of the British Pharmacopœia for the purpose of providing suitable methods so that these indigenous drugs may be recognised by Government with specifications on lines similar to what takes place in the case of drugs prepared in the laboratories of the British Pharmacopœia under the guidance of the British Government.

As a matter of fact, I have discussed with many eminent doctors who are of the opinion that if this system is taken up by Government, then we can easily oust the foreign medicines and practically about 70 to 90 per cent. of medicines may be supplied with the help of indigenous drugs. As a matter of fact, that has also been pointed out by Mr. Nur Ahmed in moving the resolution. The only important thing with regard to this matter is that Government should take up this matter. I want Government to take up this subject in right earnest. Indeed, this is the most opportune time when it should be done. We know that during the last year's distress quinine was not available. Dr. B. C. Roy, an eminent physician, found out a substitute in the *chatim* plant which is available in Bengal in plenty. He prepared some pills out of this *chatim* plant which worked wonderfully well during the last distress and to a great extent the want of quinine was solved in some of the areas where these pills were used. I may also give another instance for the Hon'ble Minister's information. The Servant of India Society with headquarters possibly in Allahabad or Bombay was preparing many useful medicines with the herbs available in India which were also producing wonderful effect. As a matter of fact, during the last distress I got a supply of these medicines from the Servant of India Society. I distributed them to the various distressed areas and I found them working very successfully. The Servant of India Society have got medicines not only for fighting malaria but for other diseases, such as dysentery, influenza, etc.

With these words, I support the resolution moved by my friend Mr. Nur Ahmed.

Mr. HARIDAS MAZUMDAR: Sir, I have great pleasure in supporting the resolution moved by my friend Mr. Nur Ahmed. In this connection, I should point out that we on this side of the House are always prepared to support resolutions even when moved by the Government Party, provided they are found to be conducive to the welfare of the country.

Sir, a resolution like this is long overdue and should have been moved, carried and given effect to long ago. The expenditure of the Government on heads Medical and Public Health in the last Budget was 9 lakhs 60 thousand and 1 lakh and 65 thousand, totalling 11 lakhs 25 thousand. Of this amount every rupee is spent on the Western system of medicine and a large sum is spent on imported medicines which constitute a drain from this poor country. I beg leave to point out that I am not

opposed to the Western system of medicine as such but only to its monopolising our attention and purse. The revenue of the Government is collected from the common people and it is only meet and proper that in all measures taken by the Government their views and will should prevail. What do we find in practice? In this city *kavirajs* and allopathic practitioners are doing well side by side and the earnings of the best *kaviraj* are not less than those of the best allopath. Dr. Surendra Nath Das Gupta, lately Principal, Sanskrit College, said in a meeting that though many allopaths including some with British degrees could not earn anything, not a single *kaviraj* was unemployed. This is perfectly true.

The most backward among them will earn their livelihood by selling *vaskar laban* in this dyspepsia-ridden land. In Visuddanand Charitable Dispensary, Amherst Street, Marwari Hindu Hospital at Harrison Road, Tularam Goenka Charitable Dispensary at Salkia, Howrah, medicines both allopathic and *kaviraji* are supplied free to the poor and both systems are equally patronised by people. It is a pleasant thing to see a large number of our Muhammadan brethren in the crowd at these *kaviraji* dispensaries. I understand from a friend of mine that our Chief Minister the Hon'ble Khwaja Sir Nazimuddin is a patron of Ayurvedic medicine in his own household. Why should then Government dispensaries serve allopathic medicines only? If the Government run everywhere a *kaviraji* dispensary side by side with allopathic, a great benefit will be conferred upon the people and to do this the Government will have to help the indigenous drug industry. Dr. Bidhan Chandra Roy has said that two crores of people are affected with diseases. With the rainy season malaria will do havoc and double the number. The supply of western medicines is limited by war conditions and even if we cry ourselves hoarse we cannot get more than one-thousandth part of our requirements of western medicine. Should millions die in Bengal on that account? We can manufacture large quantities of ayurvedic medicines by finaning *kavirajes* in a central spot or in each district and distribute them through Government dispensaries to be started for the purpose with salaried *kavirajes*. The cry of the hour is "Medicine, more medicine". Imports being limited there cannot be a more opportune moment for organising the indigenous drug industry than now. As regards the triumphs of the ayurved, the time at our disposal is much too small for a recital thereof in detail. The world-renowned German firm of E. Merck is manufacturing *makaradhwaj*. In treatment of leprosy Sir Leonard Rogers had recourse to *chalmugra* and his discovery of the saline treatment of cholera is attributed by many to similar treatment prevalent among indigenous practitioners in the district of Midnapore, the difference being that the latter cut slightly the palms of the patient in parallel straight lines and applied salt. Sir R. N. Chopra's treatment of amœbic dysentery with "*kurchi*" has been accepted by the western world. If the State serve the ayurvedic system with half the zeal that they have devoted for nearly two centuries to the western system, millions of deaths will be effectively prevented every year and the results thus obtained will revolutionise the method of medical treatment of the whole world. There is a Bengalee practitioner with no medical degree who has made money by curing European ladies in an East Indian Railway colony suffering from diarrhœa after childbirth simply by prescribing soup of "*gandhal*" and he has got such a reputation that European ladies of other railway colonies call him.

What I have said regarding help to ayurved applies equally to the *hakimi* system. Only Government money should be spent in the proportion of patients coming to *kaviraji* and *hakimi* dispensaries, the doors of which will necessarily be thrown open to all without distinction of race and religion. If we cannot do all this but simply go on copying the programme of our British guardians which has benefited their mother country financially for two centuries, all our vaunted talk of provincial autonomy, elected legislature and responsible ministry will be meaningless. Encouragement and all possible facilities should also be given to firms like the Bengal Chemical,

Bengal Immunity, etc., so that they may manufacture more indigenous western medicine in this country. All financial assistance within the provisions of the State-Aid to Industries Act should be given to firms manufacturing medicines. While taking every precaution that not a single rupee of the public is lost, earnest efforts should be made so that the said Act does not remain a dead letter as till now but turns out to be a beneficent measure conferring immense benefits upon the people.

With these words, I whole-heartedly support the resolution before the House.

Khan Bahadur M. A. MOMIN: Sir, I am afraid there is some confusion of idea about the resolution moved by Mr. Nur Ahmed. That confusion is particularly emphasised by the speech of Mr. Biren Roy who spoke on a subject entirely different from the subject-matter of the resolution. As far as I can understand from the speech of Mr. Nur Ahmed, he wants that the indigenous system of medicines and drugs should be developed and encouraged. In speaking on the resolution, he referred to the *ayurvedic* and *unani* systems of medicines. What he intended was that in addition to Allopathic and other systems of western medicines which are used in this country, we should encourage indigenous medicines which exist in India: they should be rehabilitated. Everybody will support the spirit of such a resolution. But I would point out the difficulties in giving a practical effect to the resolution. Many people know that before allopathic and homeopathic systems came into India the original system of medicine that was in vogue here was either *kaviraji* or *tibbi*. There were many instances of serious cases being cured by these systems of treatment. As a matter of fact, we have heard that *kavirajes* and *hakims* were so efficient at that time that in case of *pardanashin* ladies who did not appear before a doctor they used to tie a string on the wrist of the ladies and from outside they could tell what the disease was, simply by touching the other end of the string. Of course, this may be an exaggerated story. But the fact is that there were efficient *kavirajes* and *hakims* at that time. The difficulty is that on account of lack of encouragement since the administration of this country was taken over by the British, these medicines gradually decayed. Owing to the efficiency of the oragnisation of the Allopathic system, we see in operation today the doctrine of the survival of the fittest. The encouragement and development of science and the education which has been received may now enable the development of the indigenous system of mdicines to be undertaken with a fair chance of success against the competition of the western systems of treatment. And no Minister or Government will say "no" to what Mr. Nur Ahmed wants; but what I feel is that the main difficulty in the way of Government will be to fix a standard of pharmacopœia of these systems. For instance, we know about the preparation of well-known indigenous medicines such as *chagaladhya ghrita* and *chabbanaprass* or similar things. It is very difficult to fix a standard of pharmacopœia for these medicines. One *kaviraj* uses greater portion of one ingredient and another may use greater portion of another ingredient. So the effect will not be the same; and there is no check about it. Similarly, in the case of *unani* medicines and other medicines, we do not know which is real and which is not, because there is no established pharmacopœia according to which those medicines are prepared. We can know the strength of tincture and other things. We cannot know whether *bhaskar labana*, which is very favourite with Mr. Haridas Mazumdar, is prepared by a particular *kaviraj* according to the *shastras*. Therefore the first thing Government should do is to establish the Faculty of Ayurveda and Unani. But in spite of Government's best intention, they found very great difficulties to establish these things in the proper way. Moreover, it is very difficult to ascertain who is a quack and who is a real hakim. There are only two colleges, one at Delhi and other at Lucknow, which give diplomas and there are others who are learning these things as hereditary tradition or by

reading translation of original books. These people who thus learn from private sources will oppose any systematic establishment of Tibbi or Ayurvedic Colleges.

Then comes the question of patronage, not patronage from Government alone but patronage from the people themselves. Now, if there is a dispensary of allopathic medicines and side by side there is a *kaviraji* dispensary, you will see that people will go to the allopathic dispensary, specially if a person suffers from malaria, and 90 per cent. of the patients suffer from malaria. The reason is that he knows that quinine is the only remedy to cure malaria. Seeing this mentality many clever kavirajes give baris (pills) inside which there is quinine. So, Government in spite of their best intention cannot give effect to this sort of vague resolution, although I am sure that the Hon'ble Ministers will put their heads together and evolve a system by which they will be able to solve the problem, perhaps not in a day or in month but in the near future.

As regards the production of quinine and other things here, there can be no difference of opinion that Government so far have not done as much as they could have done. Perhaps they did not feel the necessity on account of the fact that quinine used to be imported from other countries. Unfortunately, this supply has been stopped and now Government have turned their attention to increase the production of quinine here. It is not a question of one day. The plants must grow. (Mr. HARIDAS MAZUMDAR: What about the substitute of quinine?) Well, as regards that you must require quinine to mix that up with chhatim and even so there is considerable difference of opinion as regards the efficacy of this mixture. Of course, I am not an expert and I cannot say whether that mixture is a good substitute or not.

With these words, I certainly support the resolution of Mr. Nur Ahmed, though I understand that there are difficulties in the way of its execution.

Mr. DEPUTY PRESIDENT: Order, order. I adjourn the House till 3 p.m. on Monday, the 10th July, 1944

Adjournment.

The Council then adjourned till 3 p.m. on Monday, the 10th July, 1944.

Members Absent.

The following members were absent from the meeting held on the 7th July, 1944 :—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. Khorshed Alam Chowdhury.
(6) Mr. C. E. Clarke.
(7) Mr. D. J. Cohen.
(8) Mr. Kamini Kumar Dutta.
(9) Mr. N. N. Mookerjee.
(10) Mr. T. B. Nimmo.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur Muklesur Rahman.
(13) Dr. K. S. Ray.
(14) Mr. S. N. Sanyal.

BGP-44/5-8293A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 55.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 10th July, 1944, at 3 p.m., being the fifty-fifth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Point of Information.

Mr. LALIT CHANDRA DAS: May I rise on a point of information? May I draw your attention to Rule 24 of the Council Procedure Rules which provides that "the first hour of every meeting shall be available for the asking and answering of question"? Now, Sir, it would appear from the statement circulated to us today that as many as 110 questions, including 58 of the current session yet remain to be answered. Now, Sir, when there are so many questions to be answered, I do not understand why we are not getting the first hour for this purpose and why Rule 24 should be violated?

Mr. PRESIDENT: But there is no accumulation in the Council Department.

Mr. LALIT CHANDRA DAS: May be there is no accumulation in the Council Department. But can there be no remedy?

Mr. PRESIDENT: We have repeatedly drawn the attention of the Treasury Bench to this matter during the current session not once, twice or thrice but probably four times. I have found myself absolutely helpless, and I must leave it to the good sense of the Hon'ble Ministers.

Mr. LALIT CHANDRA DAS: Will you allow me, Sir, to move an adjournment motion on the subject of the indifference of Government to answer questions?

Mr. PRESIDENT: It is not for me to make any suggestion on that point.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, may I put forward an alternative suggestion in this matter? The suggestion is that you adjourn the House. You can adjourn the House for non-compliance by Government with your directions in the matter.

Mr. PRESIDENT: The Chair is not prepared to non-co-operate with the Government. I am here to conduct the business of the House; all that I can do, therefore, is to appeal to the Ministers so that they might try to expedite replies to the outstanding questions.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, you are also the custodian of the rights and privileges of this House; it is entirely in your hands to keep our prestige and privilege intact.

Mr. LALIT CHANDRA DAS: Sir, when so many things are going on between the Chair and ourselves, the members of the Treasury Bench here are listening to all these but are not uttering a single word as to what they intend to do in respect of answering these questions.

Mr. PRESIDENT: May I hear the Hon'ble the Leader of the House on this point?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think, Sir, that it is nothing unusual to have only 58 questions outstanding in such a long session. Twenty-five of these questions are in respect of the Civil Supplies Department and only 12 in respect of the Home Department. There are very few such questions in respect of the other departments; if all these 58 questions are excluded, then only 52 questions remain pending, I do not think that it is a very unusual figure. If the old records are examined, the same thing will be found.

Mr. RANAJIT PAL CHOWDHURY: Not to the same extent, I am sure.

Mr. AMULYADHONE ROY: Government are deliberately trying not to answer these questions.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not admit that. The largest number of questions that are outstanding are in respect of the Civil Supplies Department which, as the House knows very well, is a very heavy department, and in respect of the Home Department only 12 questions are outstanding. Then, again, at no time in the parliamentary era were so many questions asked in respect of these departments; so you must realise that we have our difficulties and our staff too has not been strengthened for preparing answers to questions. Therefore, we have to do as best as we can to answer the questions. I may repeat that in regard to the other departments only a few questions are outstanding this session, namely, five in the Education Department, four in the Finance Department, one in the Revenue Department, one in the Communications and Works Department, etc., while it is only in respect of the Civil Supplies and Home Departments that a somewhat large number of questions are pending. This is due to the very large number of questions that are being asked relating to matters concerning them.

Mr. LALIT CHANDRA DAS: It seems that the Treasury Bench is not even repentant at all. I think our rules contemplate that questions of one session should be all answered in the course of the same session, and so the Treasury Bench should not take refuge under the plea that this has been done also previously. This sort of attitude we do not approve of. And an explanation is given which is not worth having; not even a promise that they will try to expedite the answers, and not even a word of repentance. That is exactly why they are losing their popularity and their supporters are dwindling. This is the manner in which they are carrying on the administration of the country.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: What is the good of making a promise which cannot be fulfilled? I do not like to make any promise which I cannot fulfil. Firstly, I must say that a very large number of questions are being put in respect of the two departments. Every one knows how hard-pressed the Hon'ble Minister for Civil Supplies is now-a-days and in respect of his department only, 64 questions are outstanding from the year 1942 which I submit is not at all unusual, because in abnormal times abnormal things must occur.

Mr. LALIT CHANDRA DAS: Sir, the Leader of the House has drawn attention only to the Ministry of Civil Supplies as if no other departments are at fault. The Home Department is responsible for as many as 12 outstanding questions——

Mr. PRESIDENT: Mr. Das, 12 outstanding questions in such a long session do not appear to be abnormal.

Mr. LALIT CHANDRA DAS: In your view it may not be unusual, Sir, but at least some sort of explanation ought to be forthcoming from the Ministers concerned as to why answers to these questions have been delayed. Then, again, if you leave out the questions outstanding for the present

session, why should questions from the year 1942 to 1943, numbering 52, still remain pending? I may state that for the Home Department alone as many as 10 questions were pending up to 1943 and for the year 1943, 51 questions relating to all the departments are pending still—not to speak of the present year. No explanation has been given by the Ministers in charge of these departments. An explanation has been given by the Hon'ble Minister in charge of Agriculture because he has one question unanswered.

Mr. HUMAYUN KABIR: Sir, it arises in this way. It is certainly one of the privileges of the members of this House to get answers to questions. The questions relate to matters of public interest and it is in order to get from the Government information which could not otherwise be secured and sometimes also to draw the attention of the Government to a wrong which can be remedied through local agencies and in cases where drastic and quick steps are necessary that notices of questions are given, because under our rules questions are to be answered in 15 days. The statement of the Leader of the House which, after all leaves out two of the most important departments of the Government, seems to be very very strange indeed! If you leave the Europeans and supporters of Government, how many votes the Ministers will command? The arguments of the Hon'ble Leader of the House seem to be on similar lines. If the two important departments are left out, the number of questions left over by the other departments will certainly be very small. Why should we leave out two of the most important departments? So far as the statement made by the Leader of the House regarding the hard-working Minister in charge of Civil Supplies is concerned, every one is over-worked in his job. But if a person is not equal to his job, his work should be split up or he may give up his job and make room for better men. If the Hon'ble Minister concerned cannot cope with the job he is entrusted with, let him say so and let the Leader of the House say that the Minister of Civil Supplies is not able to cope with the work. If that is so, he should give up the job, especially when today he has some of the very best men of the Bengal Civil Service to help his department and he has got more officials higher in the list than any other department of the Government. It is as a part of his duty that he is doing other duties; but this is just as important as his other tasks to which he should devote his attention. Now, if he cannot answer the questions and cannot do these things in time, let the department be split up. Asking of questions is an important privilege of the House and it is no less important work of the Hon'ble Minister to answer them than his other work. You will remember that you yourself adjourned the House for a short period in order to force the Minister's entry into the House to answer questions—you have done so and your predecessor had also done so. You have said, Sir, that you yourself are helpless in the matter since you have requested the Government many times to expedite answers to questions. But Government have not yet responded to your benign advice. Would you now, Sir, kindly advise us in what way we can take up the matter and assert our privileges, so that there may not be any recurrence of such a state of things?

Mr. PRESIDENT: Mr. Kabir you are an experienced parliamentarian: you know what you should do in the matter. But all I propose is that I want to take up the matter once more with the Hon'ble Ministers and I hope to come to a satisfactory solution.

Mr. HUMAYUN KABIR: All right, Sir, we shall then wait and after you have tried if the position remains as now, we must find some means to force the unwilling Ministers to give answers to questions.

Mr. PRESIDENT: I am assured by the Hon'ble Minister in charge of Civil Supplies that most of the questions in his department will be answered in the course of the next week. I think that is hopeful. (*"Yes" from*

several members.) Let us now proceed with the questions which were passed over on the 5th July last owing to the absence of the Hon'ble Minister for Civil Supplies.

QUESTIONS AND ANSWERS

Soft coke.

198 Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if he is aware that the price of soft coke, an indispensable commodity for cooking food of poor and middle classes, specially in Calcutta and industrial areas, owing to the paucity of the supply of the wood fuel here, has been fixed by the Central Government at Rs. 17 per ton f.o.r. colliery siding;

(*b*) if he is aware that the corresponding pre-war price was Rs. 3 to Rs. 4;

(*c*) if he is aware that the cost of production of soft coke at the colliery at present does not exceed Rs. 6 per ton;

(*d*) if he is aware that the present exorbitant rate of Rs. 17 per ton has been offered as a weightage to soft coke producing collieries which do not get a sufficient number of wagons to keep them going and practically at the expense of the consumer;

(*e*) if he is aware that colliery owners prefer the supply of a sufficient number of wagons to an extraordinary rate in price; and

(*f*) if the Government of Bengal propose to make representations to the Central Government to put an end to this state of affairs in the best interests of the small colliery owners and the consumers alike?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) The present price of soft coke fixed by the Central Government is Rs. 19 per ton f.o.r. colliery siding.

(*b*) The corresponding pre-war price was between Rs. 3-8 and Rs. 5-8.

(*c*) to (*e*) I am not aware.

(*f*) No. So far as I am aware the increase in rate is due to the high cost of coal raisings which is the result of increased labour and other production costs. I understand that the matter is constantly under examination and review by the Government of India.

Mr. HARIDAS MAZUMDAR: With regard to (*c*) to (*e*), since the Hon'ble Minister says that he is not aware of these facts, would he please enquire and reply to all these questions?

The Hon'ble Mr. H. S. SUHRAWARDY: Is that a question?

Mr. PRESIDENT: Mr. Mazumdar, your allegation is that cost of production has increased, etc. He says that he is not aware of the fact and he refutes your allegation.

Mr. HARIDAS MAZUMDAR: Did the Hon'ble Minister enquire?

The Hon'ble Mr. H. S. SUHRAWARDY: As regards the question of cost of raising and cost of production, etc., it is a matter for the Government of India, and they are enquiring into the matter constantly; the Provincial Government has nothing to do except to carry on the orders of the Government of India. Therefore, in this regard I do not feel called upon to make an enquiry.

Stock of foodgrains rendered unfit for human consumption.

197. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if he is aware of the fact that a huge stock of foodgrains supplied by the Government of India for the feeding of Calcutta and the industrial areas has been spoiled and rendered unhygienic by the recent heavy showers in Calcutta;

(*b*) if the reply to part (*a*) be in the affirmative, whether the Government propose to distribute the said stuff so rendered unfit for human consumption to the various ration shops here or districts outside Calcutta; and

(*c*) if not, (*i*) what will become of the said damaged stuff, and (*ii*) who will be responsible for the damage of such a valuable stock?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) It is not correct to say that a huge stock of foodgrains supplied by the Government of India for Calcutta and the industrial areas has been spoiled and rendered unhygienic by heavy showers in Calcutta; as a matter of fact the damage caused has been negligible.

(*b*) Does not arise. In any case Government do not propose at any time to distribute rice or other foodgrains unfit for human consumption to ration shops in Calcutta or to districts in Bengal.

(*c*) Does not arise.

Mr. HUMAYUN KABIR: Arising out of (*a*), will the Hon'ble Minister be pleased to state what is, in his estimate, the extent of the damage caused?

The Hon'ble Mr. H. S. SUHRAWARDY: Somewhere in the region of 1 per cent.

Mr. HUMAYUN KABIR: Without giving the percentage of the damage, will the Hon'ble Minister please state the damage in terms of maunds or in terms of money?

The Hon'ble Mr. H. S. SUHRAWARDY: I am afraid, I cannot answer that as I have not got sufficient data for that.

Mr. HUMAYUN KABIR: What is the amount of damaged foodstuffs supplied by the Government of India?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no information of the total amount of foodstuffs supplied by the Government of India; but as regards the amount of foodstuffs supplied by the Government of India for the feeding of Calcutta, well, with regard to that I am almost certain that nothing has been damaged except what came in a damaged condition.

Mr. HUMAYUN KABIR: Arising out of the answer just now given, is it not a fact that before the foodstuffs are sent to Bengal there is a machinery of the Government of Bengal in the Government of India to inspect the quality of foodstuffs that are being sent?

The Hon'ble Mr. H. S. SUHRAWARDY: I submit this question does not arise.

Mr. HUMAYUN KABIR: I think, Sir, you are to decide which supplementary does arise and which does not arise out of a question and it is not for the Hon'ble Minister to say which question does not arise. I think, Sir, it is for you to decide.

Mr. PRESIDENT: Yes.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, we received damaged foodgrains of poor quality and it is not possible for the Government of

Bengal that must receive foodgrains to refuse foodgrains. We have set up a machinery wherever possible to inspect quality of foodgrains, but there must be some amount of tolerance and allowance.

Mr. SHRISH CHANDRA CHAKRAVERTI: Is there no officer on behalf of Government to inspect the foodstuffs that come from the Central Government before they are accepted?

The Hon'ble Mr. H. S. SUHRAWARDY: There is no question of foodgrains being accepted. They are sent here, and it is not open to the Government of Bengal to refuse or send back the foodgrains. The Railways will not take them back.

Mr. HUMAYUN KABIR: Is it not a fact that the Government of India have said that they did not send rotten foodstuffs to Bengal and that the Government of Bengal can inspect these foodstuffs at the source?

The Hon'ble Mr. H. S. SUHRAWARDY: The Government of India may say what they like. The whole matter is extremely complicated. The question of inspection of foodstuffs is subject to tolerance and allowance. There is a considerable amount of correspondence and circulars on the matter, and it cannot be answered in an off-hand manner.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state whether it is a fact that a huge stock of foodgrains were kept in the Botanical Garden without any cover whatsoever and that they were damaged during the rains?

The Hon'ble Mr. H. S. SUHRAWARDY: This question, I submit, does not arise out of this question. Still I shall answer it. In the first place, it is not a fact that foodgrains were kept in the Botanical Garden without cover. They were kept under cover and they were very well covered by tarpaulin in the best military manner. In the second place, they were not foodgrains for the feeding of Calcutta but they were foodgrains which came much earlier and which were kept in our godowns here. In order to receive the foodgrains for the feeding of Calcutta we had to empty these foodgrains by putting them into the Botanical Garden.

Insufficiency of the ration for manual labourers and children.

198. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if he is aware that the ration of rice and *atta* sanctioned for manual labourers, including those employed in the private households, is quite insufficient;

(*b*) if he is aware that the ration of rice and *atta* sanctioned for growing boys and girls up to the age of 12 is also insufficient;

(*c*) if the answers to part (*a*) and (*b*) be in the affirmative, whether the Government consider the desirability of increasing the said ration in consultation with the Public Health Department; and

(*d*) if so, when the final decision on the subject is expected?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) and (*b*) The present ration of rice and *atta* allowed to manual labourers and children up to the age of 12 years is not insufficient, as it can be supplemented by other non-rationed foodstuffs.

(*c*) and (*d*) Do not arise.

Mr. PRESIDENT: Questions over.

Mr. HARIDAS MAZUMDAR: Sir, with regard to my adjournment motion about *bhog* ration the Hon'ble Minister for Civil Supplies has

already made a statement and has also announced the personnel of the Committee that he is going to appoint in this connection. Now, regard to this aspect of the matter I want to make one or two——

Mr. PRESIDENT: There is no adjournment motion on the agenda today.

Mr. HARIDAS MAZUMDAR: But it was said the other day that till tomorrow he will announce the personnel of the Committee. There was a distinct understanding that one of the members of the Hindu Mahasabha would be included in the Commitee, and as regards occasional *pujas* like——

Mr. PRESIDENT: Mr. Mazumdar, I believe the personnel has already been announced, and I remember to have seen it in the papers. Now, if you have any suggestions to make, the best course for you would be to send them in writing to the Hon'ble Minister. Don't you think, Mr. Suhrawardy, that it will be the best course for him to do?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes.

Mr. PRESIDENT: If you send your suggestions to the Hon'ble Minister, Mr. Mazumdar, I am sure he will consider them.

Adjournment Motion.

Mr. NAGENDRA NATH MAHALANOBISH: Mr. President, Sir, I had an adjournment motion on the question of sugar shortage in Jalpaiguri on the 6th last, in regard to which the Deputy President was pleased to observe that the Civil Supplies Minister would make a statement today and it would be open to me to move my adjournment motion after the statement was made.

Mr. PRESIDENT: About the supply of sugar? Will Mr. Suhrawardy make the statement now?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, I have the figures ready with me.

The complaint is that sugar has not been supplied to the Jalpaiguri town and district during the last two months according to the quota allotted in spite of the repeated requests and reminders of the local authorities, thereby causing serious distress. I do not know why they should be distressed because sugar has not been despatched. But I do wish to make it known to the House that so far as despatching of sugar is concerned, it is done not by the Government of Bengal but by various mills to which the sugar quota has been allotted. The Sugar Controller allots quotas to various mills in Bihar and the United Provinces as well as to the few mills in Bengal; then certain areas are allotted to the mills and these mills are expected to despatch sugar to those areas. If they fail to do so, the Bengal Government can do nothing in the matter. Often enough, recently, the failure has been due, so far as we have been able to ascertain, to the difficulty which the railways have found in placing the requisite number of wagons at the disposal of the sugar factories. So far as Jalpaiguri itself is concerned, the total annual quota for the district from December, 1943, to November, 1944, which is known as the "sugar year," is 15,076 bags. Out of this, orders have been placed at the instance of the Sugar Controller for India (which again is not a concern of the Government of Bengal), for 12,268 bags and the quota which has been despatched by the factories in 7 months is 7,690 bags. It will be seen that in relation to the quota which has been allotted, the number of bags which has been sent by the sugar factories within 7 months is well in proportion to the allotments in 12 months of 12,268 bags. Instead of 1,020 bags a month, in 7 months we have sent 7,690 bags which may be considered to be really in excess of the

allotments which have been made. Consequently, there should not be any such grave shortage or distress because within the last two months allotments have not been sent. It appears, Sir, that in the February-March quota of sugar out of 2,935 bags allotted, 2,460 bags were sent, and the last despatch was made on the 24th of May, 1944. Then there was the April-May quota of 2,200 bags. But unfortunately, it appears that the factory or factories concerned were not able to send their sugar. Hence this month we have allotted 1,900 bags of sugar more than the usual allotment, and we are sending it from the Gopalpur Sugar Factory in Rajshahi. We are also sending some amount of sugar from Calcutta—540 bags to Jalpaiguri and 360 bags to Alipore Duars. These are, however, exceptional movements and we are taking the risk of doing so, although this allotment has not been authorised by the Sugar Controller.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, with regard to the statement which has just been made by the Hon'ble Minister for Civil Supplies, I beg to submit that it is not very satisfactory. The plea that because certain sugar mills are outside Bengal—in Bihar and in the United Provinces—and they failed to supply sugar, that is not the fault of the Government of Bengal; because the railway wagons are not available, that it is not the fault of the Government of Bengal,—this plea is not satisfactory. My point is this: sugar is now controlled and the Government of India makes allotments to different provinces. As such, the Government of Bengal certainly has its quota to supply it to the districts of Bengal——

Mr. PRESIDENT: Do you propose to move your adjournment motion?

Mr. NAGENDRA NATH MAHALANOBISH: Yes.

Mr. PRESIDENT: Now?

Mr. NAGENDRA NATH MAHALANOBISH: Yes, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not think this is a matter of very urgent public importance. Jalpaiguri district has, as a matter of fact, received more than its allotted quota for seven months. Consequently, the statement made by the honourable member that it has not received its quota is not correct.

Mr. PRESIDENT: Mr. Mohalanobish, may I make a suggestion? I would waive the question of urgency if you wait till tomorrow about this matter. I would like to go into the statement of Mr. Suhrawardy before I allow you to move the motion. Tomorrow if you bring up the matter, I shall state my views whether I shall give my consent to it or not. Will you kindly wait till tomorrow?

Mr. NAGENDRA NATH MAHALANOBISH: All right, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I may point out that the question of movement from factory to districts is a matter for the Government of India and not for the Government of Bengal. Allotment is our business—how much is to be sent to the districts from the total quota allotted to Bengal—that is a matter for the Government of Bengal.

Mr. LALIT CHANDRA DAS: May I enquire that according to the statement of the Hon'ble Minister it appears that the Jalpaiguri allotment of 15,000 bags——

Mr. PRESIDENT: There should be no more debate on this question at this stage.

Mr. LALIT CHANDRA DAS: Was any attempt made by the Government of Bengal to request the Sugar Controller to send 3,000 more bags for Jalpaiguri?

Mr. PRESIDENT: All these points may be considered tomorrow.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, do I understand then that I shall get an opportunity of bringing all these points tomorrow?

Mr. PRESIDENT: Yes.

The House will now take up the Bengal Agricultural Income-tax Bill, 1944.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. HUMAYUN KABIR: Mr. President, Sir, I do not propose to take much time of the House today. The object which I have in mind has already been made clear. I hope that honourable members on the other side of the House will also see that this point is considered before the Bill is actually put on the Statute Book. Now, Sir, the amendment of my honourable friend Mr. Amulyadhone Roy wants that the Bill should come into force on the 1st April, 1945, and not on the 1st April, 1944. If it comes into operation from the 1st April, 1944, then obviously the Bill will be of a retrospective character. In this House, we have often held discussions about the desirability or otherwise of retrospective Bills. I would address a few remarks specially to my friends on the left. The Leader of the European Party, Mr. H. C. A. Hunter, on the 19th January, 1940, in the course of discussion on a Bill in this House said, "But there are still, I think, one or two provisions the wisdom of which may be doubted. The chief among these is, to my mind, *retroactivity*. Having ascertained that the amendment in the name of my Party regarding retrospective effect had no hope whatever of being carried, I decided not to waste the time of this House——" Obviously, when Mr. Hunter spoke as Leader of the European Party, he represented the point of view of his Party. Since then, the European Party has discovered new virtues in the retrospective character of Bills. In January, 1940, that Party were definitely committed to the principle that they did not want retrospective Bills. This was in respect of a Bill where Government and the Opposition were united in demanding that the Bill should be put into effect as quickly as possible. It was intended to relieve the burden of indebtedness of a very large section of the people of Bengal. I refer to the Bengal Money-lenders Bill. At that time, we on this side of the House and the then Government agreed that that Bill should be put on the Statute Book as early as possible, even though that Bill was of a retrospective character, because by that Bill we wanted to relieve the indebtedness of the poor people of Bengal. With regard to that Bill there was no question of any difference of opinion between the Government and the Opposition; but my honourable friends on my left felt as a Party that they could not support the retrospective character of the Bill. "Retroactivity", said Mr. Hunter, "was a dangerous principle". He said, "Having ascertained that the amendment in the name of my Party regarding retrospective effect had no hope whatever of being carried, I decided not to waste the time of this House by moving it". He knew that he would not be able to carry that amendment as both the Government and the Opposition were united on that point. But he still held that the retrospective character was undesirable. He said, "But not only is retroactivity a dangerous principle but its adoption in this Bill is a most dangerous precedent." This was said on 19th January, 1940. Since then there have been so many changes in the political landscape and the European Party in their new wisdom have thought fit to support that very retroactivity. I hope I may be pardoned if I refer to a suggestion which was made in another place that this metamorphosis, this new dawning of wisdom is the result of clause 49 of this Bill. This clause regarding the agricultural income-tax on the tea plantation was suggested by the Select Committee and later on at the instance of the members of the European Party was dropped. In any case, the attitude of the European Party towards the question of retrospective nature of money Bills has altogether changed. They are today prepared even

to pass a taxation measure with retrospective effect. I, for one, welcome this change of attitude on the part of the European Party. In future, there may be new taxation measures with regard to the profits which have been earned in this country as a result of trade transactions. I hope, Sir, that my honourable friends on my left will then also hold to their present opinion and will not change again. I hope they will then admit that a retrospective Bill in taxation measures will not be undesirable. Mr. Hunter went on to quote from legal authorities. I will not take more time of the House. I have given the date on which that speech was made by Mr. Hunter and honourable members who are interested in the matter may look up the reports. I would only ask the European Party to explain, if they have any explanation to offer, what is the factor which has made them change their attitude in this respect. I hold the European Party have also a duty to this House. Once they were committed to a particular position as a party. Today, as a Party, they have chosen to resile from their own position and they have done so without any reason for such resilience. I think if there is any misunderstanding of their action, the European Party will have to thank themselves for such misunderstanding.

The Hon'ble Finance Minister in his statement on the last occasion stated that the Bill is really not retrospective. He argued that the Bill had been published in the gazette in August, 1943, and was introduced in the Assembly in September, 1943. Now, Sir, the question is quite simple. This Bill proposes to tax the people from the 1st of April, 1944. At the time the Government first published the Bill in the gazette, there was no knowing whether the Government would proceed with the Bill or not. Even if they had carried it through the first House of the Legislature, there was no guarantee that the Government would proceed with the Bill. You know, Sir, what the Government did with regard to another Bill which went through one House but has since been dropped for reasons best known to the Government themselves. On the last occasion, when the question of the Bill dealing with repatriation of destitutes came up, the Government stated that even though that Bill had been passed by this House, they did not propose to proceed with the Bill in another place. Therefore, the fact that Government had issued a notice in the gazette or that Government had introduced the Bill in another place cannot by itself convince the public that the Bill would become law. Again, Sir, there are always changes made in a Bill. The shape in which a Bill is introduced in the Legislature, the shape in which it emerges out of the Select Committee and the shape in which it is finally put on the Statute Book are almost never the same. All kinds of changes take place. Therefore, the public cannot make their own disposition on the basis of a declaration or declaration of intention on the part of the Government.

As I said last time, I would refer particularly to the case of the poorer persons who will come within the purview of this Bill. So far as the landlords are concerned, so far as the limited companies who have landed interests are concerned, they have their own books of accounts. They have their own accountants. So far as the tenants are concerned, I think, all honourable members will bear me out, most of the tenants do not have any regular book of accounts. Most of them do not have any account of the type which would be required for the assessment of the tax which might be imposed on them. Now, Sir, this Bill was passed in the Lower House and is now in the Upper House. The public are now convinced that the Government really mean business, and want it to be put on the Statute Book this very year. Till now, there was no certainty that the Government would proceed with the Bill. Therefore, Sir, the poorer assessees are not prepared to meet the assessment which might be imposed on them.

Again, Sir, in politics, as my honourable friends know very well, there are many uncertainties. Because a particular Government introduces a Bill, it does not follow that the Bill will become an Act. There is a good deal of difference between the introduction of a Bill by a Government, and

specially a Government which was fast losing its majority, and an Act which has actually been put on the Statute Book. In these circumstances, I think the Hon'ble Finance Minister will consider the advisability of accepting this amendment, so that the persons who are taxed and who come under this assessment may know what exactly is going to be a charge on them, what is going to be their liability.

One other point has been mentioned by the Hon'ble Finance Minister. He says that the Government of India made a certain grant on the condition that Bengal would help herself. Sir, it is not necessary for that purpose that this meagre sum of 30 or 40 lakhs should be raised this very year. I do not remember the figure stated by the Finance Minister, but whatever the figure may be, these few lakhs of rupees are surely not going to change the deficit into a surplus. If this taxation measure is passed and put on the Statute Book and comes into operation on the 1st of April, 1945, the Government of India will no doubt be satisfied that the Government of Bengal have done their best to help themselves by taxing the resources of the province. Once that condition is satisfied, there is no reason that it must be realised from a particular date. I do not think that the Hon'ble Finance Minister will suggest that the Government of India will be so unreasonable as to make a fetish of the 1st April, 1944, and to hold that the whole thing will become wrong if in place of the year 1944 the year 1945 is suggested. Therefore, on these grounds, namely, that the public, and especially that type of the public who are affected by the Bill, namely, those who do not keep their accounts like the big landlords and limited companies dealing with landed interests, have not had sufficient notice, the operation of the Bill should be postponed. Their interests will also have to be safeguarded by the Government. Surely, it is not the intention of Government to penalise them simply because they are somewhat well-to-do. In view of these considerations, in view of the fact that the normal conditions have not been restored, that the condition of Bengal requires very careful and sympathetic treatment—in view of all these——

Mr. PRESIDENT: Will you please cut short your speech, Mr. Kabir?

Mr. HUMAYUN KABIR: I am summing up and I have almost finished. In view of these facts the date may be postponed. Such postponement by itself will not induce the Government of India to withdraw any subvention that they have granted; in view of all these considerations, I would suggest that the Hon'ble Finance Minister will be pleased to see his way to accept this amendment.

(Mr. Kamini Kumar Datta rose to speak.)

Mr. PRESIDENT: Mr. Dutta, you want to speak on this particular amendment?

Mr. KAMINI KUMAR DUTTA: Yes, Sir.

Mr. PRESIDENT: Order, order. The other amendments, viz., Nos. 6 and 7 are practically the same, only the figures are different. So there should be one discussion on the other three amendments. May I know if Mr. Lalit Chandra Das will move his amendment?

Mr. LALIT CHANDRA DAS: I have spoken on amendment No. 11, which is on the same lines as amendment No. 5 which is now under discussion.

Mr. PRESIDENT: What is it?

Mr. LALIT CHANDRA DAS: I say that I have already spoken on amendment No. 5.

Mr. PRESIDENT: We are now discussing amendment No. 5; next come amendments Nos. 6 and 7 which are practically the same, with this

difference that while No. 5 wants the Bill to come into force on the 1st day of April, 1945, the latter two amendments want the Bill to come into force on the 1st day of April, 1947. That is the only difference. You don't want to move that amendment, Mr. Das?

Mr. LALIT CHANDRA DAS: Everything will depend on the result of the voting on this amendment No. 5.

Mr. PRESIDENT: Well, let there be one discussion, but I will put all the three amendments to vote separately; no separate principle is involved in all these three amendments; only a difference in the year.

Mr. HARIDAS MAZUMDAR: Yes, Sir, there is a difference in principle——

Mr. PRESIDENT: Order, order, Mr. Mazumdar. Only the figures are different but the principle underlying the amendments is exactly the same. Therefore, Mr. Das, if you want to move your amendment, kindly do so now.

Mr. LALIT CHANDRA DAS: I have already spoken on amendment No. 5.

Mr. PRESIDENT: Then I take it that you do not want to move this amendment.

Mr. LALIT CHANDRA DAS: As I have already said, Sir, I have already spoken on No. 5 and until that is disposed of I do not see how I can move No. 6 which refers to a later date.

Mr. PRESIDENT: Mr. Das, you either move the amendment or you do not. What do you intend to do?

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, let us have first of all a decision on the present amendment.

Mr. LALIT CHANDRA DAS: It is for three years.

Mr. PRESIDENT: There is no different principle, Mr. Das. If you want to move it, you may do so. If you do not want to move it, don't move it.

Mr. LALIT CHANDRA DAS: I do not want to move it now.

Mr. PRESIDENT: Then I take it that you won't move it.

Mr. LALIT CHANDRA DAS: Yes, Sir, I shall move it later.

Mr. PRESIDENT: Then please move it now.

Khan Sahib Maulvi WAHIDUZZAMAN: He will move it after No. 5. Mr. Das, don't move it now.

Mr. PRESIDENT: Khan Sahib, you need not give him directions. He is sufficiently experienced in parliamentary procedure.

Khan Sahib Maulvi WAHIDUZZAMAN: It touches everybody on this side of the House.

Mr. LALIT CHANDRA DAS: Sir, if I am compelled to move it now——

Mr. PRESIDENT: There is no question of compulsion. There being no different principle so far as these two amendments are concerned, I think it is only fair that there should be one discussion on these amendments and there should be separate voting after discussion.

Mr. LALIT CHANDRA DAS: I should like to move it after No. 5 is finished.

Mr. PRESIDENT: What is your objection? If you move it now you will have right of separate voting.

Mr. LALIT CHANDRA DAS: Sir, I do not understand how there will be separate voting. I have already spoken on amendment No. 5 and the position would be embarrassing if I want to speak again.

Mr. PRESIDENT: I do not see any difficulty. There is no new principle. Thousands of amendments have been moved on this principle in this House. If there is no new principle and there is only some kind of verbal difference in different amendments, then the practice is to take all the amendments together and have only one discussion but to have separate voting on each.

Mr. LALIT CHANDRA DAS: I submit, Sir, that there is different principle involved in amendment No. 6. The idea of first amendment No. 5 is to make it prospective immediately on the 1st April, 1945, but in the second No. 6 it is 1st April, 1947, that is after the war.

Mr. PRESIDENT: There is no difference in principle.

Mr. LALIT CHANDRA DAS: I submit, Sir, that in my opinion there is difference.

Mr. HUMAYUN KABIR: Sir, it is quite true that if there are several amendments involving almost the same principle, they may be taken together there being one discussion and that it would have been better if amendments of similar nature had been taken together. But, Sir, on amendment No. 5 there has already been a good deal of discussion, and some of those who have already spoken on amendment No. 5 might speak on amendment No. 6. So I think it would be better if after finishing amendment No. 5, you take up other amendments of similar nature together and have one discussion, otherwise, as I have said, if some of the members who have spoken on amendment No. 5 want to speak on No. 6, there may be confusion.

Mr. PRESIDENT: I do not think there is any insuperable difficulty if at this stage No. 6 is taken up. But if that would satisfy Mr. Das and you I have no objection to your suggestion. Out of deference to your wishes I agree to your suggestion. Mr. Dutta will you speak on it?

Mr. KAMINI KUMAR DUTTA: Sir, I rise in support of the amendment which proposes that the Bill shall come into force on the 1st day of April, 1945. Some general principle is always accepted in the matter of legislation. One of these is that so far as procedural legislation is concerned, it is generally made retrospective in its operation; but in respect of substantive laws the general principle accepted is that it is not usually made retrospective. Not only it is not made retrospective, rather it is condemned; and it is laid down that it should be avoided as far as possible. Particularly in the case of finance Bills which impose a liability on the people, it is a universally accepted principle that it should not be retrospective in its operation. Is there any special reason in respect of this Agricultural Income-tax Bill why it should transgress this generally accepted principle? If this Bill is made retrospective, then various complexities will arise. For example, in respect of the agricultural income-tax, can it be expected that the cultivators or agriculturists would be in a position at all to give any account of their expenses? No doubt in clause 7 of the Bill, certain percentage has been fixed for allowance to be made for the expenses; but it would appear from the various amendments that that percentage has not been regarded as sufficient. Indeed, it is very doubtful whether 50 *per cent.* would really cover the expenses. In justification of the proposal to make the Bill retrospective in its operation, it is being argued that it was *published* in the *Calcutta Gazette*, as if it is quite a sufficient notice to the people that such an enactment is going to be made. It is an established principle

everywhere that substantive enactments should not be made retrospective in character. Because some time has elapsed since the publication of the text of this Bill in the Gazette, that should not be considered to be a good reason for coming to the conclusion that this Bill should have retrospective effect.

Then there is another reason. It has been said that Government of India would grant the subvention only if they find that this Bill has been passed. Now, Sir, I think that the passing of this taxation measure will be a sufficient proof of the *bona fides* of this Government that we have done something in the matter of taxing our people. It is not necessary that this Bill should first be passed and then the subvention would be granted. There are many other factors which would be taken into consideration by the Government of India before they grant the subvention. I do not think that the question of granting subvention rests on a frail ground like this, the passing of this Bill. Therefore, it is only fair and equitable,—unless of course it is a *zid* on the part of the present Ministry that this Bill should be made operative from April, 1944,—that the Bill should come into force from 1st April, 1945.

With these few words, I support the amendment.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, on behalf of the Hon'ble Minister in charge I should like to give reply to one or two points raised by Mr. Humayun Kabir and my honourable friend Mr. Dutta. Sir, this amendment seeks to defer the realisation of agricultural income-tax by six or eight months. Mr. Humayun Kabir said that the poor agriculturists would be hard hit if they were to pay the tax and if retrospective effect were given to this Act. As a matter of fact, Sir, the Bill does not contemplate retrospective effect. Of course, it is technically retrospective because the Bill has not yet been passed into an Act. But, Sir, it has already been made clear that the Bill was introduced in the Legislature in September, 1943, and in ordinary course it ought to have passed through both the Legislatures before the 31st of March. So, in effect it is not really retrospective. Who are likely to be affected by the passage of a taxation Bill like this? We are told by Mr. Kabir that the poorer class will be affected. But, Sir, the provisions of the Bill are such that the poor agriculturists will not be at all touched. In the Schedule of this Bill it has been definitely laid down under 2(*b*)(*ii*) that any agriculturist possessing less than 100 standard *bighas* of land will be automatically exempted from the payment of this tax. Sir, how many of our agriculturists hold more than 100 *bighas* of land? In this respect, statistics were collected for the Bengal Land Revenue Commission and it was found that in Bengal 90 per cent. of our agriculturists hold less than 10 acres of land which means 30 *bighas* and that 8·4 per cent. of our agriculturists hold more than 10 acres. As a matter of fact, agriculturists holding more than 100 standard *bighas* of land in Bengal will not be more than one per cent. and it is they who are the wealthiest among the agriculturists. It is said that these people will be hard hit and they will be done for if they are to pay the tax for the preceding year in which they had made fabulous income which they had never before seen in Bengal. The paddy which was selling at Rs. 2 per maund was sold by these people at Rs. 20 and some times even at Rs. 25 per maund. It will be for this period of income which they earned up to 31st of March, 1944, that they will have to pay the tax if retrospective effect is given. Those members of the Legislature who profess to have sympathy for these people,—I cry them down as having no sympathy for the masses,—are really the supporters of the capitalists and wealthy people. They stand exposed, they stand unmasked before the people when they support an amendment of this kind in order to show sympathy for those capitalists and wealthy people who were rolling in wealth when the masses were dying of starvation.

It has been made clear that the landlords have got at least 50 per cent. better collections last year, on account of the fact that the agriculturists were able to get better prices for their products and were able to pay up their rent and also arrears of rent. I may repeat that the landlords got more than 50 per cent. of their annual collections and it is these people who are going to be taxed under this Bill. And still it is complained that they are hard hit or will be hard hit if the Bill is given retrospective effect only in the technical sense. I think this merely shows that the real sympathy of the Opposition is towards the capitalists and wealthy classes of this province, although they profess to be supporters of the poor and the oppressed. As regards the initial amount of the income that is liable to be taxed, even the Floud Commission had suggested that the minimum taxation limit should be only Rs. 1,000 and even the zemindars themselves, I mean the zemindar members of the Floud Commission, in their Minority Report suggested Rs. 2,000 as the initial taxable income; but we have made it Rs. 3,500. In spite of this, with what face can anybody say that the poor or the middle class people will be hard hit by this tax or by the retrospective nature of the tax which, by the way, is only technically retrospective and will not affect the poorer people at all? I am surprised that of all people my young friend Professor Humayun Kabir whom I know to be always a supporter of the weak and the oppressed and a supporter of the masses of Bengal, should be supporting an amendment of this nature which would only help the capitalists and the wealthy agriculturists who have made a fabulous profit during last year. I was surprised indeed that he of all people should have supported an amendment of this nature. With these words, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 1 of the Bill, for sub-clause (*3*) the following be substituted, namely:—

"(*3*) It shall come into force on the 1st day of April, 1945."

The question being put, a division was challenged and taken with the following result:—

AYES—16.

Mr. Altaf Ali.	Alhadj Khan Bahadur Shaikh Muhammad Jan.
Mr. S. C. Chakraverti.	Rai Bahadur B. M. Maitra.
Mr. L. C. Das.	Mr. H. D. Mojumdar.
Mr. B. C. Datta.	Mr. N. N. Moholanabish.
Mr. N. C. Datta.	Mr. R. Pal Chaudhuri.
Mr. K. K. Dutta.	Mr. A. D. Roy.
Mr. M. R. Jaipuria.	Mr. B. K. Roy Chowdhury.
Mr. Humayun Z. A. Kabir.	Khan Sahib Maulvi Wahiduzzaman.

NOES—30.

Khan Sahib Fariduddin Ahmad	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Mesbahuddin Ahmed.	Mr. Latafat Hossain.
Mr. Nur Ahmed.	Mr. Mohamed Hossain.
Khan Sahib Nurul Amin.	Maulana Muhammad Akrum Khan.
Khan Sahib Abdul Aziz.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Mr. Abdul Latiff.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. Hamidul Huq Chowdhury.	Mr. T. B. Nimmo.
Khan Bahadur Abdul Hamid Chowdhury.	Khan Bahadur Muklesur Rahman.
Mr. Muhammad Habibullah Chowdhury.	Rai Bahadur R. B. Roy.
Mr. C. E. Clarke.	Mr. Yakub H. S. Sattar.
Mr. D. J. Cohen.	Khan Bahadur M. Shamsuzzoha.
Mrs. K. D'Rozario.	Mr. J. W. R. Steven.
Mrs. L. P. Dutt.	Dr. Kasiruddin Talukdar.
Mr. R. W. N. Ferguson.	
Khan Bahadur Abdul Gofran.	

Mr. PRESIDENT: Order, order. The House has divided. *The Ayes* being 16, and the Noes being 30, the amendment is negatived.

Mr. HUMAYUN KABIR: Sir, I beg to move: that in *sub-clause* (*3*) of clause 1 of the Bill, the following be added, at the end, *namely*:—

"and shall expire on 31st March, 1945."

Sir, I spoke at length in connection with another amendment, amendment No. 4, which was somewhat analogous to the present one——

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. Mr. Kabir's present amendment is the same as amendment No. 4 except the date, namely, here he wants "and shall expire on 31st March, 1945."

Mr. PRESIDENT: But the date is different!

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, March following is the same as 31st March, 1945.

Mr. PRESIDENT: No. Mr. Kabir's previous amendment was that "It shall come into force on such date as may be notified in the Official Gazette, not being earlier than three months from the date of publication of the assent of His Excellency the Governor or the Governor-General as the case may be and shall remain in force till the 31st day of March following". There is no mention of the year. Therefore, I hold that the amendment is in order.

Mr. HUMAYUN KABIR: Thank you, Sir. I have already stated at the outset that I shall not make a long speech. Most of the points which I had to state in this connection have already been placed before the House at the time I moved the previous amendment. I was glad to find that beyond making a cavalier remark that my statement of history was not very accurate, the Hon'ble the Finance Minister could not rebut any of the arguments which I put before the House. He could not go beyond what I said, neither could he put forward any firmer ground. He said my narration of the constitutional development in England was not very accurate, but I say, Sir, that not only was my statement correct in major outlines but it was correct also in regard to the steps through which constitutional rights had been acquired by the people of England. As a student of history, the Hon'ble Finance Minister could not very well refute my arguments and having yet some historical conscience left, he had to content himself with a statement that my arguments were not very accurate. Sir, the statement of the Hon'ble Finance Minister has proved that what I said on the other occasion was correct. The argument which I advanced described the way in which the British Parliament gradually acquired for itself the right of financial control. The British Parliament had realised that there was no other way in which the Executive could be made responsible to public opinion. They had struggled to make the Executive responsive to the opinion of the Legislature. The Hon'ble Finance Minister by his very silence admitted the force of my argument.

He had only one argument to advance. He said that if my amendment were carried, it would require re-enactment of this Bill every year. If the enactment of this Bill this year has taken seven or eight months, could the Legislature be expected to give seven or eight months every year for an enactment of this type? I must confess, Sir, that I was astonished at this argument of the Hon'ble Finance Minister. I thought he had a little more political intelligence than to take his stand on a flimsy ground like this. To extend the life of this Bill requires the bringing forth of a very simple provision. It is not in the least necessary that the whole Bill should be re-enacted. All that is necessary is to bring before the House a one-clause Bill, viz., that the life of the Bill be extended for a further period of one year. I find, Sir, that the Hon'ble Finance Minister has been suffering from some sort of restriction, or shall I say, constipation of the intellect. I am surprised that he could not think of any other device beyond the devices which have already been used in the British Parliament or the Central Legislature.

One honourable member opposite got up and said that in the Supply Bill of the Central Legislature, rates vary according to the variation in the

Schedule. I confess, Sir, that the argument was astonishing and yet it came from my honourable friend Mr. Nur Ahmed. It makes us wonder whether he was conscious of what he was saying. No question of Schedule can arise in this Bill here. In the Finance Act, the question of variation in the Schedule can arise because the Finance Bill is a consolidated Act in which rates of taxation are mentioned in the Schedule. Therefore, in the Finance Act or in the Supply Bill, variations are only in the Schedule. But, here this is a particular Act and an isolated measure. Here all that is necessary is to extend the life of the Bill from year to year by introducing a one-clause Bill. The only argument that the Hon'ble Minister could offer to his supporters to throw out my amendment was that it would involve a lot of time. That argument is quite wrong and it is absolutely unjustifiable. We know in this House that a one-clause Bill can be carried through in the course of a few days. If the Government so desire, the time-table of the Budget can be so arranged that at the time when the Budget is introduced, a notice of the Bill is given. By the time the Budget is accepted, the Bill can also be made into an Act. The Finance Minister can, therefore, offer no arguments for opposing this amendment. He can only appeal to his supporters not to throw the Ministry to the wolves. He and his colleagues are afraid of the Legislative Assembly. He knew that his majority was gone; he knew that if the Lower House were summoned again, then the House of Cards, which is the present Ministry, would totter and tumble down. Therefore, he must somehow or other carry the Bill through this House without any change whatsoever, for any change would require the reference of the Bill back to the Assembly. He has not advanced any argument. He can at most appeal to the pity and compassion of his supporters. His speech is a pathetic appeal to his supporters. In effect, he says, "We are helpless, we have no majority, we have no following in the country, we are not prepared to go to the electorate: therefore, since you have so long supported us, please keep us here a little longer and be so kind as to pass the Bill without any change, for if any change is made in the Bill, then we are undone." Therefore, he has nothing beyond this appeal which is only a matter of the emotions and not a question of argument. If the Hon'ble Finance Minister had advanced any real argument, we on this side would be quite prepared to consider it and try to meet it. As it is only an appeal to sentiments, these sentimental appeals will not have much effect on us. I do not know what the result will be on his own supporters; he is a better judge of that than myself. I do not know if it is a case of unalloyed sentiment or sentiments alloyed by considerations of diverse nature of which the Hon'ble Finance Minister may be the best manipulator. With these words, I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*3*) of clause 1 of the Bill, the following be added at the end, namely:—

"and shall expire on the 31st March, 1945".

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, Sir, possibly it would not be very parliamentary to say that my friend who has moved this amendment was not serious; but I may say that there was no restriction on my feeling, as he has said. I may repeat that Mr. Kabir was not quite serious when he moved this particular amendment. I have nothing more to say, Sir, and I oppose the amendment.

Mr. PRESIDENT: The question——

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I wanted to say only one word on this amendment——

Mr. PRESIDENT: Order, order, before calling on the Hon'ble Minister to reply, I waited but none rose to speak. You should have got up before I called on the Hon'ble Minister to reply.

Khan Bahadur NAZIRUDDIN AHMAD: The difficulty was that two of us rose at one and the same time and I hesitated——

Mr. PRESIDENT: By this hesitation you have lost your chance, Khan Bahadur. He who hesitates loses.

Mr. HUMAYUN KABIR: It sometimes happens that non-official members are permitted to speak after the reply of the Government member.

Mr. PRESIDENT: That sometimes happens, but we should not follow that procedure, as far as practicable.

The question before the House is: that in sub-clause (*3*) of clause 1 of the Bill, the following be added at the end, namely:—

"and shall expire on the 31st March, 1945".

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: I beg to move that in sub-clause (*3*) of clause 1 of the Bill, the following be added at the end, namely:—

"and shall remain in force for three years from that date".

Sir, if this amendment is accepted, it would read like this: shall be deemed to have come into force on the 1st day of April, 1944, and shall remain in force for three years from that date. Sir, much has been said on the subject that Finance Bills should be an annual matter. So far as the principle of that saying is concerned, we have it that the Government of India do follow that practice. A Finance Bill is presented every year and the supplies are voted upon; they are voted upon either favourably or adversely. In my amendment I have given a span of three years from the date it comes into force. From the opening speech of the Hon'ble Finance Minister we got it that he was under the impression that some of the amendments tabled were reasonable and that they are such that it would receive consideration later on even though the Bill is now passed without any change of even a comma. That is an impression which was conveyed to us when he spoke at the time the Bill was taken into consideration. If he were sincere in that declaration, he can very well take up the consideration of the Bill after a period of three years, as suggested in my amendment. It would be time for him then to revise the Bill and to present an amending Bill or extending Bill. After all, the result of the operation of this Act may reveal certain defects which may lead the Hon'ble Finance Minister to bring in an amending Bill. There may be various other considerations which may weigh with the Hon'ble Finance Minister to see that the Bill is revised. If the argument that the Finance Bill should be renewable every year is supported by precedents, I think my submission that this Bill should be renewed and revised at the end of three years is one to which no exception should be taken by the Hon'ble Finance Minister. From the operation of the Bill for three years, he would be able to see how the income has been spent and then he will be in a position to judge whether the rates are to be changed or not. These are the arguments which I place before the House in pressing my amendment—it shall remain in force for 3 years. I do not urge that the income derived from the Bengal Agricultural Income-tax should be foregone—that is not my argument. I do not object to this tax being imposed but what I do urge is that the period should be for the present for three years. Three years is a sufficiently long period to consider whether the Bill is worked successfully or not and whether any change is required. With these words, I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*3*) of clause 1 of the Bill, the following be added, at the end:—

"and shall remain in force for three years from that date".

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment of my friend Mr. Lalit Chandra Das. I object to the remarks of Mr. Humayun Kabir about the Government not allowing their supporters to act freely. I believe that the Government has a substantial majority in the Assembly. Their decision is due to a desire to shorten the discussion in this House, but the effect of that request, under the circumstances prevailing here, has been just the opposite. In fact, the decision not to move amendments and not to allow any amendments to be carried, however reasonable and proper they might be, has reacted on the Opposition. They have accepted the situation with some amount of glee and are working with considerable energy. I believe that the position taken up by the Government only encourages the Opposition to indulge in big talks like these——

Mr. NUR AHMAD: On a point of order. Is it all relevant, Sir?

Mr. HARIDAS MAZUMDAR: He is developing his arguments.

Khan Bahadur NAZIRUDDIN AHMAD: I shall be strictly relevant in a moment. (Khan Sahib FARIDUDDIN AHMAD: Then you were irrelevant, you admit?) Sir, the hon'ble member should realise that I was just showing a little courtesy to the hon'ble member who was interrupting me. However that may be, Sir, I find this amendment is more charitable towards the Bill than the Hon'ble Minister himself. The Hon'ble Minister himself made it clear that as soon as practicable he would bring in an amending Bill to cure the defects which have been brought out and which would be disclosed in the debates as we progress with the clauses of the Bill. Therefore, the life of the Bill, as it now stands, will be extremely short, much shorter than Mr. Lalit Chandra Das's amendment would make it, namely, three years. I do not know whether there is any secret arrangement between Mr. Lalit Chandra Das and the Hon'ble Minister for which Mr. Das lends his support to the Government. At any rate, I believe three years' life is a long life and by that time much water will pass under the Howrah Bridge and no one knows what will happen within that time. Perhaps by that time the House will be in a better mood to extend the life of this ill-drafted Bill. (Interruption.) I have one more remark to make as to the relevancy of my remarks which has been challenged in the House. I may point out an example of irrelevancy and inconsistency on the part of my esteemed friends who have thought it necessary to interrupt me. I find Mr. Nur Ahmed has tabled an amendment, amendment No. 55, by which he wants to make the operation of the Act annual. He would propose that instead of the Schedule, which is the life and soul of the Bill, the words "annual Bengal Finance Acts" be substituted. The effect of that amendment would be to make it an annual Act. The quarrel between Mr. Nur Ahmed and Mr. Humayun Kabir is rather on a question of drafting. Mr. Nur Ahmed has said that Mr. Kabir's amendment does not, on the face of it, make the Bill an annual Act but as a matter of fact its effect is the same as that of Mr. Nur Ahmed. Mr. Nur Ahmed has, by tabling this amendment, accepted the underlying principle of Mr. Kabir's amendment and it is more applicable to Mr. Lalit Chandra Das's amendment, which is a more charitable one. I, therefore, think that at least this amendment should be accepted. The systematic refusal to accept good amendments is only encouraging Mr. Humayun Kabir and others of his way of thinking to indulge in some insinuations and allegations which, I believe, have no real foundation.

With these words, Sir, I support the amendment.

Mr. NAGENDRA NATH MAHALANOBISH: Mr. President, Sir, I rise to support the amendment of Mr. Lalit Chandra Das and may say at the very outset that this is a very inoffensive amendment and the Hon'ble Minister should have absolutely no hesitation in accepting it, because it

neither affects the tax nor the revenues derived from this tax. He will go on having his tax merrily for three years, and if at that time Government is of opinion that the life of this enactment ought to be extended, well, it would be very easy for the Government to briug in an amendment saying that the words "three years" be deleted. That will serve the purpose of making this a permanent Act. Now, the contention of the mover of this amendment is that this is the first time that we are having an agricultural income-tax in Bengal. This is a new Act modelled or rather copied very badly from similar Acts passed by other provinces without any experience and the Bill bristles with mistakes, inconsistencies and other defects which would be obvious to the honourable members of this House as we proceed with the consideration of the clauses of the Bill more and more. Therefore, it is all the more necessary that we should start by limiting the life of the Bill so that we can see its working, find out the difficulties and then remedy them, if necessary, on the expiry of the first three years. On the 4th of July last, the Hon'ble Finance Minister assured the House that he would bring in an amending Bill. I submit, in that case he may consider the question of the amendment of this portion of the Bill also. Therefore, I submit that there cannot be any ground for objection to the acceptance of this amendment.

There is another thing. The other day the Hon'ble Finance Minister and my friend Mr. Nur Ahmed referred to Mr. Humayun Kabir's amendment and said that it would be very difficult if the Bills are reviewed every year and that a lot of time and expenditure will be involved in considering Bills of this nature every year. But I would just like to remind them of what is being done in this House every year with regard to another Bill, viz., the Non-agricultural Tenancy (Temporary Provisions) Bill. That Bill was enacted five years ago with perhaps one or two years' life, and since then the Government have been extending it by one year every year and it has been extended only recently for anothr year. If the Government could do that, I do not see what difficulty there can be in doing the same with respect to this Bill. That is why this Bill should not be given a life for more than three years as proposed by Mr. Das.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, this agricultural income-tax has been overdue in this country. It is nothing new. The Government of India and even the British Parliament felt that this tax ought to have been imposed long ago. Everybody in this world who earns a certain income has to pay some sort of tax. Professional men, traders and everybody have got to pay income-tax. Therefore, why the agricultural income should go unassessed? This is the policy underlying the Government of India Act. In its Schedule it is definitely put down as a provincial subject, and even the Floud Commission considered this matter and they definitely recommended that the agricultural income-tax should be imposed in this Province——

Mr. LALIT CHANDRA DAS: On a point of information, Sir. The Hon'ble Minister has been speaking that agricultural income-tax should be imposed and such other things as British Parliament and British agricultural income-tax, but he is not speaking anything on the amendment.

Mr. PRESIDENT: I think you ought to allow the Hon'ble Minister some latitude.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, my real point was that the British Parliament thought that the agricultural income-tax should be a permanent item of the provincial revenue. The Floud Commission also recommended that it should not be for one or two years but that it should be a permanent item of taxation for this province and that it should remain as a taxation measure until and unless the Permanent Settlement was abolished and zemindari rights were acquired. Then, it has been said that an amending Bill will be brought forward by

the Hon'ble Finance Minister shortly in order to correct some of the mistakes that have crept in the Bill. Therefore, there should not be any objection to making the Bill temporary now, so that along with these corretions, other changes might also be made. I may say definitely, Sir, that in an amending Bill that may come hereafter, proposals will be made only for correcting the defects that have crept in and not for altering any main provision of the Bill. That has been quite definitely settled. Only mistakes of a grammatical and formal nature will be corrected through that amending Bill. We are quite definite that the Bill will remain permanently on the Statute Book as long as we have got to meet the increasing demands that are made from year to year for the agricultural and industrial improvement of the country. With these few words, I oppose the amendment.

Mr. Humayun Kabir rose.

Mr. PRESIDENT: Order, order. After the Hon'ble Minister has replied on behalf of Government, it is not the practice for fresh speeches to be made.

Mr. AMULYADHONE ROY: We did not know, Sir, that the Hon'ble Agriculture Minister was replying to the amendment finally. He should in that case have made it clear.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I did so in the beginning that I would reply to some of the amendments on behalf of the Finance Minister.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*3*) of clause 1 of the Bill, the following be added at the end, namely:—

"and shall remain in force for three years from that date".

(The amendment was negatived.)

Mr. PRESIDENT: The next three amendments are practically identical. What I suggest is that Mr. Haridas Mazumdar should move his amendment and then Mr. Lalit Chandra Das will move his amendment by way of amendment to Mr. Mazumdar's amendment, viz., only the words "after the cessation of the war", which occur towards the end of his amendment.

Mr. HARIDAS MAZUMDAR: I beg to move: that after sub-clause (*3*) of clause 1 of the Bill, the following new sub-clause be added, namely:—

"(*4*) That the income derived from it shall be applied solely for the improvement of agriculture or for projects connected with agricultural improvement".

Sir, I had no intention to take part in the debates on the consideration of the clauses of this Bill for two reasons. Firstly, the ill-advised statement of the Hon'ble Minister in charge by which all the Government amendments were withdrawn, was a clear warning at the point of the bayonet of the majority, of course, that no amendments from any quarters would be accepted. I may say that when the Bill is not going to be changed even in respect of glaring inconsistencies and grammatical mistakes, the entire deliberations on this Bill have been practically reduced to a farce. So long as the majority is there behind the Treasury Benches, the amendments moved by the Opposition will be of no use at all. In spite of this, for practical purposes we are trying to move amendment after amendment and the amendment which I am moving is the cream of all the amendments, because in the Floud Commission report the following remarks occur—"We are strongly of opinion that if agricultural income-tax is imposed, it should be applied *solely* for the improvement of agriculture, or for projects connected with agricultural improvement".

The Finance Minister says that the ear-marking of any income for expenditure on a specific purpose is bad finance. But this provides the only safeguard in a bad system of administration, where the tendency to spend more money on an increasing number of Ministers and Parliamentary Secretaries and on the Legislature grows as every day passes. We know that with a corrupt Ministry and an incompetent Executive even ear-marking does not go far enough. Heavy sums spent by the Agriculture Department last year on the "Grow-more-food" campaign have produced no effect. Distribution of seeds does not benefit the needy but only helps in securing votes in favour of such members of the legislature as support the Ministry. If the prices of rice, vegetables and fish be not the same as in pre-war times, Bengal will be depopulated. At the risk of being vain-glorious, I may say that every word of what I said about the impending famine on the 15th March, 1943, as reported in the next day's Hindusthan Standard came true——

Mr. PRESIDENT: Mr. Mazumdar, may I suggest that you confine yourself to the amendment which you have moved.

Mr. HARIDAS MAZUMDAR: Sir, I was going to point out that instead of improvement of agriculture, which is the real object of this taxation measure, it would merely result in waste of money.

Mr. PRESIDENT: Confine yourself to those points only.

Mr. HARIDAS MAZUMDAR: Every word of what I said regarding impending epidemics in a press statement published in several Calcutta newspapers in the first week of May last came true only a few months later. I was born in a village, I grew up in a village and desire to die in my village. I know rural Bengal, I mean real Bengal. I say here and now with all the emphasis at my command that even if the present or slightly less price of rice continue for any length of time, if the pre-war price of Rs. 4 per maund in villages and Rs. 5 in towns do not come back soon, the poor *bhadralogs*, landless labourers and village artisans will die in larger number than during last year's famine. What Dr. Bidhan Chandra Ray says about two crores of people being affected with epidemics only proves that malnutrition on a large scale is taking place, to be followed by diseases.

Khan Sahib FARIDUDDIN AHMED: Are these relevant, Sir?

Mr. HARIDAS MAZUMDAR: Perfectly relevant. I am showing that unless you improve the buying power of the people it would not be possible for them to live. The need of the hour is not doctors and nurses but able, efficient, honest administrators who will not allow the hoarders and profiteers any rest and bring down prices and make the "grow-more-food" campaign a real success. For this, ear-marking the proceeds of the agricultural income-tax for agricultural improvement is essential and will prove a Godsend in this hour of peril. Let us somehow live with the bad finance of Sir Francis Floud and then we shall have ample time to establish principles of good finance as taught by our Finance Minister who, not yet an old man, has changed chameleon-like in a short space of time from the fire-brand member of the External Capital Committee to the malleable Minister of a European-propped-up Ministry. This amendment is so innocuous that any Ministry other than the one determined to ruin Bengal will willingly accept it. If good counsels prevail and the amendment be accepted, I would appeal to the Agriculture Minister, who like myself is an old man to administer his department honestly and efficiently, so that when he is before his Maker he may give a good account of himself. The blood-soiled murderer is an angel when compared with Ministers who by their deeds and inefficient, partisan, dishonest administration are bringing about the death of millions.

I should like to revert to the subject of the Finance Minister calling ear-marking bad finance. These two words he has uttered here and elsewhere *ad infinitum* and *ad nauseum*, too. I have just a suspicion that these have been dinned into his ears by a British member of the Indian Civil Service. But I would like to remind him of the famous song of Dwijendrā Lal Roy, namely, "বিলাত দেশটা মাটির" which again was an echo of a poem of John Keats of whom Dwijendra Lal was a great admirer. Britain is not the only country in the world and everything British is not sacrosanct. There is another country in Europe called France. The French people are mainly agricultural as we Bengalees are. In Finance, before the war taxes collected from agricultural interests were ear-marked for the improvement of agriculture. Thus, this system of ear-marking is not half so wicked as the Finance Minister thinks it to be ---

Mr. PRESIDENT: Mr. Mazumdar, did you say anything like "blood-soiled murderer is an angel when compared with the Ministers"?

Mr. HARIDAS MAZUMDAR: Oh, Sir, that is nothing.

Mr. PRESIDENT: I think you should not have said that.

Mr. HARIDAS MAZUMDAR: I bow to your ruling.

Mr. PRESIDENT: No question of bowing to my ruling. Will you please withdraw that expression?

Mr. HARIDAS MAZUMDAR: All right, Sir, I withdraw the expression.

Therefore, Sir, I would suggest that the agricultural income should be ear-marked for the improvement of the soil and the agriculturists and this tax should be added to the clause as I have already indicated.

With these words, I move my amendment.

Mr. PRESIDENT: I will now call upon Mr. Lalit Chandra Das to move his amendment.

Mr. LALIT CHANDRA DAS: Sir, I beg to move: that after sub-clause (*3*) of clause 1 of the Bill, the following sub-clause be added, namely:—

"(*4*) That the income derived from it shall be applied solely for the improvement of agriculture or for projects connected with agricultural improvement after the cessation of war."

Sir, in speaking against my——

Mr. PRESIDENT: Mr. Das should reserve his speech for tomorrow.

The House stands adjourned till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Tuesday, the 11th of July, 1944.

Members absent.

The following members were absent from the meeting held on the 10th July, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. Kader Baksh.
(3) Rai Bahadur K. C. Banerjee.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. Khorshed Alam Chowdhury.
(6) Khan Bahadur M. A. Momin.
(7) Mr. N. N. Mookerji.
(8) Mr. B. C. Mukherji.
(9) Mr. R. S. Purssell.
(10) Dr. K. S. Ray.
(11) Mr. S. N. Sanyal.

BGP-44/5-8314A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 56.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 11th July, 1944, at 3 p.m., being the fifty-sixth day of the First Session of 1944, pursuant to section 63(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.), was in the Chair.

QUESTIONS AND ANSWERS

Communal disturbances.

206. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state what districts were actually and in fact affected by the communal disturbances in the last week of May, 1944?

(*b*) Has there been any clash between the Hindus and the Muslims? If so, how many and in which places?

(*c*) How many have been killed and how many wounded and of the latter how many cases are serious? Have those clashes been mostly between the Muslims and the Scheduled Caste Hindus?

(*d*) Were those cases of agrarian troubles? What were those cases due to?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Khulna and Jessore. Although no incidents took place in Bakarganj and Faridpur, the tension spread to the bordering villages of those districts.

(*b*) Several clashes took place in the Bagerhat subdivision of Khulna, notably at Atjuri and Barabaria. A feature of these disturbances was that they were confined very largely to attacks on the homesteads of the two communities and extended over a wide area. Over 500 huts were burnt and destroyed. In the Jessore district, clashes took place at Sekra and Bashpur in police-station Sailkupa and at Pabahati, police-station Jhenidah. These clashes and rumours of the disturbances in Mollahat led to serious communal tension at Bhatoihat and Dudsar, police-station Sailkupa in Jhenidah, at Noaparahat, police-station Abhoynagar in Narail and in the Sripur police-station of the Magura subdivision.

(*c*) Five Muslims and one Namasudra were killed in the Mollahat disturbances in Khulna. I have no information of the number injured. In the Jessore district, one Muslim was killed and three Namasudras were injured. All the clashes were between Muslims and Namasudras.

(*d*) The disputes were agrarian in origin but quickly assumed a communal complexion. The Mollahat area is notoriously liable to communal outbreaks. I can give no reason for this.

Rai Bahadur KESHAB CHANDRA BANERJEE: Arising out of (*a*), will the Hon'ble Minister please state why no mention has been made of Dacca?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because I doubt if there was any communal disturbance in the last week of May in Dacca.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it not a fact that communal disturbances took place in Dacca in the 3rd week of May and continued for about a month at regular intervals?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as I am aware, at the time when these disturbances took place there was less tension in Dacca than at the time when the communal disturbances broke out in Dacca.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is not Dacca notorious for such clashes between members of the two communities?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the honourable member is aware of the fact much better than I do, as he has just come from Dacca.

Rai Bahadur KESHAB CHANDRA BANERJEE: Does it follow then, Sir, that the Hon'ble Minister does not keep up-to-date information with regard to incidents that took place at Dacca during the last four years?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not only during the last four years but since 1926.

Rai Bahadur KESHAB CHANDRA BANERJEE: Arising out of (*c*), the Hon'ble Minister has said that he has no information about the number of injured. He has only given the number of persons killed. Will he say why it is not possible to give the number of injured persons?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because, I do not think there was any large number of people injured—perhaps there were very few cases of injured—so they were not mentioned in the reports and representations made to me at the time when the incidents took place.

Rai Bahadur KESHAB CHANDRA BANERJEE: Did the Hon'ble Minister make any enquiry as to the number of persons killed and injured from the local officers?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information supplied to the House is based on the information given by the local officers.

Rai Bahadur KESHAB CHANDRA BANERJEE: What is the basis of the information of the Hon'ble Minister that five Muslims and one Namasudra were killed at Mollahat?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the report of the local officers.

Rai Bahadur KESHAB CHANDRA BANERJEE: Did not the local officers supply information with regard to persons injured?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state if it is a fact that the District Magistrate and the Superintendent of Police did not help the Namasudras while their houses were plundered by the goondas?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not only it is not a fact but it is a base calumny that is being spread by a certain class of people.

Mr. HUMAYUN KABIR: Arising out of (*b*), has there been any such clashes before or is it novel in the present case?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe it has happened more or less in the past.

Mr. HUMAYUN KABIR: Arising out of (*d*), will the Hon'ble Minister be pleased to state what steps the Government has taken so far and what

other steps Government propose to take in future in order to deal with similar situations, as the Mollahat area, according to him, is notorious for communal trouble?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am trying to improve the relationship of the two communities. But no special steps have been taken for preventing clashes.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether these communal feelings are estranged as a result of communal propaganda on both sides?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I know from non-official sources, it has been due to certain activities of the Hindu Mahasabha in that area.

Mr. HUMAYUN KABIR: Are we to understand that only one of the two organisations is responsible for the communal propaganda in this area?

(No answer.)

Mr. LALIT CHANDRA DAS: Did the Hon'ble Minister try to ascertain why Mollahat area is notorious for communal outbreak?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. LALIT CHANDRA DAS: Is it not a fact that the League *mollas* are working in that area spreading all sorts of rumours that they have—the Muslims have—got *Pakisthan* and that they have got *Pakisthan* Government at their head?

The Hon'ble Khwaja Sir NAZIMUDDIN: The incidents took place long before the *Pakisthan* proposal was mooted.

Mr. LALIT CHANDRA DAS: Is it or is it not a fact that the League *mollas* spread the rumours that they have got *Pakisthan*?

The Hon'ble Khwaja Sir NAZIMUDDIN: League *mollas* have got nothing to do with this propaganda.

Mr. HARIDAS MAZUMDAR: Is it not a fact that fanatic *mollas* have been appointed by the Muslim League to spread fanaticism in this part of the district?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think there is any truth in that statement.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister please give a particular instance which came to his knowledge that the communal disturbance was due to the activity of the Hindu Mahasabha in that area?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already said that a report came to me from a non-official source that due to the establishment of certain offices of the Hindu Mahasabha in that area the trouble arose.

Mr. BANKIM CHANDRA MUKHERJEE: What is the name of the gentleman from whom that particular report came?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already told the honourable member that this report came from a gentleman belonging to that locality where the disturbance took place.

Mr. HUMAYUN KABIR: Arising out of this statement of the Hon'ble Minister, was it due to the activities of the officers that the disturbance took place?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, not due to any officer.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state what is the name of the District Magistrate of Khulna and the name of the Superintendent of Police, Khulna?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the Civil List.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that the supply of Civil List to the honourable members of the Legislative Council has been stopped?

The Hon'ble Khwaja Sir NAZIMUDDIN: A copy of the Civil List may be found in the library.

Mr. BANKIM CHANDRA MUKHERJEE: Is the Hon'ble Minister aware of the name of the District Magistrate of Khulna?

The Hon'ble Khwaja Sir NAZIMUDDIN: I know as much as the honourable members opposite know.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister prepared to tell the names of the District Magistrate and the Superintendent of Police, Khulna?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not see any reason why I should supply the information which the honourable members already know.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister please enquire who were the local officers in Khulna at the time of the disturbances at Mollahat?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the honourable member so desires, I shall certainly make an enquiry.

Rai Bahadur KESHAB CHANDRA BANERJEE: Having regard to the fact that the Hon'ble Minister cannot give any definite idea of the number of times that the disturbances took place, how does he come to the conclusion that Mollahat is a notorious place for communal disturbances?

The Hon'ble Mr. H. S. SUHRAWARDY: There were successive disturbances in that place.

Mr. LALIT CHANDRA DAS: In spite of my persistent demand the Hon'ble Minister does not give me the name of the District Magistrate——

Mr. PRESIDENT: Order, order. Mr. Das, the names of officers should not usually be asked for unless you have special justification for asking for names. According to the rules, you are not entitled to ask for the names of the officers unless it is necessary to make the question intelligible.

Mr. LALIT CHANDRA DAS: Sir, I am not aware of any such rules that names of officers must not be asked. I just now learn it from you, but from the circumstances of the present question does it not show that the situation is unusual, namely, that there has been serious communal disturbance and many people have been killed and many others injured in that disturbance? Under these circumstances, is it not necessary to know the names of the officers of Khulna who were responsible for keeping the peace of the district and also to know whether the District Magistrate has been transferred or is still there?

Mr. PRESIDENT: Mr. Das, unless you make yourself responsible for the allegation that the District Magistrate or the District Superintendent of Police or whoever he might be had something to do with the riot, I do not think you are entitled to ask for his name.

Mr. LALIT CHANDRA DAS: Sir, I desire to say that it is not a matter of allegation. It is about the inefficiency of the officer there. The inefficiency is apparent, and so I think I am entitled to ask questions about the officer in order to ascertain whether he is still there or he has been transferred. I am not aware of any rule which debars me from making an enquiry about the name of the officer who is really responsible for the peace and tranquillity of the district——

Mr. PRESIDENT: Mr. Das, if I were you I would put the question in this way. "Will the Hon'ble Minister be pleased to state whether the District Magistrate during whose term of office the occurrence took place is still there or not?"

Mr. LALIT CHANDRA DAS: It only shows the difference between your way of putting things and my way of putting things. I pursued the question for the simple reason that I wanted to ascertain whether he is still there.

Mr. MD. HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state the names of the political organisations or the political leaders who are trying to make capital out of these riots?

Mr. PRESIDENT: I don't think that question arises.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to tell us whether the District Magistrate who is in charge of the district and during whose time this riot has taken place has been transferred from that district?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am very glad that Mr. Haridas Mazumdar has given me this opportunity to make a statement about this officer. It was decided to transfer this officer at least six months ago. As a matter of fact, the Chief Secretary has been most anxious to have him in the Secretariat here because of his efficiency. But at his request he was retained there because for private reasons he asked that he should not be moved before July. Since his appointment this officer has for the first time got an opportunity to come to Calcutta, and therefore in spite of the fact that it may appear at the present time as if this transfer is taking place in view of the incident at Mollahat, the actual facts are just the reverse. The Divisional Commissioner had been there after the incident and had met various deputations from all sides and since then he has sent in a report asking me to issue a communiqué exonerating the officer. But I held back the communiqué because a deputation of some of the M.L.A's., and the Ministers belonging to the Scheduled Castes saw me in this connection and I promised them that the Deputy Inspector-General of Police would go to the place of occurrence personally and hold an enquiry. As a matter of fact, the Deputy Inspector-General is waiting in my room just now. He has come to see me before he leaves for the place. As soon as his report is received, Government will issue a communiqué on the result of the enquiry held by the Commissioner of the Division first and the Deputy Inspector-General of Police, afterwards.

Point of Privilege.

Mr. KAMINI KUMAR DUTTA: Sir, may I rise on a point of privilege of this House? In connection with the discussion on the amendments to the Agricultural Income-tax Bill yesterday, some members of this House wanted to speak after the Hon'ble Minister had replied on behalf of Government and the Chair, though not definitely yet in so many words, did not allow the member to speak. We think that this matter should be settled once and for all, namely, whether in the case of amendments to a Bill the speech of the Hon'ble Minister on behalf of Government should be the last word or whether members of the House had a right to speak even after

the Hon'ble Minister had made his reply on the subject. In this respect so far as the rules of this House are concerned, there is no specific or particular rule, but it appears that this matter did arise once in the Central Assembly and there it was held by the Hon'ble President of the Central Assembly that the speech of an honourable member on behalf of the Government was not the last word on the debate on the amendments, and that even after he had spoken any other member of the House had a right to speak. May I refer to the Central Assembly Debate of 1927, pages 2655-56? The President of the Central Legislative Assembly on that occasion ruled: "The honourable member should have known that the proper time for him to rise was when the Hon'ble the Commerce Member was called and not after he began his speech." Let me state clearly what happened. Mr. T. Prakasam wanted to raise that point while Sir Charles Innes, the Commerce Member, was in the midst of a speech and then he was told that he ought to have raised the point either before the Hon'ble Member began his speech or when he had concluded. After this, the President proceeded "it is not proper to interrupt a member in that way when he is making a speech. Either the honourable member should have risen to the point of order at the time when I called upon the Hon'ble Commerce Member or should rise now when he has concluded his speech. The point of order which the honourable member raises is whether the speech of the Hon'ble the Commerce Member concludes the debate on the amendments. The honourable member knows as well as I do that *the Government reply is not the last word on the debate on amendments to a Bill* and therefore the debate does not conclude with the speech of the Hon'ble Commerce Member". This will be found in the ruling of the President of the Central Assembly at page 2656, of their proceedings of the year 1927; I can hand over the book to you, Sir, if you like. (A VOICE: That is not the practice here.) Sir, I hear a faint voice that it is not the procedure of this House. As this House has not laid down a particular procedure for this purpose and the rules do not say that no non-official member can speak after the reply on behalf of Government is made, so the general principle of the rule of bar cannot be invoked unless it is specifically enacted. In this view the right of a member to speak after the speech of a Government Member cannot be taken away unless there is a specific bar. The President of the Central Legislative Assembly has allowed this practice and moreover there is nothing against it in our own rules of procedure which make it inapplicable to the proceedings in our House. It is a matter of the rights and privileges of members of this House and they cannot be curtailed by implication, as the ruling referred to above denotes. Although there is no such rule, it is a matter of practice and convention that on previous occasions members were allowed to speak even after the speeches of the members of Government.

Mr. PRESIDENT: Mr. Dutta, as far as I remember you are perfectly right that there is no hard and fast rule in this respect; but the convention in the Bengal Legislature has been that Government have practically the last say in a debate in respect of amendments to a Bill. And you will no doubt agree with me, that in order to have a finality in a debate, it is always convenient for the Minister in charge of a Bill to speak last so that he can reply to points raised by different non-official members in course of the debate. That has been the practice and that has been the convention of the Bengal Legislature.

Mr. SHRISH CHANDRA CHAKRAVERTI: If the Hon'ble Minister raises any new points in his reply?

Mr. PRESIDENT: There is no hard and fast rule. If the Hon'ble Minister raises a new point altogether and it is found necessary on that ground to allow some honourable members to speak, it may be done. But the existing convention is a salutary one, and should be adhered to as far as possible.

Mr. HUMAYUN KABIR: May I submit, Sir, that the convention has been that even after the Hon'ble Minister in charge has spoken, members have been allowed to speak. But the Hon'ble Minister in charge has a right of final reply—right of a second reply after which there is no further discussion. You will remember, Sir, that both your predecessor and you yourself on occasions have permitted members to speak after the Hon'ble Minister had spoken and therefore the Hon'ble Minister have a second right of reply. In this connection, I would also refer to section 42 of our Council rules where, though it does not deal with amendments,——

Mr. PRESIDENT: It deals with substantive motion: in the case of a substantive motion there is a second right of reply but it does not apply to amendments—an amendment is not a substantive motion.

Mr. HUMAYUN KABIR: What I was going to submit was that that convention has been extended to amendments also.

Mr. PRESIDENT: But my experience is just the other way. The Minister in charge is allowed to wind up the debate and to have the last say.

Mr. HUMAYUN KABIR: What I am suggesting is that after the Hon'ble Minister has spoken, members who want to speak may speak and thereafter the Minister has a second right of reply after which no further discussion can take place.

Mr. PRESIDENT: But, Mr. Kabir, that is with regard to a substantive motion. You now want to introduce this procedure in the case of amendments also; but amendments are not substantive motions: that is the distinction to which I would draw your attention.

Mr. HUMAYUN KABIR: I submit that the rules are there; but the convention has actually been followed in this House of allowing members to speak after the Hon'ble Minister's speech in case of amendments also. If you will look up the old proceedings of the House, you will find, Sir, that the late President and you yourself in the past allowed members to speak after the Minister and then allowed the Minister to give a final reply. Both the late President, and you, after assuming charge have permitted a second right of reply to the Minister, although there is no definite provision. Therefore, I suggest that the procedure laid down in the case of a substantive motion has been, by convention, extended in the case of amendments also.

Mr. PRESIDENT: All right. I shall look up the matter.

Adjournment Motion.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, may I mention about my adjournment motion regarding the sugar position in Jalpaiguri?

Mr. PRESIDENT: About your adjournment motion, I find from the statement of the Hon'ble Minister yesterday that he has sent some quantity of sugar from Calcutta: 540 bags to Jalpaiguri and 360 bags to the Alipore Duars. These are exceptional movements and he has taken the risk although the movement has not been authorised by the Sugar Controller. Has it been actually despatched?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir, the orders have been given to the department to do so as soon as possible. But I am not in a position to say whether they have been able to find wagons. Instructions have been given to despatch the bags as soon as the wagons are available. It is for the railway to give us wagons for which we have asked—it is for them to sanction wagons. We can't do anything in the matter.

Mr. PRESIDENT: The difficulty about your adjournment motion, Mr. Mahalanobish, is that you want to censure the Government for failure to supply sugar. Now, the supply of sugar does not lie with the Government of Bengal. The adjournment motion can be moved if there is failure with regard to a particular duty for which the Provincial Government is responsible. Supply of sugar is not primarily a responsibility of the Provincial Government. There are three stages. First of all, the provincial quota. Provincial quota is fixed by the Central Government with reference to the total all-India production and total all-India consumption. Then, the district allotments are made by the Provincial Government out of the provincial quota. Thereafter, the Government of India come in again for distribution of the supply. The Government of India Control transport. Therefore, distribution lies with the Central Government. The supply is actually controlled not by the Provincial Government but by the Central Government and I wanted to find out from Mr. Suhrawardy whether he actually had made arrangements for distribution though that is not the responsibility of the Provincial Government. If he has done so, then that takes away much from the urgency of the matter and the weakness of your motion lies there. I hope you appreciate the point.

Mr. NAGENDRA NATH MAHALANOBISH: I regret, I cannot appreciate the observation that has fallen from the Chair; but I still beg to submit that the question of supply to Bengal depends upon the measures that are taken or should be taken by the Hon'ble Minister for Civil Supplies. The Government of India allots certain quota to Bengal and leaves that quota entirely at the disposal of the Government of Bengal in the Department of Civil Supplies and then, as to how, when and what quantity would be supplied to each district these things are to be settled by the Civil Supplies Department of the Government of Bengal. The question of despatch and the question of the selection of the mills,—they are all dependent upon the order or direction or request of the Civil Supplies Department. It is not the Government of India who sends sugar to Jalpaiguri or elsewhere. (Khan Sahib FARIDUDDIN AHMAD: Yes.) Do not interrupt me. I say it is not the Government of India——

Mr. PRESIDENT: I am afraid it is not. I very carefully went through the statement of the Hon'ble Minister and from it I came to the conclusion that the Government of India allot the provincial quota and out of the provincial quota the Bengal Government allot the district quota and the district quota is distributed by the Central Government because they control transport; supply, therefore, in effect lies with the Central Government and not with the Provincial Government.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I correct the honourable member's impression? The Central Government allot the mills They also allot the quantity that should be sent from each mill. We have nothing to do with this.

Mr. NAGENDRA NATH MAHALANOBISH: Then, Sir, am I to understand that the Hon'ble Minister for Civil Supplies has nothing to do in the matter? (Khan Sahib FARIDUDDIN AHMAD: Absolutely nothing to do.) I may just remind the honourable members on the other side that they should not interrupt me in this way. The Hon'ble Minister is fully competent to defend himself or to make a statement. Sir, what is done ordinarily? You will please take into account the ordinary procedure that is followed. Unless the Hon'ble Minister moves, the Government of India does not move in the matter of supply. The Government of India leaves the quota for the province in the hands of the Bengal Government to be dealt with by the Civil Supplies Department. The Hon'ble Minister after making arrangements refers them to the Government of India and the Centre does not interfere with the arrangements——

Mr. PRESIDENT: Mr. Mahalanobish, you must convince me on one point before I give my consent, namely, that the distribution is the function

of the local Government. You cannot move your adjourament motion unless you can prove that distribution is primarily a concern of the local Government.

Mr. SHRISH CHANDRA CHAKRAVERTI: What is the function of a Minister then, if he cannot move in the matter?

Mr. PRESIDENT: I cannot tell you that. You study the Government of India Act and find it out. Here is the statement made by the Hon'ble Minister yesterday and I take it that the statement is correct. If there is any mistake in the statement, you better point it out.

Mr. LALIT CHANDRA DAS: May I point out one thing, Sir? The Government of India allot the quota for Bengal and the Bengal Government allot the quota for different districts. This is admitted. But, since the Government of Bengal have taken upon themselves the responsibility of allotting the quotas for different districts, they should also take upon themselves the responsibility of moving in the matter and seeing that these quotas reach the districts even if transport is a Central subject. Now, since the Government of Bengal have taken upon themselves the responsibility of distributing the quotas to the districts, they incidentally take upon themselves the responsibility of moving the proper quarters and getting the transport and sending the supplies to the districts and so long as proper action is not taken by the Bengal Government, they stand the risk of being censured.

There is another thing, Sir. The quota that is allotted for Jalpaiguri is 15,000 bags but the Sugar Controller allotted only 12,000 bags and no explanation has been given as to whether this Government or the Minister for Civil Supplies actually moved the Sugar Controller to see that the total quantity of 15,000 bags is actually allotted to Jalpaiguri. The Bengal Government cannot evade their responsibility of seeing that the allotted quota actually reaches the place, otherwise the business of the Bengal Government is practically that of a mere clerk.

Mr. PRESIDENT: I cannot agree to this. Since it is the duty of the Central Government to supply and distribute sugar, I cannot give my consent to the adjournment motion.

Mr. HUMAYUN KABIR: Sir, there is one matter in which the Government of Bengal has been responsible and that is to see that the monthly quotas are properly sent by the Central Government. When one quota has been sent the Government of India should be moved in time for the next instalment to be sent in time. If the Hon'ble Minister for Civil Supplies can tell us that he has——

Mr. PRESIDENT: Mr. Kabir, the motion is not that. You just read the motion first. I have already given my ruling in the matter and I cannot allow any discussion of my ruling.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, there is a way out of it——

Mr. PRESIDENT: Khan Bahadur Sahib, I have given my ruling already.

Khan Bahadur NAZIRUDDIN AHMAD: All right, Sir.

Mr. PRESIDENT: The next item is the Bengal Agricultural Income-tax Bill. Mr. Das.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. LALIT CHANDRA DAS: Sir, yesterday, I moved the amendment which stands in my name and it runs as follows: that after sub-clause (*3*) of clause 1 of the Bill, the following sub-clause be added, namely:—

"(*4*) That the income derived from it shall be applied solely for the improvement of agriculture or for projects connected with agricultural improvement after the cessation of war".

Sir, a very wrong lead was given by the Hon'ble Finance Minister to the members of the Government Party. In his opening speech he led the members of the Government Party and also us to believe that the subvention of 10 crores was very much dependent upon the passing of the Bengal Agricultural Income-tax Bill. That is what he said and he urged upon the House that the Bill should be passed expeditiously without the change of even a comma. In fact, he directed that the Government amendments should not be moved. I think this was a very wrong lead. Today the broadcast speech of His Excellency the Governor of Bengal has appeared in the papers and you will find therefrom that the subvention of 10 crores is an accomplished fact; it has absolutely nothing to do with the passing of the Agricultural Income-tax Bill. All that His Excellency mentioned——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, is the honourable member satisfied with ten crores only?

Mr. LALIT CHANDRA DAS: You are raising an altogether wrong issue. Whether we shall be satisfied with 10 crores or more is an altogether different question. The thing is that the Finance Minister told us in his opening speech that the subvention of 10 crores from the Government of India was very much dependent upon the way in which we dealt with the Agricultural Income-tax Bill now being debated on the floor of the House. In fact, he was citing this Bill as one of the principal factors in our getting the subvention. He urged upon the members of the Government Party not to change a comma of the Bill and not to move even the very reasonable amendments that they had given notice of. The Finance Minister further added that however reasonable be the amendments of the Opposition, it would not be possible for him to accept any of them, as that would entail the Bill being referred to the Lower House. If you read the speech of His Excellency the Governor that has appeared in today's papers, you will find that all that the Governor says is that for the purpose of adding to the provincial revenues we should pass the Agricultural Income-tax Bill. That is the utmost that he says; nowwhere in his speech is there any indication that the Bill should be passed swiftly and that amendments however reasonable they may be should go. As a matter of fact, the *fatwa* given by the Finance Minister is very much like what is implied in the adage "বকো আর বকো, আমি কানে দিয়েছি তুলো, মারো আর মরো, আমি পিঠে বেঁধেছি কুলো" That is the position of the members of the Government Party. However reasonable our amendments may be, they will go to the Government lobby and vote against and come back. That is their position, Sir. And I protest against the way in which we are being treated directly or indirectly by the Government having a majority on their side.

With the above preliminary remarks, I desire to say that agriculture is the crux, the pivot on which the whole financial and economic position of Bengal depends. The rigours of another famine should be averted in future and whether Bengal is to live in plenty and sufficiency very much depends upon the improvement of agriculture. There cannot be two opinions on this point. The Agriculture Department is therefore one of the most important departments for which special provision should be made. While opposing amendment No. 12, the Hon'ble the Leader of the House swore by the Floud Commission; he was a member of that Commission and he swore by it. And swearing by the Floud Commission he said that it

must be a permanent measure and all sorts of things. Will he remember his own performance? That is what I desire to know. As a signatory to the majority report of the Floud Commission, he was a party to the recommendations made therein endorsing what we are proposing in this amendment, but he is now opposing the same proposition. The Floud Commission recommended that when the Agricultural Income-tax Bill is to be enacted, it must be seen that the income derived from it is utilised *solely* for the improvement of agriculture and for projects connected with agricultural improvement. That is, Sir, what the Floud Commission reported. If the zemindary system is not to be abolished, if only tinkering measures are to be adopted according to the suggestions of the Floud Commission, it is no use swearing by the name of Floud Commission. The Floud Commission recommended that the income derived should be utilised for agricultural purposes. It is evaded by the argument advanced by the Hon'ble Finance Minister that it is bad finance to ear-mark the proceeds derived from a particular source for a particular purpose. Sir, I fail to understand the logic of it. I fail to understand how such an important body as the Floud Commission could recommend in the way it did unless it was convinced that would be for the good of the agriculturists. Ear-marking means that the income is to be spent for the improvement of agriculture. I desire to point out that there is also precedent with respect to this. I would refer the members of the House to the Railway Board of the Government of India. The Railway Board has its own income. It has got its own railway budget quite separate from the general budget of the Central Government. The Railway Board is responsible for all improvements of railways. There are surpluses and sometimes these surpluses are given to meet deficit in the general budget of the Central Government. So it adds to the revenues of the Government of India also. It has been said that you cannot have a separate budget so far as the agricultural income is concerned, as in Bengal we have one budget and so on. We may have one budget and to this we can have no objection. Even if there is one budget there cannot be any difficulty in the way of ear-marking a particular amount of money for the improvement of agriculture. You may say that the Government did enough for the improvement of agriculture and that the Government have advanced as much as two crores and that they intend to do more. But I do say that two crores of rupees is not sufficient for the purpose of improvement of agriculture. At least there should be 4 or 5 crores of rupees allotted for the purpose. If in addition to two crores, for agriculture the income derived from the agricultural income-tax is added, that would be a fair amount with which the Agricultural Board can work. I have my own idea of Agricultural Board. The Hon'ble Finance Minister may say they have already got an Agricultural Board. But that is not the Board we have in contemplation.

There must be a Board which will remain responsible to the Legislature for all its actions. It must be a Board not merely consisting of experts which will merely give advice about agriculture but it must consist also of representatives of both the Houses and must be made responsible for each of its actions to the Legislature. That is my idea of an Agricultural Board. For the purpose of getting an all-round improvement of agriculture we must have a plan, say a five-year plan, and an elaborate machinery to execute that plan. Therefore, I say that the agricultural income-tax receipts should be ear-marked and should be added to the fund already supplied by Government from general resources. If the Board is left at the mercy of the whims and caprices of the present Government, then no agricultural improvement can be made. The Hon'ble Minister says that ear-marking is bad finance. But what about the jute tax? A promise was held out that the income derived from jute would be devoted for the improvement of the jute-growers. But such promises are hardly made good. With regard to this Bill also, we have received sympathetic reply that more funds would be set apart for the improvement of agriculture. But that

will not do. There must be something like a legislative enactment and, therefore, I urge that this should be ear-marked now by a provision made in this Bill effect to this being given "after the cessation of the war". This only differentiates my amendment from that of Mr. Haridas Mazumdar. I have said "after the war", because the Government might say that our resources are not enough to meet various demands and therefore we want more money for the duration of the war. This income may be devoted for the purpose of the improvement of agreiulture and for projects connected with agriculture after the war.

With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that after sub-clause (*3*) of clause 1 of the Bill, the following new sub-clause be added, namely:—

"(*4*) That the income derived from it shall be applied solely for the improvement of agriculture or for projects connected with agricultural improvement.". Since then an amendment has been made by Mr. Lalit Chandra Das that after the word "improvement" the words "after the cessation of war", be added.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to support the amendment that has been moved by my honourable friend Mr. Lalit Chandra Das. It has been said, Sir, that it is bad finance to ear-mark a tax for a definite purpose. We had this from no less a person than the Hon'ble the Finance Minister himself. I would request him to consider this matter more seriously and look to the history of the various statutes imposing additional burden upon the tax-payers with the object of improving the nation-building departments. Sir, before the present Government of India Act was enacted, under the old Diarchy, when there were transferred subjects administered by Ministers and reserved subjects administered by Members of the Executive Council, we know that the Hon'ble Ministers were hampered for want of funds for the nation-building departments. The Court-fees Act was amended and the court-fees were increased, the Stamp Act was amended and the rate of stamps payable under the Stamp Act was also increased with the sole object of providing funds for the nation-building departments. I would request the Hon'ble the Finance Minister and the members of this House to look up to the various statutes enacted by the Bengal Legislature, since the introduction of the Morley-Minto Reforms. I hope, Sir, they will find that although repeatedly promises were held out that funds available from the increased income derived from these sources would be utilised solely for the nation-building departments, the income was not so utilised but merged into the general funds of the province and to our great disappointment we find the nation-building departments starved in the same way as before without any hope of being supplied with sufficient funds for improvement and development of the same. That is our experience so far as the past is concerned. I would now refer the Hon'ble the Finance Minister to the signatories to the Floud Commission Report. I find there experienced men like Sir F. A. Sachse who had vast experience of the people of this country, who had vast experience of the finance of the province and held many responsible posts. I find, Sir, among the signatories Dr. Radha Kumud Mukherjee who was then a member of this House. I find the Leader of this House a member of the Floud Commission and a signatory to the Floud Commission Report. I find my honourable and esteemed friend Khan Bahadur M. A. Momin a signatory to this report. I would request the Hon'ble the Finance Minister to consider whether these gentlemen were not speaking seriously when they stated in their report that the income derived from the tax should be used *solely* for the purpose for which I am moving my amendment. I hope, Sir, the Hon'ble the Finance Minister will give these responsible gentlemen the credit that they were speaking seriously when they spoke about the tax being used *solely* for the purposes as stated herein. I submit, Sir, that this is a matter which ought not to be treated lightly and I would request the honourable members

supporting the Government to consider it seriously. I would also request the honourable members of this House to consider the words very carefully, the words used in the Floud Commission Report are "income shall be applied *solely* for the improvement of agriculture or projects connected therewith." It has been suggested by the Hon'ble the Finance Minister that the budget of the present year has made a provision for the agricultural improvement which would far increase the income that will accrue from the present tax. I hope the Hon'ble the Finance Minister was not serious when he made this statement on the floor of this House. I would request him to look up his own budget a little more carefully and see whether the claim which he makes that there is provision in the budget for agricultural improvement and projects can be substantiated or not. I would ask the honourable members and the Hon'ble the Finance Minister to remember the word "project" very carefully and I would request them to mark the dictionary meaning of the word "project". The word "project", I find, means "a design or a scheme or a plan; something which is designed, intended or devised; it is something of a practical nature thrown out for consideration as to its being done, a thing designed becomes project when it is matured and settled as a thing to be accomplished." Now, Sir, having ascertained the dictionary meaning of the word "project" and what it imports and what the authors of the Floud Commission intended, I would now request the Hon'ble the Finance Minister to consider whether in the budget there is any provision, as he claims, for the purposes indicated above. Looking to the budget of the Government of Bengal for the year 1944-45, I am referring in the first instance to the Red Book at page 1 under the head "Receipts", we find that for the years 1944-45 the estimate which the Hon'ble the Finance Minister makes of the possible receipts comes to 68 lakhs and 16 thousands rupees.

We find that for the year 1944-45 the estimate which the Hon'ble the Finance Minister makes of the possible receipts comes to Rs. 68,16,000. Looking now to page 5 on the expenditure side, we find the Hon'ble Finance Minister has estimated the probable expenditure to be Rs. 1,30,60,000. At page 66 of the same book one will find the detail of the expenses and I would draw attention of the honourable members of this House to consider very carefully the provisions made therein. In the remarks column at page 66, one finds the following note: "The revised estimate is higher than the budget by Rs. 59,34,000; out of this Rs. 54,84,000 is due to high expenditure on the 'Grow-more-food' schemes" mainly as a result of supplying seeds in the current year for the grow-more-food campaign of the year 1944-45. Now if we consider the expenses as noted at page 66, we would find that besides the amount necessary for purchasing seeds, a substantial portion of it is recovered back again from the sale proceeds, the rest of the provision is eaten up by the salaries and travelling allowances of the officers concerned, appointed for the purpose. One would have to knock his head a good deal to find anywhere in the budget any scheme, any design or any project for agricultural improvement. I would request the Hon'ble the Finance Minister to consider that he should give some intelligence to the members of the Floud Commission who signed the report that they did not mean that the tax from the agricultural income would be devoted in maintaining a highly paid staff of officers without making any provision for projects connected with the improvement of agriculture. As a matter of fact, there are various matters which are pending in this connection for the consideration of the Government for a long time. One of the most important matters in this connection is the question of the manufacture of ammonium sulphate, and other chemical manures on a large scale for supply to the agriculturists as scientific manure. I would refer the Hon'ble the Finance Minister to what has been done by the Government of Bihar which is now being governed under section 93 of the Government of India Act. Mr. Dhar, the Development Commissioner of the Bihar Government, at a press conference stated the other day that they have various plans and projects for the

improvement of the agricultural resources of the province. I would ask the Hon'ble the Finance Minister and the Hon'ble the Agriculture Minister, and the Leader of the Upper House, to study those plans and projects and also to ear-mark a sum of money at least for this purpose. Mr. Dhar also stated that they had got matured a project for the manufacture of ammonium sulphate which is a very important chemical fertiliser. If they invited British experts to come to the province of Bihar to set up plants for the manufacture of ammonium sulphate, the scheme, it was stated by Mr. Dhar, would require financing to the extent of Rs. 2 crores. I may mention for the information of the Hon'ble the Finance Minister and also for the edification of the Hon'ble the Minister for Agriculture that by applying scientific manure like ammonium sulphate and other manures the yield of crops, specially rice, can be increased to twice its present quantity if not more. Bengal at present is said to be a deficit province so far as rice is concerned. We have seen the disastrous result when there was a failure of crop for a single year. As a matter of fact, in some districts or other, for want of proper rainfall in September, I mean in the districts in Western Bengal, rice plants are dried up and we get very little yield of rice during such years of drought. If, as I have proposed, the entire income from the agricultural income-tax is ear-marked for subvention of a project to manufacture ammonium sulphate and for distribution of the same to the cultivators, it would not only be a boon to the cultivators but would solve one of the most intricate problems of the province of Bengal relating to the supply of foodstuffs. I cannot help in this connection referring to the observations recently made by the Leader of the House at a press conference held at the Writers' Buildings on the 24th May. The Hon'ble the Agriculture Minister stated that the normal yield of rice in the province is about 88 lakhs of tons annually, according to some only 80 lakhs of tons. He further said that the annual requirement of the province at the rate of half a seer per head per day is 100 lakh tons. He, however, himself admitted that.....I hope the Hon'ble Minister for Agriculture will hear what I say and not discuss with some other member when I am specially drawing his attention to a very important point. As I was saying he himself admitted that half a seer is the barest minimum and he stated that the standard should be 10 *chittacks* per head per day. At that rate the annual requirements would be 125 lakh tons. I would join issue with the Agriculture Minister here when he says that 10 *chittacks* should be the standard rate. I hope that the Hon'ble the Agriculture Minister knows it full well that the labourers and cultivators consume at least one seer of rice a day and that during the planting and harvesting seasons they consume more. Now, on the basis of one seer of rice for the cultivating population and 10 *chittacks* for other population will strike an average of 13 *chittacks* per head which would require about 170 lakh tons. It is, therefore, clear that unless we can increase the yield to more than twice its present quantity, we cannot hope to make Bengal self-sufficient in rice even. The Hon'ble the Agriculture Minister proposes that the waste lands in Bengal, about 37½ lakhs of acres, should be cultivated under the "grow-more-food" campaign. I am afraid, however, that if it is intended to utilise all the reclaimed waste lands and forests for rice cultivation, the scheme would be a failure. I will remind the Hon'ble Minister that Bengal has suffered most on account of the denudation of forest areas and converting the lands into cultivated lands. Not only do we not get sufficient crops from the majority of the lands so reclaimed but deforestation brings in disaster to the province in the shape of high floods and erosion of lands. I hope I have said enough to induce the Hon'ble the Finance Minister to accept the amendment before the House. With these words, I support the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment of my friend Mr. Das. It is well known that the Floud Commission has recommended that the agricultural income-tax receipts

should be spent exclusively for the purpose of the improvement of agriculture; but there is no such provision in the Bill. The presence of the war has created so much dislocation and so much void in the financial circle, that there is some justification for the inclusion of such an amendment as this. Yesterday His Excellency the Governor in a radio talk disclosed that the Government of India had granted 10 crores of rupees to Bengal. So the immediate void that might have been created by the war has gone. There is no further urgency about the passage of this Bill. In the circumstances, there is no further justification for opposing this necessary amendment. In his amendment Mr. Lalit Chandra Das desires that the operation of this Bill should begin after the termination of the war. By that time our position would be much better. So there is no valid reason as to why this amendment should not be accepted. We are taxing agriculture and, in taxing agriculture, we are certainly taxing the patience of the people. The decision to spend the proceeds of the tax for improvement of agriculture would give the people some psychological compensation for the tax and make it less unbearable.

This is a new imposition and the people would likely take it as a *julum* on the part of Government. So, if you give the people something by way of sentimental consolation that will go a great way to relieve the dissatisfaction of the people. Then there is another aspect of the matter. If you spend the whole of this income for the improvement of agriculture, the agricultural income of the people would expand giving a larger tax yield. This tax would further improve agriculture which will again give you better yield in tax. Thus, by action and reaction the agricultural income of the people will increase and make them progressively prosperous. A great difficulty of the province is the dearth of food and if this amendment is adopted, I think it would considerably solve the food problem of the province. In the circumstances, I find no difficulty in the Hon'ble Minister's accepting the amendment and I would ask him to reconsider his decision and accept this amendment. The allocation of Rs. 10 crores by the Government of India has taken away all the urgency about the Bill. The great vacuum in the provincial finance is gone, and the grant of the subvention is no longer dependent on the passing of this badly drafted Bill. It should no doubt be passed but in a proper form. We can afford to wait for some time. Necessary amendments should therefore be accepted. The aloofness of the Minister in charge or his turning a deaf ear to all reasonable requests for improvement is no longer justified. The announcement has completely changed the situation. In these circumstances, may I ask the Hon'ble Minister to reconsider his decision because the urgency is gone, the gap is well filled up and now there is only the question of a normal passage of the Bill. Moreover, this Bill consists of serious errors and bad mistakes and therefore it is quite proper that it should be passed with necessary amendments. There is no hurry. After amendments accepted in this House the Bill will go to the other House. In this view of things there should be no fetters upon the supporters of Government and a fresh direction may be given to them accordingly. Now, Sir, he is unnecessarily gagging his supporters. Their talents and intelligence are simply being choked. In fact, their talents are practically being frozen as the United States Government some time ago froze the credit of the Japanese Government. A vast amount of talent is lying waste. The supporters of Government are simply reduced and confined to the task of interrupting the members of the Opposition. I hope the Hon'ble Minister will kindly come to the rescue of his supporters and give them some scope for discussion and debate. (Mr. Md. Habibullah Chowdhury: What are you there for?) An esteemed member asks why I am here. I am in the independent bench as independence is the cry of the day. Independence is our goal. The honourable member is welcome here. I have declared independence and have secured freedom of speech.

With these few words, I support the amendment.

Khan Bahadur M. A. MOMIN: Sir, the House will remember that at the time of the consideration of this Bill a lot of discussion took place round this very point and I explained to the House the reasons why in my opinion the ear-marking should not be done. I find that all those arguments have fallen on deaf ears; and the entire discussion today has centered round the Floud Commission Report on this point. I think it will be my duty to explain to the House what the Commission had in their minds when they made this recommendation——

Mr. SHRISH CHANDRA CHAKRAVERTI: The trouble is that what you say, you do not follow in action. You preach one thing but at the time of voting you go over there to vote.

Khan Bahadur M. A. MOMIN: At that time, we all saw that agriculture was being starved and Government did not spend enough money on agriculture. We also were not very much in favour of the agricultural income-tax as an intermediate stage between the abolition of the Permanent Settlement and the present state of things. We wanted the abolition of the Permanent Settlement altogether, so that there might be no intermediary between the actual tillers of the soil and the State. For several reasons, that recommendation was accepted but it was felt that it would perhaps be very difficult to carry that recommendation immediately. So as an *ad interim* measure it was decided to give some income to the Government by the imposition of the agricultural income-tax; but this was not a measure which we favoured and as such when we made this recommendation it was suggested that the income should be entirely devoted to agricultural improvement. The conditions which existed then do not exist now. As I said before, this agricultural income-tax will not bring us perhaps more than 50 lakhs of rupees which is nothing compared to the amount we require for all-round agricultural improvement. Besides the subvention we are getting from the Government of India on which very much stress has been laid, the Government of Bengal is making large and liberal grants from their own budget for the improvement of agriculture. Only on the irrigation side, a sum of nearly 1 crore of rupees has been allotted. Therefore, except merely for argument's sake I don't think the question of ear-marking a certain income will be of any importance at all. The members on the other side are strongly supporting this amendment. I do not know whether they are doing it only to embarrass the general revenues of Bengal or for the purpose of giving some relief to the agriculturists. If the latter is their intention, I think they have misjudged their recommendation. If you say that a particular income from the agricultural income-tax should be ear-marked for agriculture, naturally by implication the tendency should be to see that the Government get much from this source. Now, since the Floud Commission had finished its labours, Government is making large grants because they have realised that the prosperity of the whole country depends on the improvement of agriculture. I do not think you will be really doing any tangible good to agriculture by ear-marking the income from this tax. Mr. Das has suggested that this ear-marking should not be done now but after the war is over. We do not know in what position we shall be then after the war——

Mr. LALIT CHANDRA DAS: Sir, by way of personal explanation I would like to point out that I did not say that ear-marking should be made after the war. What I said was that it should find a place in the Statute Book now but the operation of it, so far as that amount is concerned, will be given effect to after the war.

Khan Bahadur M. A. MOMIN: Whatever it is, you do not know what will be the financial condition of the country after the termination of the war. As a matter of fact, at that time this Agricultural Income-tax Act may not exist and may quite probably have been discontinued. The whole revenue system will probably be in the melting pot and a new system will

have to be evolved if Bengal has got to advance and make progress. Therefore, this small matter will not affect either the income or the prospects of agriculture after the termination of the war. I think this insistence on the part of the Opposition on this particular point is quite out of place and unnecessary. You will not be doing any good by saying that this money must go over to the agriculturists thereby by implication taking away some sympathy from the general financial assistance of Government. As I have said, this Income-tax Act must, of necessity, be a temporary measure. Mr. Humayun Kabir will probably insist when the opportunity comes to him to speak that all this should be brushed aside and a revenue system should be proposed which would abolish the zemindary system altogether. I am entirely in agreement with him in this. The Floud Commission has recommended the abolition of the zemindary system and so has the Government. But to ear-mark any particular income at this very moment or even four years after is wrong finance, and will not do any good. In this respect reference to the Floud Commission is not quite apposite, because the Floud Commission made this recommendation only to make us agree to the scheme of taxation, for otherwise we would not have agreed to it. But those conditions do not exist at the present moment, nor will they exist after the war, and therefore the question of ear-marking is merely an eyewash and in this view the amendment should not be supported.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I ask the honourable gentleman who has just sat down as to whether this recommendation about the ear-marking of the proceeds of this tax for agricultural improvement was not intended to be carried out and that the members signed the report knowing full well that the recommendation was merely an eyewash?

Khan Bahadur M. A. MOMIN: No, it was intended to be carried out, if it were given effect to at the time when the recommendation was made. Now it is unnecessay.

Mr. HUMAYUN KABIR: I confess that the arguments which my honourable friend the Leader of the Coalition Party has advanced are not convincing. He has tried to state the reasons which have made him change his own opinion about the application of the income derived from the agricultural income-tax. He admits that he was a signatory to the report which clearly laid down that any income derived from the agricultural income-tax should be devoted to the improvement of agriculture. He has told us that there were two considerations which persuaded him to agree to that recommendation. According to him neither of those considerations exist today. I want first to point out to him that the two considerations that he has suggested are incompatible and cancel each other. His first suggestion shows that the recommendation of the Floud Commission to devote the proceeds of the tax to the improvement of agriculture and allied projects was governed by one consideration, namely, that the agricultural budget was small and therefore the proceeds derived from the agricultural income-tax should be devoted entirely to that purpose. The second consideration that he mentioned was that if such a recommendation had not been made, they would never have agreed to the scheme of a tax at all. Now, Sir, he has not made clear what is the connection between these two considerations. If he was against the agricultural income-tax, he should state his reasons. What is the reason? Was it because he wanted immediate abolition of the Permanent Settlement? Or was it that he did not want an agricultural income-tax? Till that point is made clear by him, I do not think that the second argument is of very great relevancy for this House.

With regard to his other point, Sir, at first sight it looks plausible. He argues, "Formerly the agricultural budget was small. When the Floud Commission's report was prepared and when they recommended that the entire proceeds of the agricultural income-tax should be devoted to the improvement of agriculture this was meant to remedy this deficiency. Now

that the agricultural budget has been increased, it is not necessary to devote the whole amount of the tax to agricultural improvement." This seems to be a more plausible argument than those of the Hon'ble Finance Minister. I would point out that though it looks plausible, it is after all specious. It is "plausible"—the very term "plausible" suggests it is not sound, but has the appearance of a "sound" argument. It is quite true that the size of the agricultural budget has been increased. It does not follow that the whole money of the agricultural budget has been devoted to the improvement of agriculture or to projects connected with agricultural improvement. As was pointed out by my honourable friend Mr. Bankim Chandra Mukherji, a good deal of the recent increase in the agricultural budget is due to the salaries and allowances of certain highly paid officers. There has been no well-planned project prepared by the present Government for the improvement of agriculture.

The point which I now want to impress upon the members opposite is this. Because the budget grant is larger today, that is no argument for refraining from ear-marking a larger amount for the development of agriculture. Nobody will disagree that a very large sum is required to meet the ravages of the famine of last year, a famine of a type which Bengal has never experienced before, and which has shaken the complacence of even this very complacent Government. For their equanimity and as part of self-laudation, they say that the proceeds of the agricultural income-tax will be much too small an amount to be devoted to agricultural projects and that they have allotted a much larger sum for this purpose. This increase in the agricultural budget is due to the pressure of the Legislature. Unless the Legislature forced this upon the Executive, they would not have moved. My honourable friends opposite know that whatever increase has been made in the size of the agricultural budget is due to the continued pressure of the Legislature and the public outside. In the past agricultural budget was very small. It is on account of the agitation in the Legislature and outside that the grant has now been increased.

Now, Sir, if this amount from the agricultural income-tax is devoted solely to the projects connected with agricultural improvement, that will go a long way, however small the amount may be. My honoured friend Khan Bahadur Momin said that if this money is devoted solely for the purpose of agricultural improvement, there will be a tendency not to allot any other money from the general budget for agriculture. I do not understand the logic of this argument. How it can be possible that if this money derived from agricultural income-tax is devoted to the improvement of agriculture, no other grants will be made for that purpose? What is the position of agriculturists so far as their contribution to the general revenues are concerned? The agriculturists in Bengal pay taxes in many ways. They pay rates, they pay cess—but these moneys are not ear-marked for their benefit. Then, they have to pay in other ways. I would refer to the police and the village chowkidar. The police and the chowkidar perform analogous duties, the chowkidar is after all the village police but the agriculturist has to pay special rates for having a village police. The citizens of Calcutta do not pay any special rate for the benefit of the police in Calcutta. For the smaller towns in the mofussil they have got the Bengal Police. The agriculturist on the other hand has to pay a special tax for the luxury, a doubtful luxury at that, of a village police which is often conspicuous by its absence in times of need. Now, my friends opposite will perhaps admit that these rents and rates are a part of the general revenues.

What is asked here is that the money derived from agricultural income should be devoted solely to the improvement of agriculture. There is no question of refusing grants from the general revenues. Then, again, there are, Sir, the proceeds which Bengal gets from the jute export tax. The agriculturist can legitimately claim that a share of this should be solely devoted to the improvement of agriculture. That also has not been done.

My honourable friend says that the agricultural income-tax receipts will come to Rs. 30 lakhs or Rs. 40 lakhs. Whatever it might be, if we set apart this amount solely for the purpose of agricultural improvement, would that be a ground to deprive the agriculturists from getting their portion from the general revenues that they used to get? I think this would be entirely wrong. I do not know whether it is his personal view or he is speaking here as the spokesman of Government. He is the leader of the Party which supports Government. I do not know whether it is the attitude of Government that if this income is ear-marked for improvement of agriculture, then no further sum from the general revenues of the province would be allotted for the improvement of agriculture. If that is also the attitude of Government, then the sooner such Government goes out of office, the better for the country.

The ear-marking of this income would only be an act of belated justice to the cause of agriculture which has been suffering from want of funds for such a long time. Therefore, the one argument which the honourable Leader of the Coalition Party has placed, namely, that ear-marking of this income will prevent a further allocation of funds, is not tenable for a moment. If he calmly considers what he has said, and I have very great confidence in his judgment and sobriety, he will find that this is an untenable ground. We on this side of the House have often benefited by his advice, but the regret is, as has been said by my honourable friend Khan Bahadur Naziruddin Ahmad, the Government is deliberately not allowing the talent and the ability of its supporters to make themselves felt for effecting improvement of this Bill. Many very valuable suggestions have been made by Mr. Nur Ahmed, who is just now going out of the House. He has tabled certain amendments which are of a very desirable character. There are one or two amendments of his, which if carried, would definitely improve the Bill; but simply out of *zid* or perhaps simply out of fear, the present Government are opposed to them. If one amendment is carried, the Government will have to face a place too hot for them. Simply out of that fear, they will not allow any amendment to be carried. I am constrained, Sir, to make this remark because of the attitude of Government. In view of the new development to which attention has been drawn by Khan Bahadur Naziruddin Ahmad, namely, the broadcast of His Excellency about the subvention of Rs. 10 crores, the question of urgency or hurrying with this Bill no longer remains. The Bill ought to emerge from the Legislature in a satisfactory manner. If that decision is taken, nobody will be able to contribute more to the improvement of this Bill than my honourable and esteemed friend on the other side, the Leader of the Coalition Party, if, of course, he is allowed to apply his unfettered judgment. Our regret is that is not a free agent here and when the legislators of a country are not free agents, it is a bad day for the country.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I rise to support the amendment. I do not know what is the source of information of Khan Bahadur M. A. Momin that the Bill will be a temporary one and that the income derived by taxation on agriculture will be in the neighbourhood of Rs. 50 lakhs. As you will perhaps remember, Sir, that during the last budget discussion, we failed to elicit from the Hon'ble the Finance Minister any information with regard to the actual amount that this tax is likely to fetch. We are in the dark as to how much will be available by taxing agricultural income and whether or not Government would be disposed to devote the entire amount to the improvement of agriculture or to projects connected with agriculture. Sir, we——(Mr. RANAJIT PAL CHOWDHURY: The income will be spent on red-tapism.) No, on the distribution of patronage to the supporters of the Ministry. Sir, we all know that when the Indian Income-tax Act was passed or when it was under discussion in the Central Legislature, we were given to understand that it was a famine measure, a temporary measure, and that after the lapse of a certain number of years it would be repealed. But what we actually find today? It has

been placed permanently on the Statute Book. I have very little faith in promises. Therefore, it is very necessary that some provision should be made in the Bill which will compel Government to spend the amount for agricultural improvement. Sir, it is well-known that the Department of Agriculture has not been functioning properly. We have a laboratory at Dacca with a number of highly paid experts who have been carrying on experiments for years, but what is the result? What tangible benefit has been derived from all this costly paraphernalia? There has been no improvement of agriculture in this province. We find that experts are making experiments within the four corners of the laboratory but the results of their research seldom reach the actual cultivators. Experiments are being made regarding manure, agricultural implements, tractors and all sorts of things; but the problem is of such magnitude that it is very difficult to effect any radical improvement in agriculture overnight. In a country where the land is divided by so many *aisles* or ridges, tractors cannot at all be used. If there had been a farming system in this country on a wide scale, then the use of tractors might be possible.

Now, Sir, on many a previous occasion we had to discuss the great injustice that had been done to the Province of Bengal by the Meston Award. Although the Meston Award has since been modified and a slight improvement has been effected by the substitution of the Niemeyer Award, yet much remains to be done in the direction of giving financial relief to the province. It was argued at that time that Bengal's share of the jute export duty which the Central Government had been pleased to give us was not being spent for the improvement of agriculture as had been expected and who knows that the money that may be available by taxing agricultural income will be devoted entirely to agricultural improvement? That is why my friend Mr. Mazumdar wants it to be incorporated in the body of the Bill itself in order to ensure that the money may be spent for the purpose for which it is intended. I would in this connection invite a reference to the Floud Commission's report. Sir, the Government will have no justification in spending the money on projects other than agriculture. If it is the intention of the Government to spend this amount only in maintaining some highly paid officers, on the expansion of the Civil Supplies Department and on other departments that may hereafter be established and on the distribution of patronage among the adherents and supporters of Government, I don't think we on this side of the House will be justified in giving our support to the Bill. Sir, we want to make it perfectly clear that the amount obtained by taxing agricultural income should be spent for the improvement of agriculture. With these words, I support the amendment.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Mr. President, I support the amendment moved by my friend Mr. Haridas Mazumdar and also by Mr. Lalit Chandra Das. It is true that the income derived from this will be not more than 40 or 50 lakhs of rupees, as was stated by Khan Bahadur Abdul Momin and that Government is devoting more money at present to the Department of Agriculture. But I want to support the amendments on principle and the principle is that the agriculturists must be convinced that the taxes that are being imposed upon them at this time will be spent for them and for them alone. It is something like giving with one hand what you are taking with the other. It is true that all taxes are of that nature, and involve the principle of taking with one hand and giving it away with another; but if this income is ear-marked for the benefit of agriculturists and the improvement of agriculture, then that will be more convincing and may directly help the agriculturists. I therefore want that the income which is derived from the tax should be ear-marked specifically for the betterment of the agriculturists and not for any other purpose and should not go to general administration. Now, it is true that Government is at present spending much more money for the improvement

of agriculture than it used to do because there is this shortage of food and rice and for the encouragement of the grow-more-food campaign; but it may be that when these objects are attained they will slacken off. Therefore, I think that if this amendment is accepted, then it will go a long way to help the agriculturists permanently; moreover, they will see that they are not paying to the Government in vain for whatever they are paying as tax is returned to them in an indirect manner.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, I will not waste much time of the House, but I shall finish my remarks in a few sentences. I will supplement what Mr. Kabir has said with regard to the principle of ear-marking a particular tax for a particular purpose. The Hon'ble Finance Minister is no doubt aware that the tax raised by the import duty on radio sets is all ear-marked and spent on development of broadcasting business. So there you are. That is a specific instance which shows that a specific tax may be raised for a specific purpose. Secondly, it is true that the Government of India is giving maximum financial help to help the Bengal agriculturists; but why not ear-mark a portion of the tax that you are going to levy on the small and big landlords and the tea garden companies to enable them to start small agricultural model farms for the benefit of their tenants? Why not similarly ear-mark a small portion of this tax for the tea planters, say, the Tea Planters' Association and Jalpaiguri and other Planters' Association? They are making experiments for making or turning out tea seeds, tea bricks for their business. Why not give some money to these Associations for conducting their researches and experiments on this line out of the tax that will be imposed upon them? Good tea seeds are essential for tea industry and good seeds for paddy and other crops are equally important. Therefore, I would suggest that the money raised from this tax may very well be spent for subsidising the small scale agricultural schemes of small landlords and *jotedars* in the villages. It is very difficult for Government agricultural farms to reach the villages. Government have central farms at Chinsurah and Dacca and elsewhere; but they cannot start small farms in groups of villages themselves. So small subsidies may be given from the income of this tax to reliable landlords and *jotedars* for the improvement of agriculture, for distribution of seeds to their tenants. Similarly, a portion of this money may be given to the tea planters for the benefit of tea industry—for the improvement of tea seeds, and for experiment to improve the quality of seeds—the experiments are now being made in and other parts of the province.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, at an earlier stage in the discussion of this Bill, I spoke at some length on the question before the House today. I think it will be better if I confine myself to one or two new points which were raised in the course of the discussion this afternoon.

Reference has been made to His Excellency the Governor's broadcast talk last night in which he repeated what I had announced to the House a week ago and which had been announced in the Press some time ago, namely, that the Government of India had agreed to give us an overall subvention of Rs. 10 crores. It was argued on the other side of the House, on the basis of this announcement, that there was no more cause for hurrying this Bill through the Legislature. I would respectfully draw the attention of the honourable members to a short sentence in His Excellency's broadcast talk which almost immediately followed the announcement about the subvention of 10 crores of rupees. With his precision of language His Excellency pointed out very cogently the necessity of passing the Agricultural Income-tax Bill by the Legislature. I hope honourable members realise the significance of that remark in the context in which it appears. I was rebuked for having interrupted my honourable friend Mr. Lalit Chandra Das and for having asked him, "Are you satisfied with 10 crores"? I certainly am not, Sir.

And it is abundantly clear from His Excellency's broadcast talk that he too is not entirely satisfied. He pointed out quite rightly that even with this subvention Bengal would not be as well off as most of the other provinces in India. That again is a significant remark.

As regards expenditure on agriculture, my honourable friend Mr. Bankim Chandra Mukherjee referred to certain figures in the Red Book relating to the current year's budget. I would ask him to read the book more carefully. As I want to economise time, I would like to say only this, that even in the Red Book he will find expenditure on irrigation which must be regarded as ancilliary to agriculture. I may also tell you that during the current year we are going to spend a crore of rupees over and above the amounts mentioned in my budget in connection with only one aspect of rehabilitation; and that aspect concerns agriculture and irrigation connected with agriculture. Tank irrigation alone will cost us over Rs. 10 lakhs and other small the irrigation projects will cost us over Rs. 26 lakhs. And so on. I had intended, Sir, to bring with me a fuller statement of the amounts that are going to be spent in the course of this year on projects connected with the development of agriculture, including, of course, irrigation; but I did not find the time to collect all the figures. I may say that most of the projects have matured and some have been actively taken in hand. I hope in the not distant future to be able to furnish honourable members with a statement showing how many crores of rupees we propose to spend in connection with projects calculated to improve agriculture in this province. Sir, it may be said that this year's expenditure is abnormally liberal, that we have embarked on what economists would call an "expansionist policy," as distinguished from a "contractionist policy". But the fact is that we have already decided to spend a large amount of money on agriculture and on projects connected with agriculture; and therefore there is no point in earmarking the proceeds of the agricultural income-tax to be spent on the improvement of agriculture. Sir, I explained last time why I consider earmarking as "bad finance." I need not repeat myself. An honourable member on the other side of the House mentioned the case of the money that is realised from licences of radios as a precedent which I might profitably copy. I will just point out that the radio business is a commercial concern. The scheme of the development of the radio is on a commercial basis and therefore this analogy does not apply to the present case. Agricultural development is one of the nation-building activities of Government and I am certain that even this year we shall repair the liabilities of neglect of past years, and I hope by the time we lay down our office we shall leave to our successors a happier and more prosperous Bengal.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise on a point of information. From the statement which the Hon'ble the Finance Minister has just made it appears that there is a provision for irrigation which is connected with agriculture. Now, may I ask him whether or not it is a fact that all expenditure regarding irrigation which would go to supply water to the agriculturists are being recouped in the shape of rates to be realised from the agriculturists?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, it is beside the point. The position exactly is whether you have remunerative irrigation or not, and the expenditure has got to be incurred in the first instance for irrigation projects. The particular projects which I have in mind are projects which will not be remunerative in themselves and which will be recouped thus.

Mr. PRESIDENT: Order, order. Mr. Haridas Mazumdar has moved an amendment which runs as follows: that after sub-clause (3) of clause 1 of the Bill, the following new sub-clause be added, namely:—

"(4) That the income derived from it shall be applied solely for the improvement of agriculture or for projects connected with agricultural improvement."

Since which an amendment has been moved by Mr. Lalit Chandra Das, namely, that after the word "improvement" in the last line the words "after the cessation of war" be added.

The question before the House is, that the amendment be made.

The question being put, a division was challenged and taken with the following result:—

AYES—16.

Rai Bahadur K. C. Banerjee.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. L. C. Das.	Mr. B. C. Mukherjee.
Mr. B. C. Datta.	Mr. R. Pal Chaudhuri.
Mr. N. C. Datta.	Rai Sahib J. N. Ray.
Mr. K. K. Dutta.	Mr. A. D. Roy.
Alhadj Khan Bahadur Shaikh Mohamed Jan.	Mr. B. K. Roy Chowdhury.
Rai Bahadur B. M. Maitra.	Khan Sahib Maulvi Wahiduzzaman.

NOES—29.

Khan Sahib Fariduddin Ahmed.	Mr. Latafat Hossain.
Mr. Mesbahuddin Ahmed.	Mr. Mohamed Hossain.
Mr. Nur Ahmed.	Maulana Mohamed Akram Khan.
Khan Sahib Nurul Amin.	Mr. W. B. G. Laidlaw.
Khan Sahib Abdul Aziz.	Mr. Abdul Latiff.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. Moazzemali Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Mr. T. B. Nimmoo.
Mr. Mohamed Habibullah Chowdhury.	Khan Bahadur Mukhlesur Rahman.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. Labanyaprobha Dutt.	Khan Bahadur M. Shamsuzzoha.
Mr. R. W. N. Ferguson.	Mr. J. W. R. Steven.
Khan Bahadur Abdul Gofran.	Dr. Kasiruddin Talukdar.
The Hon'ble Khan Bahadur S. M. Hosain.	

Mr. PRESIDENT: Order, order. The House has divided. The Ayes—16; the Noes—29. Therefore, the amendment is negatived.

Mr. PRESIDENT: The House stands adjourned till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Wednesday, the 12th of July, 1944.

Members absent.

The following members were absent from the meeting held on the 11th July, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. Kader Baksh.
(3) Mr. Hamidul Huq Chowdhury.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. Khorshed Alam Chowdhury.
(6) Mr. Naresh Nath Mookerji.
(7) Mr. R. S. Purssell.
(8) Dr. K. S. Ray.
(9) Mr. S. N. Sanyal.

BGP-44/5-8344A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 57.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 12th July, 1944, at 3 p.m., being the fifty-seventh day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. LALIT CHANDRA DAS: May I draw your attention to the fact that we have not any questions before us today?

Mr. MESBAHUDDIN AHMAD: Simply because there are no questions to be answered today.

Mr. LALIT CHANDRA DAS: Notwithstanding the fact that there are several questions still to be answered?

Mr. PRESIDENT: It is nothing unusual, Mr. Das, to have no questions on a particular day.

Mr. LALIT CHANDRA DAS: Yesterday, too, we had no questions so to say, there being only one.

Mr. PRESIDENT: Yesterday I did not put the original amendment of Mr. Haridas Majumdar but put only the amendment thereto moved by Mr. Lalit Chandra Das. I will put the original amendment to vote now.

The question before the House is that after sub-clause (*3*) of clause 1 of the Bill, the following new sub-clause be added, namely:—

> "(4) That the income derived from it shall be applied solely for the improvement of agriculture or for projects connected with agricultural improvement."

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 1 stand part of the Bill.

The motion being put, a division was challenged and taken with the following result:—

AYES—29.

Khan Sahib Fariduddin Ahmad.
Mr. Mesbahuddin Ahmed.
Mr. Nur Ahmed.
Khan Sahib Nurul Amin.
Khan Sahib Abdul Aziz.
Mr. D. L. Barua.
Mr. Moazzemali Chowdhury.
Khan Bahadur A. H. Chowdhury.
Mr. Muhammad Habibullah Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen.
Mrs. K. D'Rozario.
Mrs. L. P. Dutt.
Khan Bahadur Abdul Gofran.
The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Latafat Hossain.
Mr. Mohamad Hossain.
Maulana Muhammad Akram Khan.
Mr. W. B. G. Laidlaw.
Mr. Abdul Latiff.
Khan Sahib Subidali Mollah.
Khan Bahadur M. A. Momin.
Mr. T. B. Nimmo.
Khan Bahadur Muklesur Rahman.
Rai Bahadur R. B. Roy.
Mr. Yakub H. S. Sattar.
Khan Bahadur M. Shamsuzzoha.
Mr. J. W. R. Steven.
Dr. Kasiruddin Talukdar.

NOES—13.

Rai Bahadur K. C. Banerji.	**Rai Bahadur B. M. Maitra.**
Mr. S. C. Chakraverti.	**Mr. H. D. Mojumdar.**
Mr. L. C. Das.	**Mr. N. N. Moholanabish.**
Mr. B. C. Datta.	**Mr. B. C. Mukherji.**
Mr. N. C. Datta.	**Mr. R. Pal Chaudhuri.**
Mr. K. K. Dutta.	**Mr. A. D. Roy.**
Mr. Humayun Z. A. Kabir.	

Mr. PRESIDENT: Order, order. The House has divided. For the motion—29; against the motion—13.

The motion is, therefore, carried.

Mr. PRESIDENT: A point of privilege was raised by Mr. Kamini Kumar Dutta yesterday as to whether any non-official member can be allowed to speak after the Hon'ble Minister in charge of a Bill has wound up the debate on an amendment. I have looked up that point. The amendment is not a substantive motion and each member can speak only once. There is no right of reply either for a Government member or for a non-official member. The only rule is that the mover of the amendment should speak first and that has been the invariable practice. As a matter of convenience, the Minister in charge has always been allowed to speak last on two grounds; first of all, that there must be a finality to the debate and secondly, that the Government should be in a position to reply to the various points that might be raised by members of the Opposition. That practice has worked quite satisfactorily up till now. But this is merely a convention and not an inflexible rule. Under special circumstances the Chair can relax that rule, but I think that the practice which is old and a salutary one should be adhered to as far as possible.

Clause 2.

Mr. PRESIDENT: Clause 2 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move the amendment that stands in my name, namely, that in sub-clause (1)——

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise on a point of order and it is with regard to how the amendment should be worded. The word used here is "deleted", but I think the better expression would be "omitted". I have looked into the authorities on this subject. Although my amendment may have created some amusement to some of the honourable members, still I believe that my suggestion is much better from the point of view of uniformity. So far as the Central Acts are concerned, that is not the word used——

Mr. PRESIDENT: What is your point of order?

Khan Bahadur NAZIRUDDIN AHMAD: My point of order is: that the word "deleted" should be replaced by the word "omitted" in order to be uniform with other Acts.

Mr. PRESIDENT: That is not a point of order. It merely concerns the wording of the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: That is a mistake of the Council Office.

Mr. PRESIDENT: I do not think so. Office simply quoted the language used by the honourable member.

Khan Bahadur NAZIRUDDIN AHMAD: In many cases the original words have been departed from in the office, and it seems a new practice has been started there in this matter. The word "deleted" is not a proper expression at all; it is generally used in proof corrections.

Mr. PRESIDENT: How does it arise? Mr. Mukherjee sent his amendment in that form and it has been printed in that form. It is not a point of order. You may go on, Mr. Mukherjee.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. The word used here is rent "or revenue". But revenue is not agricultural income. So it is illegal, for revenue cannot be taxed. I say that our right to impose a tax on agricultural income is given to us by item 41 of the Seventh Schedule to the Government of India Act, 1935, Part II. Again, revenue is not income. We can tax agricultural income, we can tax land and that which is directly obtained from land by selling crops and getting prices for them, and all that sort of thing. But that which is revenue cannot be taxed, for it is not agricultural income. Therefore, the use of the word "revenue" in this connection is illegal and should not find a place in our Bill. It is *ultra vires* of the legislature, I should say. That is my point of order, Sir.

Mr. PRESIDENT: I do not think it is a point of order, because the Bill has already been admitted. You cannot raise such points of order on separate portions of the Bill. Go on with your speech, Mr. Mukherjee.

Mr. LALIT CHANDRA DAS: I want a ruling from you, Sir, on my point of order as to whether we have a right to tax "revenue"; whether the Bengal Legislature has a right to legislate imposing a tax on revenue. That is what I am trying to drive at, Sir. In terms of item No. 41 of the Seventh Schedule to the Government of India Act, 1935, we have got the right to impose an agricultural income-tax or to charge the income derived from land or even the income derived directly from land, but surely, not revenue. We have not got the right to legislate on that matter. That is my point of order, and I want your ruling on this point of order.

Mr. PRESIDENT: Mr. Das, with regard to the point raised by you, I would refer you to the definition of the term "Income" in the Central Income-tax Act. There, in the Explanations it is laid down in (*1*)(*a*) "agricultural income" means any rent or revenue derived from land which is used for agricultural purposes; and exactly that is what is inserted here.

Mr. LALIT CHANDRA DAS: Is it your ruling that the word "revenue" can be used?

Mr. PRESIDENT: Yes.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in sub-clause (*1*) of clause 2 of the Bill in paragraph (*a*), the words "or revenue" in line 1 be deleted.

Sir, it appears that the framers of the Bill looked to the definition as is given in the Indian Income-tax Act and have practically tried to copy it out from that provision. Now, we are not concerned with that Act for our present purposes. What I am submitting for the consideration of the honourable members of this House is this: the word "revenue" has a special meaning in relation to the land-revenue system of Bengal. We know that the Permanent Settlement is not prevalent in all the provinces of India. Therefore, the definition as given in the Indian Income-tax Act——

Khan Sahib FARIDUDDIN AHMAD: On a point of order, Sir. After the ruling from the Chair can there be any discussion on this point? That would practically be discussing your ruling.

Mr. PRESIDENT: He is developing his argument in support of his amendment.

Mr. BANKIM CHANDRA MUKHERJEE: I am using this argument in support of my amendment and I do not think the honourable member who interrupted me has quite appreciated what I said, and without

trying to understand what I really meant he raised the point of order. I am sorry, Sir, that members supporting the Government are not in a mood to hear any argument in support of any amendment from this side of the House, whether good, bad or indifferent. So far as the word "revenue" is concerned, what I submit for the consideration of the honourable members of the House is that it has a particular meaning so far as the land revenue system in Bengal is concerned. The word "revenue", the honourable members will find, has been used in various places in the Bill. For instance, in clause 2, sub-clause (*1*)(*c*) the word "revenue" occurs and in various other clauses this word has been repeated. I may also remind the honourable members of the definition of the word "revenue" in Act VII of 1868. In section 1 there, the honourable members will find that the word "revenue" has been defined to mean the revenue which is payable to the State by the landlords with whom Permanent Settlement has been made—either zemindar or talukdar. That is the definition in section 1 of Act VII of 1868. Now, if we look to the proviso of clause 3 of the Bill we find the following provision:—"Provided that agricultural income-tax shall not be charged on the agricultural income of the Central Government or any Provincial Government or any local authority". If that provision stands, then I will submit that revenue which is derived from agricultural lands is excluded altogether, according to the definition of the word "revenue" and according to the meaning of the word "revenue". As I have stated, in the land revenue system of Bengal it means the amount which is paid by the landlords to the State. According to sub-clause (*1*) of clause 2, agricultural income means any rent or revenue. I submit, Sir, this would introduce a word in the legislative provision which would make it inconsistent with the provision contained in the proviso to clause 3. I submit that the word "revenue" really means the revenue which the State is entitled to from the holders of land with whom the Permanent Settlement has been made. If that is so, then if we look to the list in the Seventh Schedule to the Government of India Act which provides or which empowers the Provincial Legislature to levy income-tax, it really does not come within the——

Mr. PRESIDENT: Mr. Mukherjee, in this connection, I would draw your attention to section 141 of the Government of India Act.

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir, I am going to refer to that section. I have got that in mind. Now, if we look to section 141 as has been pointed by you, Sir, it says——

> "No Bill or amendment which imposes or varies any tax or duty in which Provinces are interested, or which varies the meaning of the expression 'agricultural income' as defined for the purposes of the enactments relating to Indian income-tax, or which affects the principles on which under any of the foregoing provisions of this chapter moneys are or may be distributable to Provinces or States, or which imposes any such Federal surcharge as is mentioned in the foregoing provisions of this chapter, shall be introduced or moved in either Chamber of the Federal Legislature except with the previous sanction of the Governor-General in his discretion."

This is the only section which is relevant so far as this matter is concerned. Now if we look, Sir, to the Indian Income-tax Act which is referred to under section 141 of the Government of India Act, we find that so far as agricultural income is concerned, the definition is "agricultural income", which means——

> "any rent or revenue derived from land which is used for agricultural purposes, and is either assessed to land-revenue in British India or subject to a local rate assessed and collected by officers of the Crown as such."

Now, Sir, I began by saying that the Indian Income-tax Act applies to all the provinces in India. It is not meant for Bengal alone and therefore the word "revenue" is an appropriate word but——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the honourable member is wasting the time of the House.

Mr. BANKIM CHANDRA MUKHERJEE: No, Sir, I am not wasting the time of the House. The Hon'ble President was busy talking to the Hon'ble the Chief Minister and was not listening to my speech. Therefore, I stopped my speech for the time being, because it relates to a very important point.

Mr. PRESIDENT: I am listening to you very carefully, Mr. Mukherjee.

Mr. BANKIM CHANDRA MUKHERJEE: No, Sir, you were talking to the Chief Minister.

Mr. PRESIDENT: You do not stop your arguments in the High Court even when you feel that the Hon'ble Judges are not listening to your arguments.

Mr. BANKIM CHANDRA MUKHERJEE: But, here it is a different thing altogether. In such cases, we repeat our argument and I will do the same here.

Now, Sir, referring to section 141 of the Government of India Act, we find the following provision:—

> "No Bill or amendment which imposes or varies any tax or duty in which Provinces are interested, or which varies the meaning of the expression "agricultural income" as defined for the purposes of the enactments relating to Indian income-tax, or which affects the principles on which under any of the foregoing provisions of this chapter moneys are or may be distributable to Provinces or States, or which imposes any such Federal surcharge as is mentioned in the foregoing provisions of this chapter, shall be introduced or moved in either Chamber of the Federal Legislature except with the previous sanction of the Governor-General in his discretion."

I submit that does not really affect the question which I am now placing for the consideration of the House. The word "agricultural income" has been defined in the Indian Income-tax Act, 1922, section 2(*1*) and there we find the definition of agricultural income to be "any rent or revenue derived from land which is used for agricultural purposes, and is either assessed to land revenue in British India or subject to a local rate assessed and collected by officers of the Crown as such". The definition as given in the Indian Income-tax Act does not seem to take any notice of the implications which are contained in section 141 of the Government of India Act. The amendment which I am proposing does not in any way affect the provisions of section 141 of the Government of India Act. What I propose therein is that the words "or revenue" should be deleted; because according to the system of land revenue as I have stated before and as is prevalent in Bengal, the word "revenue" has acquired a special meaning. It means the amount paid by a person holding land directly under the Provincial Government or the person who pays revenue out of rent collected by him. Now, if neither the Central Government nor the Provincial Government are to be charged with regard to revenue which they derive from the zemindars and talukdars as they are called, I submit that the word "or revenue" which occurs in sub-clause (*1*) of clause 2, should not at all find a place because that would mean that you are going to assess this income-tax on revenue which is paid to the Provincial Government by the owners of land. I particularly use the word "owners of land" because I do not think that anywhere in the Act the framers of the Bill have assessed any tax on the revenue which the

Provincial Government derive from the owners of land. As a matter of fact, it is expressly excluded from the proviso to section 3. Therefore, my submission is that as the word "revenue" occurs in various places in the Bill and in order that the Bill may come out in a perfect form, the word should not be introduced in the definition of the word "agricultural income" in the Bengal Agricultural Income-tax Bill. It is not in any way affecting the provisions of section 141 and therefore I submit that there is nothing wrong in the amendment that I have moved. As a matter of fact, the amendment seeks only to make the Bill perfect and I am sorry that the Legislative Department of the Bengal Government—I lay stress on the word "Bengal Government"—did not notice this fact. As I have already said, if the definition of the word "revenue" is looked to in Act VII of 1868 and in the various Regulations from No. 1 of 1793 onwards, honourable members will find that the word "revenue" is invariably used for the purpose of denoting the amount which owners of land have to pay to Government. With these words, I move my amendment and commend it to the acceptance of the House.

Mr. PRESIDENT: Amendment moved that in sub-clause (*1*) of clause 2 of the Bill in paragraph (*a*), the words "or revenue" in line 1 be deleted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. It is well known that so far as the Province of Bengal is concerned, the word "revenue" always means revenue payable by the subject of the State, but so far as other parts of India is concerned that is not so. The reason is very well known. It is embedded in the revenue history of this province. Originally it was the law that the tenant paid rent directly to the State. There was no distinction between rent and revenue at that time. Then, during the Moghul period the zemindari system was created and at the time of the Permanent Settlement there was the provision that the tenant should pay rent to the landlord and the landlord paid revenue to the State——

Mr. PRESIDENT: Khan Bahadur, I think that is irrelevant. You had better come back to the amendment. You need not go to the history of the Permanent Settlement.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, it was a momentary contact with the past and I was coming forward to the present time. The point that I was going to make out was that there was no distinction between "rent" and "revenue" prevalent in any other part of India. The word "revenue" was first used in the famous Amini Report in 1778—long before the Regulation of 1793. Now in Bengal and Bihar where the Permanent Settlement is in force, the word "revenue" has a special meaning, namely, what is paid to the Government. So it is impossible to retain the words "or revenue" in the Bill. Mr. Mukherjee has attempted to explain that revenue is received by the Government. It is unmeaning on the part of the Legislature to provide that the Finance Department should tax the Revenue Department for the receipt of land revenue: that is unthinkable. Probably the Revenue Department felt the difficulty that there was the definition in the Indian Income-tax Act. In fact, the definition in this Bill is a mere *verbatim* copy of the definition of the Indian Income-tax Act. But, as I have said, so far as Bengal is concerned, our history has given only one meaning to the word "revenue" and that revenue cannot be taxed. The question is: whether we will be justified in copying the Indian Income-tax Act without trying to adapt it to the conditions of Bengal. I have definite authority that such adaptation will not be against the law. I have the decision of the highest court of the land, namely, the Federal Court, on this point. In the Bihar Act, they omitted the word "revenue".

The House would be pleased to take into consideration the definition of agricultural income as given in the Bihar Act. There, the word "revenue"

was omitted and this matter then went up to the Federal Court. This case is reported in 1942 Federal Court Report at page 1. In that case, the question arose as to whether by the omission of the word "revenue" from the definition of the Indian Income-tax Act, which is supposed to be sacrosanct, the enactment became illegal. The Federal Court held that the omission of the word "revenue" was a mere adaptation of the language in the Indian Income-tax Act to the needs and conditions of Bihar and we all know that the revenue history of Bihar and Bengal is the same. So, there is no point in merely copying the definition without looking into the circumstances which prevail in Bengal. Now, an anomaly of the worst type would be avoided if we omit the expression. Nothing would be lost and the Bill will be legal, as has been held by the Federal Court. Sir, may I hand over the Report to you? I have the ruling of the Federal Court with me.

Mr. PRESIDENT: It is not necessary; you better go on.

Khan Bahadur NAZIRUDDIN AHMAD: Therefore, I submit that if this word is expunged, it would make things logical; it would make the Act symmetrical and identical with the ideas prevailing here. As to the connotation of the definition, there is a book by Dr. Sachin Sen according to which the word "revenue" in Bengal always means revenue paid by the subject to the State. And you cannot tax this revenue. I, therefore, submit on question of logic as well as on authority that the best thing we can do is to accept the amendment.

With these few words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, by this amendment the honourable member wants to change the definition of the term "agricultural income". The definition is given in section 311 of the Government of India Act, 1935, read with section 2 of the Indian Income-tax Act and is protected by section 141 of the Government of India Act, 1935. This definition is binding on the Provincial Legislature. We had considered this point very carefully. The Advocate-General expressed the opinion that to attempt to alter the definition would be "dangerous and illegal". Those were the very words used by the Advocate-General. We have, therefore, copied that definition *verbatim* in this Bill. I would like to point out that "revenue" in the particular Act of 1868 has a special meaning with reference to that Act alone. I have noticed on past occasions my honourable friend, Mr. Bankim Chandra Mukherjee, quoting from his dictionary. I hope he uses a good dictionary; and if he looks up a good dictionary, he will find that "revenue" means "income". And here we are trying to tax income which is neither rent nor an income assessable under the Central Income-tax Act.

Mr. BANKIM CHANDRA MUKHERJEE: On a point of personal explanation, Sir. The Hon'ble the Finance Minister was referring to the dictionary meaning of the word "revenue", but the Hon'ble Minister raised that in connection with the definition of the word which is an accepted interpretation in the legislation of the Province. That definition should be accepted and not the dictionary meaning of the word.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, as I have already said, that definition applies to the subject-matter of that particular legislation, namely, land revenue, and has no reference to other legislative measures. That point is perfectly clear.

One might even suspect that by this amendment an attempt is being made to exclude certain incomes derived from land from the purview either of the Bengal Agricultural Income-tax Act or of the Indian Income-tax Act. For instance, *salamis*, which are not rent. Perhaps also an income from forests. I would further point out that Bihar nearly got into trouble by trying to change the definition of agricultural income as given in section 2 of the Indian Income-tax Act. The Bihar Act speaks of "any rent or

income" and the Bihar Government got into trouble over that. They went to the Federal Court and the Federal Court saved the Bihar Act by interpreting that "income" there meant "revenue". I have got the report of the Bihar case with me here, but I need not waste the time of the House by reading out the judgment. I submit that it is not only safe and prudent for us to adopt the definition given in the Indian Income-tax Act but that there is no escape from it. Therefore, I oppose the amendment not in pursuance of a policy of defeating every amendment of the Opposition—but with a clear judicial and legal conscience.

Khan Bahadur NAZIRUDDIN AHMAD: I rise on a point of information, Sir. As I have no right of reply, that is the only way by which I can obtain some amount of information from the Hon'ble Minister. May I ask the Hon'ble Finance Minister if the word "revenue" is intended to convey the idea of an income that is sufficient to cover any income derived from such land? If it is so, then would not the word "revenue" in that section be superfluous? The other point of information is: that in Bihar they deleted the word "revenue" and they nearly got into trouble and went up to the Federal Court which saved them. I have got the judgment in that case with me also. In the circumstances, would not the opinion of the Advocate-General and the Law Officer of the Crown be re-considered? I hope the Hon'ble Minister will explain the difficulties which I feel.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I do not propose to lay up store for future trouble. Therefore, I propose to adopt the safer and more prudent and, in my opinion, the inescapable course of adopting the definition, *verbatim*, as given in section 2 of the Indian Income-tax Act.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, may I rise on a point of information?

Mr. PRESIDENT: I am afraid I cannot allow you to rise on a point of information, one after another.

Order, order. The question before the House is: that in sub-clause (*1*) of clause 2 of the Bill in paragraph (*a*), the words "or revenue" in line 1 be deleted.

(The amendment was negatived.)

Mr. PRESIDENT: Khan Bahadur Naziruddin Ahmad.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*1*) of clause 2 of the Bill, in paragraph (*a*), after the word "land" in line 1, the words "in Bengal" be inserted.

The reason that I have in my mind in proposing this amendment is that the definition is rather too wide. It includes income from lands throughout the world, but obviously land in Bengal is meant. In these circumstances, by the introduction of these two words "in Bengal" the needlessly wide character of the definition would be circumscribed. This is an adaptation to the needs and requirements of Bengal and I do not think it would make the Bill illegal. If this amendment is accepted, it will narrow down the definition to the needs of the case. With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*1*) of clause 2 of the Bill, in paragraph (*a*), after the word "land" in line 1, the words "in Bengal" be inserted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 2 of the Bill, in paragraph (*a*) of sub-clause (*1*), for the words "officers of Crown" in line 5, the words "Provincial Government" be substituted.

Sir, the expression "officers of the Crown" is very ambiguous. In fact, there has been some amount of difficulty in interpreting this expression. This expression appears in some of the Ordinances and the question has arisen as a practical proposition as to whether police officers, civic guards, A.R.P. men are officers of the Crown within the meaning of the Essential Service (Maintenance) Ordinance, 1941. The argument advanced against this view is that officers of the Crown are mentioned in an appropriate part of the Government of India Act. It includes persons and officers who are appointed by the Secretary of State. The expression servant of the Crown has created some amount of difficulty and the matter has been referred to the Government for opinion. The point is causing some amount of anxiety. The question is: whether, after provincial autonomy, any officer who is not a member of the Indian Civil Service or any officer not appointed by the Secretary of State is an officer of the Crown or of the Provincial Government. The question of provincial autonomy enters largely into this question, for provincial autonomy would be a farce if officers of the Crown are to include officers of the Provincial Government. In these circumstances, I submit that it would be safer—as the Hon'ble the Finance Minister likes to be safer—it would be safer to use the expression "Provincial Government". That would be easy of acceptance by the House and in that case there would be no trouble at all. Therefore, this amendment is calculated to improve the Bill and will also remedy some of the doubts and difficulties in the Bill.

Mr. PRESIDENT: Amendment moved: That in clause 2 of the Bill, in paragraph (*a*) of sub-clause (*1*), for the words "officers of the Crown" in line 5, the words "Provincial Government" be substituted.

Rai Bahadur KESHAB CHANDRA BANERJEE: I rise to support the amendment. The Khan Bahadur has rightly said that the words "officers of the Crown" may lead to difficulty in the actual operation of the Act. We are concerned with the Provincial Government. Officers of the Crown may be officers of the Government of India; but as we are concerned only with the Provincial Government and not with the Central Government, I do not think there can be any reasonable objection to the substitution of the words "Provincial Government" for the words "officers of the Crown" and I hope the Hon'ble Finance Minister will readily accept the amendment.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment moved by my friend Khan Bahadur Naziruddin Ahmad. The amendment seeks not only to improve the provisions of the Bill, but I submit the amendment seeks to remove a defect which is patent in the wording as incorporated in the Bill itself. Agricultural income means any rent or revenue derived from land which is used for agricultural purposes and collected by officers of the Crown. I leave out the other portions which are not relevant for my present purpose. As the honourable member moving the amendment pointed out, the "officers of the Crown" may even include a police officer. Now, Sir, it means that a police officer can realise the amount of tax and apparently for that purpose that is included in the definition. I submit that it is an absurd proposition which ought to be looked into very carefully. The word "Crown" has been used in the Government of India Act in various places. If we look to section 2 of the Government of India Act, 1935, we find it stated: "provided any powers connected with the exercise of the functions of the Crown". There the word "Crown" has been used in a particular sense. Now, Sir, I submit that it is not the intention of the Agricultural Income-tax Act to levy the tax on anything that is collected by any and every officer of the Crown, except the income which is really derived by assessees under the Agricultural Income-tax Act

from land. The officers of the Crown collect local rates and cesses and I doubt very much whether that is intended to be taxed here again. I may refer the honourable members in this connection to the proviso to clause 3 where from the operation of the Agricultural Income-tax Act any income derived by any local rate is excluded. Therefore, I submit that the amendment of the Khan Bahadur should be accepted without any hesitation. Here I may remind the Hon'ble Finance Minister that it will not in any way violate any of the provisions of the Government of India Act. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, I do not think there will be any difficulty on account of the words "officers of the Crown". The original Indian Income-tax Act had "officers of the Government", but to make it uniform with the Government of India Act, it was changed into "officers of the Crown". So there will be no difficulty about it and there is absolutely no danger of the "home guards" being employed for realising agricultural income-tax. There is no danger of that, and as I have said earlier this afternoon, that I must stubbornly oppose this amendment.

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of order, Sir. Khan Bahadur Naziruddin Ahmad never used the words "home guards". He said, Civic Guards.

Mr. PRESIDENT: Order, order. The question before the House is: that in clause 2 of the Bill, in paragraph (*a*) of sub-clause (*1*), for the words "officers of the Crown" in line 5, the words "Provincial Government" be substituted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move: That in paragraph (*i*) of sub-clause (*1*)(*b*) of clause 2 of the Bill, after the word "agriculture" the word "horticulture" be inserted.

Sir, I do not think any speech is necessary. I do say that the income derived from horticulture should not be exempted and this word should be added.

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of order, Sir. Mr. Das wants the word "horticulture" to be added after the word "agriculture". That would be meaningless. Because in the Bill there is "agriculture, or". Therefore, the word "horticulture" should be inserted after the words "agriculture, or". Otherwise, it would mean agriculture-horticulture.

Mr. PRESIDENT: I do not think that is a point of order. The Hon'ble Minister will reply to that.

Amendment moved: That in paragraph (*i*) of sub-clause (*1*)(*b*) of clause 2 of the Bill, after the word "agriculture" the word "horticulture" be inserted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I do not propose to change the definition of the word.

Mr. LALIT CHANDRA DAS: Would horticulture be liable to income-tax?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Yes.

Mr. PRESIDENT: The question before the House is: That in paragraph (*i*) of sub-clause (*1*)(*b*) of clause 2 of the Bill, after the word "agriculture" the word "horticulture" be inserted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in clause 2 of the Bill, in sub-clause (*1*), in paragraph (*b*)(*ii*), for the word "rent-in-kind" where it occurs, the words "rent in kind" be substituted.

You will see, Sir, that here three words are connected by two hyphens to form one word. I have attempted to substitute those three distinct words unconnected by hyphens. You would be pleased to consider the import of this amendment. The expression "rent in kind" is so well known in our tenancy legislations that it does not require much elaboration.

So far as Bengal is concerned, the expression with hyphens is absolutely unknown in our literature on tenancy legislations. It is distinguished from "rent in cash". In a large number of judgments in the High Court and the Privy Council you will find that the expression "rent in kind" is used without hyphens and it is never used with hyphens. I submit that the law is already perplexing. The diversity created by recent legislations is sufficiently large and we should not perplex the readers by any more diversities. It must, however, be admitted, in favour of the Hon'ble Minister in charge of the Bill, that this expression is used in a hyphenated form in the Central Act, but, as I have submitted, there is no reason for slavishly copying the definition of the Central Act. There is a story of a copying clerk whose duty was to make exact copies from originals. He was told that the copy must be an exact replica of the original and that there should be no deviation. He found a dead fly sticking to the original, and he was at a loss to find out how to copy it exactly. He then ran about and caught a live fly, killed it and pasted it on the copy and it was now a very good copy of the original. I want to lay stress on the fact that it is no good slavishly copying a thing without local adaptation. I have also considered this from a grammarian's point of view which would be extremely appealing to the Hon'ble Minister who is an authority on English literature. With due respect to the framers of the Central Act, I should say that in these days of provincial autonomy, Bengal should have her own way. The expression, as it is used in the Bill, is a qualifying expression. The exact expression is "receiver of rent-in-kind". It performs the function of a modifier to the word receiver and the recognised rule of usage in the English language is that when a compound word of this type is used as a mere modifier, that is, when it is used adverbially or is used to perform the function of an adjective, then, if these words are used *before* the word to be modified, they should be used in a hyphenated form; but if these words are used *after* the word modified, as in this case, then they are not to be used in the hyphenated form. The House will be pleased to consider some examples. One example is "short-term credit". "Short-term" must be hyphenated as it is a modifier to the word "credit" and is used before it. Other expressions are "up-to-date information" and "20th-century-ideas", where hyphen must be used. I have a book in my hand named "Good English. How To Speak and Write It" which purports to teach good English to Indian students and as it is written by an Englishman, there would be no difficulty in following it. The *Illustrated Weekly* and the *Statesman* advertised this book for the Home Library and it was sold at Rs. 4-8. Here in this book the proposition has been laid down at page 211 that if you use a compound word like this to qualify or modify a noun, then it should be hyphenated if it is used *before* it; but if they are used *after* it, they should not be hyphenated. There are other examples in the book which is written by a well-known Englishman and the heading of the chapter is "Hints for Indian Students"——

Mr. PRESIDENT: I don't think that is relevant, Khan Bahadur Sahib.

Khan Bahadur NAZIRUDDIN AHMAD: I have simply followed it religiously and as it appeals to Indian students it would be particularly acceptable to men of our type.

Mr. PRESIDENT: These digressions are very interesting no doubt, but please come to the point, Khan Bahadur.

Khan Bahadur NAZIRUDDIN AHMAD: All right, Sir. My esteemed friends of the European group should be bound to follow this. Although the Europeans have their own ideas and their own authority, I have no doubt that the opinion of the author would be treated with respect even by Englishmen. (A VOICE: To use correct English?) Well, no one is ever bound to use good and accurate English but we of the poorer lot think it necessary to stand on a lower level and feel bound to use good English or grammatically good English, as my friend Rai Bahadur Keshab Chandra Banerjee suggests. In these circumstances, considerations of grammar as well as of good sense and correct usage ought to induce the Hon'ble Finance Minister to accept this amendment. I would also like my friends of the European group to give us their opinion as to whether they accept the advice given in this book.

Mr. PRESIDENT: I take it, Khan Bahadur, you have finished your argument?

Khan Bahadur NAZIRUDDIN AHMAD: Almost, Sir: only one word more. Having bought the book at some cost and as the book has been advertised as a model for English grammar and usage, I think it would be proper even for my European friends to stick to the instructions given there. With these words, I move my amendment and hope that it will be accepted.

Mr. PRESIDENT: Amendment moved: That in clause 2 of the Bill, in sub-clause (*1*), in paragraph (*b*)(*ii*), for the word "rent-in-kind" where it occurs, the words "rent in kind" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I must say at the outset that I have considerable sympathy with the amendment. I myself have in the last twenty years tried to practise economy in the use of hyphens and punctuations and think I have gone on with this economy very well. But as we have profited by the more substantial portions of the drafting of the definitions given by the Central authorities, in deference to those authorities I think we might suffer the retention of the word "rent-in-kind" with two hyphens.

Mr. PRESIDENT: The question before the House is that in clause 2 of the Bill, in sub-clause (*1*), in paragraph (*b*)(*ii*) for the word "rent-in-kind" where it occurs, the words "rent in kind" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: Amendment No. 24 is on all fours with the previous amendment upon which the House has just now given its verdict. I take it, Khan Bahadur, that you do not propose to move it?

Khan Bahadur NAZIRUDDIN AHMAD: That was the verdict of the House in one case and the House may feel penitent in another case.

Mr. PRESIDENT: I take it that you do not want to move it in any case.

Khan Bahadur NAZIRUDDIN AHMAD: In deference to the wishes expressed by the Chair and probably——

Mr. PRESIDENT: Well, the Chair has no wishes in the matter but it only made a suggestion.

Khan Bahadur NAZIRUDDIN AHMAD: The suggestion is valuable and I do not move this amendment, Sir.

Mr. HARIDAS MAZUMDAR: I beg to move in clause 2 of the Bill, paragraph (*c*) of sub-clause (*1*), be deleted.

Sir, the amendment seeks to exempt buildings situated on or in the immediate vicinity of land falling within the scope of the Agricultural

Income-tax Bill. This is a very modest proposal and should be accepted by the Government. The dwelling houses and store-houses of agriculturists and *katchari baris* of zemindars are going to be taxed. I only wish that the Ministry faced the public with such a proposal. The slogan raised against it will be: "they have not left untouched the field or the farm-house" ক্ষেত খামারের কিছু বাকী রাখেনি। Mr. Haji Badi Ahmed Chowdhury of the Lower House has recently contributed an article to the *Panchajanya* পাঞ্চজন্য, a comparatively small journal of the district town of Chittagong stating therein that he tried his level best to have the new cloth, necessary for covering the dead bodies of Muhammadans, exempted from the sale tax but the Ministry would not budge an inch. That article has been reproduced in many leading journals of Bengal and has been greedily devoured by all and sundry. The attempt to tax the dwelling houses and store-houses of the poor will provide a very expressive slogan and every serious student of world history knows that slogans subverted thrones, monarchies and dynasties. The great French Revolution took place as a sequel to the merciless exploitation of the poor and in that fateful period a tannery was actually started to manufacture shoes out of human leather made of the skin of men of the exploiting classes and such shoes sold at fancy prices. I only wish that the Ministers who in their anxiety to save their skin against the wrath of the Finance Member of the Government of India come before us with this sort of all-pervasive taxation, will not forget that a day of reckoning will come sooner or later and they will have to face the multitude.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: On a point of order, Sir. We have specifically excluded tax on buildings——

Mr. LALIT CHANDRA DAS: Then why the definition is there?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The definition is there, because it is the correct definition of the Agricultural Income-tax. As a matter of fact, we have made it abundantly clear that we are not taxing buildings. The honourable member's attention is drawn to clause 5 of the Bill. Mr. Haridas Mazumdar is delivering a homily saying that we are taxing this and that. But as a matter of fact, we are not taxing buildings: we have left it out——

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Is the Hon'ble Minister replying to the honourable member?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I wanted to stop the homily and abuse of the honourable member (interruptions from the Opposition benches).

Mr. PRESIDENT: You go on, Mr. Mazumdar.

Mr. HARIDAS MAZUMDAR: As I was saying, Sir, a day of reckoning will come sooner or later and they will have to face the multitude.

With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in clause 2 of the Bill, paragraph (*c*) of sub-clause (*1*), be deleted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I am astonished at the interruption of the Hon'ble the Finance Minister when my honourable friend Mr. Haridas Mazumdar was moving his amendment. He interrupted by saying "We have not taxed the agricultural buildings". I was going to ask the Hon'ble Minister to have patience to listen to the Opposition point of view but you interrupted me. Sir, I would refer to the Bill as published in the *Calcutta Gazette* where the honourable members will find that the Bill as reported by the Select Committee, I am not referring to the Bill as published in the *Gazette* with the report of the Select Committee, there is a provision "Save as otherwise provided by this Act, the following heads of

agricultural income shall be chargeable to agricultural income-tax, etc." and in clause 2(*c*) "any income derived from any building owned and occupied by the receiver of the rent or revenue of any such land, or occupied by the cultivator, etc." (The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, he is misrepresenting.) I hear the Hon'ble Minister saying that I am misrepresenting. He must withdraw the word immediately. I think he has no right to say that. I was speaking of the original Bill which was reported by the Select Committee of the Lower House. Now, Sir, in trying to refer to the history of a legislation it sometimes becomes necessary to refer to the fact as to how the Bill was first introduced, how it had been passed by the Lower House and all that——

Mr. PRESIDENT: But what is the point at issue? The point at issue is whether buildings are going to be taxed. The Hon'ble Minister says that he was going to tax the agricultural buildings. I was just going to tell you refer to the Bill as reported by the Select Committee. But that is strictly not relevant here. Let us consider the Bill as it is before us.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, as I have already said, in moving an amendment we have to refer to the various stages of the Bill in order to support the amendment which we are moving. Now, I was going to submit for the information of the Hon'ble Minister by what clauses he was going to tax the agricultural buildings. I was just going to tell him that if he does not want to tax the agricultural buildings, then what was the good of keeping the definition in the Bill.

Mr. PRESIDENT: Then you consider it redundant?

Mr. BANKIM CHANDRA MUKHERJEE: Not only redundant but I say it is mischievous. By a specific amendment moved in the Lower House, buildings were excluded from the operation of the Act.

Now, Sir, I am going to refer to a more serious objection, and I think the Hon'ble the Finance Minister will try to appreciate it. If we look to the Indian Income-tax Act, 1922, you will find that under section 9 of that Act "the tax shall be payable by an assessee under the head 'Property' in respect of the *bona fide* annual value of property consisting of any buildings or lands appurtenant thereto of which he is the owner, other than such portions of such property as he may occupy for the purposes of his business, subject to the following allowances.....". Sir, therefore, I find that so far as the Indian income-tax is concerned, buildings occupied by the owners of the land are to be taxed under the Indian Income-tax Act. Now, let us refer to the provision of the Government of India Act. Section 141 of the Government of India Act is, I think, of more use here. Now, what is the provision of section 141? It is that "No Bill or amendment which imposes or varies any tax or duty in which provinces are interested, or which varies the meaning of the expression 'agricultural income' as defined for the purposes of the enactments relating to Indian income-tax." Now this is the sentence to which I would draw the attention of the Hon'ble the Finance Minister particularly, "or which affects the principles on which under any of the foregoing provisions of this chapter moneys are or may be distributable to Provinces or States, or which imposes any such Federal surcharge as is mentioned in the foregoing provisions of this chapter, shall be introduced or moved in either Chamber of the Federal Legislature except with the previous sanction of the Governor-General in his discretion".

I would now refer to sub-clause (*3*) of section 141 which says that "in this section the expression 'tax or duty in which Provinces are interested' means—

(*a*) a tax or duty the whole or part of the net proceeds whereof are assigned to any Province;

(*b*) a tax or duty by reference to the net proceeds whereof sums are for the time being payable out of the revenues of the Federation to any Provinces".

Section 141 therefore provides that you cannot tax any income which is liable to be taxed under the Indian Income-tax Act.

Now let us refer to section 311 of the Government of India Act. In this section 311, sub-section (*2*) we find the following provision:—

"In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

'agricultural income' means agricultural income as defined for the purposes of the enactments relating to Indian income-tax."

If we now look to the definition of agricultural income as given in the Indian Income-tax Act, to which reference was made on an earlier occasion, you will find that agricultural income means "any rent or revenue derived from land which is used for agricultural purposes, and is either assessed to land revenue in British India or subject to a local rate assessed and collected by officers of the Crown as such". Clause (*c*) deals with the buildings referred to in the present Bill. If no tax is to be levied on these buildings, why incorporate this "term" in the definitions clause, as it will confuse the assessing authorities and they may attempt to include the income on some plea or other. I, therefore, submit that the amendment which we are moving only seeks to remove a very serious difficulty in the Agricultural Income-tax Bill and I submit that the Hon'ble Finance Minister before he rises to oppose this amendment should seriously consider the situation and, if necessary, take the opinion of the Advocate-General. With these words, I move the amendment.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I, too, have got a similar motion and beg to move that in clause 2 of the Bill, paragraph (*c*) of sub-clause (*1*), be deleted.

Sir, clause 5 does not mention anything about sub-clause (*c*) of clause 1, section 2; but at the same time it is perfectly noticeable that in order to describe agricultural income the Bill says that the income derived from any building owned and occupied by the receiver of the rent or revenue of any such land, or occupied by the cultivator, or the receiver of rent-in-kind of any land with respect to which, or the produce of which, any operation mentioned in items (*ii*) and (*iii*) of sub-clause (*b*) is carried on; with a proviso. It is perfectly clear that this income was sought to be included within the definition of agricultural income. Clause (*a*) deals with agricultural income and clause (*c*) also with agricultural income, and we find besides a proviso added to it. To be very careful, the draftsman says that under certain circumstances certain buildings or income from certain buildings should not be taxed. Then proceeding further we find that the taxing section mentions only sub-clause (*a*), clause 1 section 2, and sub-clause (*b*) of clause 1, section 2, but there it stops short. Now what is the implication of this? Perhaps it would be admitted without contradiction that the legislature is never supposed to introduce irrelevant or redundant words in a statute, and in construing such expressions the courts would always assume that sub-clause (*c*) of clause 1, section 2, was necessary and was introduced with some purpose. According to the observations of the Finance Minister however this sub-clause (*c*) seems to be absolutely useless and unnecessary, because he says that this income derived from any building owned and occupied by the receiver of the rent of revenue of any such land and so forth—they are not going to be charged. If that be so, then what is the object of putting in this sub-clause (*c*) at all? We shall be very glad to hear the Finance Minister on this point as to why sub-clause (*c*) has been at all inserted in the definition of agricultural income.

How is the revenue going to be affected adversely by the omission of clause? If this clause is not meant for taxation or for increasing the rev from this source, why is this clause there at all? I do not know whe there is any sinister motive behind it and whether there is any implica which you do not want to express directly. Suppose, there is a plot of on which there is a building, say of a cultivator. Now, you say that are not going to tax the building but the land is there and you may that the building on the land yields certain amount of income: conseque the land has a share in that income, so it should be taxed. You have made it clear here whether you are going to include land or exclud What is the motive of this clause (*c*)? The taxation enactments are t expressed clearly so that the subjects who are going to be taxed see clearly and without any doubt or ambiguity his position whether h going to be taxed or not. The assurance of the Hon'ble Finance Min will not give the tax-payer any immunity——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is not assurance but a statement of fact which I pointed out in the course of speech.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I am sorry Hon'ble Finance Minister has taken it to be a statement of fact. Bu are discussing here law, pure law and nothing but law. We are conside the question of the effect of this clause (*c*). What is the question of f The fact is that the Hon'ble Finance Minister states on the floor of House that he is not going to tax building——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Look at the p sions of the Bill. There is no mention save and except——

Mr. NAGENDRA NATH MOHOLANABISH: It is well-known, that in a court of law or tribunal we are not entitled to refer to speeches m by any Hon'ble Minister or honourable member in charge of a partic Bill or statement or any assurance, to substantiate our case. Ther always depends on interpretation and we find here that according t interpretation put on this clause (*c*) along with clause 5, the meanir otherwise. In the view of the Hon'ble Finance Minister certain build are not going to be taxed. But is that clear from the clause it Will any judge who will have no assistance from the Hon'ble Minister w he would be interpreting this clause, accept it? If we refer to the state of the Hon'ble Finance Minister and try to establish my case will he a allow me to do so? He will not. I do not think that the Hon'ble Fir Minister's statement is correct and reasonable and I think no reaso lawyer will argue in this way. The Hon'ble Finance Minister is arg that there is no mention about it in clause 5; so this will be excluded that is so, if that is the idea, why not delete this clause? For what pu you include this clause and for what purpose you are insisting on reta this clause?

Mr. PRESIDENT: The Hon'ble Minister.

(Several honourable membere rose to speak.)

Mr. HUMAYUN KABIR: Sir, when there are so many honou members anxious to speak, may I submit that you should not call upo Hon'ble the Finance Minister to reply.

Mr. LALIT CHANDRA DAS: Sir, that amendment stands in my also and I have not moved it yet. Shall I move it?

Mr. PRESIDENT: Yes.

Mr. LALIT CHANDRA DAS: Sir, I beg to move: That in cla of the Bill, paragraph (c) of sub-clause (*1*), be deleted.

Sir, the Hon'ble Minister has said that income from building will not be taxed. In this connection I will read clause 5 of the Bill. It says "Save as otherwise provided by this Act, the following heads of agricultural income shall be chargeable to agricultural income-tax, namely:—

(*i*) agricultural income as defined in sub-clause (*a*) of clause (*1*) of section 2 (hereinafter referred to as 'agricultural income from rent or revenue');

(*ii*) agricultural income as defined in sub-clause (*b*) of clause (*1*) of section 2 (hereinafter referred to as 'agricultural income from agriculture'),

in the manner hereinafter appearing."

So, these two heads of agricultural income will be taxed; but the Hon'ble Minister says that he is not going to tax it. I do not understand why (*c*) should be included in the definition of "agricultural income". I think this should be excluded altogether.

With these few words, I move my amendment.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, the whole Bill is a mass of undigested material and I doubt very much whether the Hon'ble the Finance Minister himself has been able to understand the implications of the Bill on agricultural income. Sir, as a layman I confess I have not been able to follow the provisions of the Bill thoroughly. I am a dyspeptic myself; I cannot digest anything, so it is very difficult for me to digest a difficult matter like this. The Hon'ble Minister asked Mr. Bankim Chandra Mukherjee to refer to clause 5, but we are discussing clause 2 and not clause 5. We should be very careful in disposing of every clause so that it may not be necessary for the Government subsequently to bring in an amending Bill——

Mr. PRESIDENT: Rai Bahadur, up till now you have not uttered a single syllable regarding the amendment we have been discussing.

Rai Bahadur KESHAB CHANDRA BANERJEE: I am coming to my point, Sir.

Mr. PRESIDENT: Please do.

Rai Bahadur KESHAB CHANDRA BANERJEE: It has been stated in sub-clause (*c*) "any income derived from any building owned and occupied by the receiver of the rent or revenue of any such land, or occupied by the cultivator, or the receiver of rent-in-kind of any land with respect to which, or the produce of which, any operation mentioned in items (*ii*) and (*iii*) of sub-clause (*b*) is carried on:

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue or the cultivator or the receiver of the rent-in-kind by reason of his connection with the land, requires as dwelling house, or as a store-house or other out-building".

Then it comes to this that if it is a dwelling house, if the building has been used for residential purposes or as a store house or as an out-house, it should be taxed. If a building is used as a dwelling house, then how can any income be derived from it unless it is let out on a rental basis? Will the Hon'ble Minister, therefore, kindly explain the meaning of this?

With these words, I support the amendment.

Mr. HUMAYUN KABIR: I have two difficulties in regard to this particular clause. If the Hon'ble the Finance Minister can explain what exactly he has in his mind, so far as I am concerned, I shall have no objection to the clause. One point to which a passing reference has been made by my honourable friend who has just sat down is how can any income

be derived from the building which is in the occupation of the receiver of rent or occupied by the cultivator if it is used as a dwelling house or as a store-house or an out-building. If it is used for other purposes, then the income will not for the purposes of this Act be regarded as agricultural income. Sub-clause (*c*) and the proviso read together makes it quite clear that in this sub-clause the framers of the Bill had in mind only this kind of income derived from the building, provided one of two conditions were satisfied. One was what this building was adjacent to the land and the other was that it was in the immediate vicinity of the land, but there is no reference of which land. Obviously every building would be on land. When it is stated that the building is in the immediate vicinity of the land, what is the land to which reference is made? There is no reference here to any income derived from the land that is occupied by the building itself. In sub-clause (*c*), reference is only to the land which is occupied by the cultivator. Thereafter, it is provided that the building is on or in the immediate vicinity of the land, but we do not understand which land it is.

My second difficulty is this. We know that the agricultural income-tax is going to affect a class of persons who have plenty of money and who have also a good deal of legal advice at their command. Therefore, if there is anything in the Bill which in any way contravenes the powers of this legislature and which in any way raises any doubt of its legality, the landlords and the landed interests are bound to go to court over it. If this sub-clause (*c*) has no meaning, I think it will give rise to proceedings in the High Court and elsewhere. I know that the Hon'ble the Finance Minister is very anxious that this Bill should be quickly passed into law. We have told him that so far as the principle of the Bill is concerned, we are not opposed; therefore, Sir, I have taken no part in the discussion of many of the amendments. But if this clause remains, the only result will be that the matter will be delayed by litigation. We have now been told by the Hon'ble Finance Minister that clause 5, to which we have not yet come, lays it down quite clearly that this sub-clause (*c*) will have no bearing on tax on agricultural income.

If that be the case, what is the point in having this sub-clause (*c*)? I would submit that there should be nothing which is redundant and superfluous in an act of legislation. Every word of a clause will be considered and scrutinised by astute lawyers. If they do not find any obvious meaning, they are bound to read a meaning into it and that will lead to all kinds of difficulties.

There is one final point. There is at times a tendency on the part of the Hon'ble Ministers and some of their supporters to hurry the discussion of a clause or clauses. That is very undesirable. I take it that the precise difficulty that we are considering today has arisen because of a similar process of hurry that was actually exhibited in another place in connection with the consideration of clause 2. Sufficient attention was not paid to this matter there. Later on, when clause 5 was being considered, it was discovered that sub-clause (*c*) of clause 2, paragraph (*b*) had no meaning, or if it had any meaning, then it had the meaning that the income derived from any building owned and occupied, etc., came within the purview of the Bill. Therefore, in clause 5, all reference to this aspect of the matter was omitted. The result is a great anomaly. In one part of the Bill, we find no reference to a particular feature to which, however, there is reference in another very important section of the Bill. When this Bill is going to be passed into law, we find section (*2*) which defines the particular words and expression which are used here, and which in a way determines the limits and the scope of the Bill, contains references to particular items which however do not occur in other parts of the Bill.

These are the three points about which I have difficulties. It may be found that the Bill refers to income on house property and then it would be outside the purview of the Bill and ought not to come within the Bill itself. If it refers to rent, then also there is scope for infinite difficulty. Later on

attempts may be made to tax income derived from rent itself. There may be also other contingencies. There may be a distinction drawn between the income derived from a building and the income derived from the land on which the building is situated. Let us, for example, take the case of a municipal area like Calcutta. In Calcutta, we know that not only buildings on a land have an income therefrom, but in many cases the land on which the building is situated has a large income, a large premium has to be paid in order to build on it. So far as the rural areas are concerned, today that contingency may not exist, but it may be that apart from the actual rent or income derived from a building, the land itself may come to have income or premium attached to it. With changes in the economic condition the situation is sure to alter. Even today we have in certain rural areas——

Mr. PRESIDENT: How long will you take, Mr. Kabir, to finish?

Mr. HUMAYUN KABIR: Not long, but a few more minutes only.

Mr. PRESIDENT: Then you may continue your speech tomorrow. The Council now stands adjourned till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Thursday, the 13th July, 1944.

Members absent.

The following members were absent from the meeting held on the 12th July, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. Kader Baksh.
(3) Mr. Hamidul Huq Chowdhury.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. Khorshed Alam Chowdhury.
(6) Mr. M. R. Jaipuria.
(7) Mr. N. N. Mookerjee.
(8) Mr. R. S. Pursell.
(9) Dr. K. S. Ray.
(10) Mr. K. C. Roy Chowdhury.
(11) Mr. S. N. Sanyal.

BGP-44/5-8400A-750

First Session, 1944—No. 58.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 13th July, 1944, at 3 p.m., being the fifty-eighth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY, J.P.) was in the Chair.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. DEPUTY PRESIDENT: The House will now resume further consideration of the Bengal Agricultural Income-tax Bill, 1944, as there are no questions today. Mr. Humayun Kabir.

Mr. HUMAYUN KABIR: Sir, I was placing before the House yesterday the difficulty which would arise if the amendment which we have under consideration is not passed. I refer to the provision of sub-clause (*c*) of clause 2 of this Bill. The Hon'ble Finance Minister referred to clause 5. In clause 5 which is the operative clause of the Bill, there is no reference to any taxation except under the heads (*a*) and (*b*). The Finance Minister suggested that the existence of sub-clause (*c*) would, therefore, cause no difficulty. I suggest that it is probably due to the fact that he is no more a practising lawyer than myself that he said so. If he were a practising lawyer like some of the honourable members here, he would not have said this. There is nothing in clause 5 which excludes sub-clause (*c*) of clause 2. Nothing has been said with regard to things other than those covered by (*a*) and (*b*) of clause 2. Silence in regard to a topic does not, however, exclude it. The existence of a different class of income which has been defined as agricultural income under sub-clause (*c*) of clause 2 would suggest that this income would also be taxed. Its existence in the definition clause, which is an important clause in the Act, would, in the absence of its explicit exclusion in clause 5, naturally lead to the position that if any tax is levied under sub-clause (*c*), then there is no remedy at all. The Hon'ble Finance Minister will no doubt say that since it is not explicitly mentioned, such situation cannot arise. But where is the guarantee that it will not arise when it is not clearly excluded anywhere? Clause 5 as it stands excludes nothing. Nowhere in clause 5 is it stated that incomes other than those mentioned in it shall be excluded. The explicit mention of certain classes of income in it will, therefore, be taken as illustrative and not exhaustive.

The definition which has been put in clause 2 obviously has some purpose. In clause 5 explicit reference has been made to the agricultural income that shall be taxed. No exclusion has been made of taxes on building. There is no definite provision that income in sub-clause (*c*) of clause 2 of the Bill will not be taxed. The Hon'ble the Finance Minister has no doubt given asurances that any income derived from buildings shall not be taxed. This assurance of the Hon'ble Minister in the Legislature will not be valid in a court of law. Besides, there is another difficulty. If an administrator who is asked to administer this Act proceeds to levy tax under sub-clause (*c*) of clause 2, what would be the remedy of the person taxed? If Government want to tax buildings, let them say so. We will consider whether we shall support the proposal or not. But Government is not clear on that point. They do not definitely state their position. In one clause, they say they would tax such income. In another, they say that they would not. By

merely saying here that they do not want to tax the buildings, the Hon'ble Minister cannot prevent the buildings being taxed. If that is not their intention, I do not understand why in one part of the Act, in clause 5, the Government pretend to leave such income out of consideration, and in another part, clause 2, which is a substantive clause and an important clause, they leave the matter open. The only alternative now open is to issue an executive order that no administrator of the Act will tax anybody under sub-clause (*c*) of clause 2 of the Act. Such executive order has very little force in the eye of law. Besides, if everything has got to be done by executive orders, what is the purpose of bringing in this Bill before the Legislature and having long discussions in the Assembly and the Council in order to improve the Bill? Let the Hon'ble Minister satisfy us on the point whether the non-mention of sub-clause (*c*) of clause 2 in clause 5 definitely excludes it from the operation of the Act. It is an anomalous position and is bound to give rise to all kinds of difficulties. If Government want to tax the buildings, we will have no objection. We might support or oppose it on the merits of the question. Either clause 5 should be amended with an excluding phrase or clause 2 (*c*) should be omitted. The present position is bound to lead to litigation and to other difficulties. What is worse, it might defeat the very purpose for which the Government want to carry this Bill through so hurriedly in this House.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. I submit, Sir, that it raises an important question. The question is this that paragraph (*c*), which this amendment seeks to omit, is now absolutely superfluous on the case made out by the Hon'ble Minister. It is, therefore, at best a mere surplusage, but a more critical examination will show that it is something worse than a surplusage. In interpreting Acts, admissions made in this House will never be taken into account. Mr. Humayun Kabir did not go far enough. He said that a court of law will not look at it as not being worth the paper on which it is printed. I should say that it is not even permissible to look at it. Courts will simply refuse to look into the proceedings of the Legislature.

Then, Sir, there is another rule of interpretation which is well established in courts of law and that is that no word, no phrase, no sentence and no clause should be so interpreted as to make it inoperative or insignificant or impotent. This kind of interpretation is forbidden. It is assumed that every clause, every word and every part of a section which is deliberately introduced into a Bill and which is passed by the Legislature, has a meaning and a purpose.

Mr. NUR AHMED: Sir, I rise on a point of order. As far as I remember, the Khan Bahadur Sahib spoke supporting this amendment yesterday. So he cannot speak again on the same amendment.

Mr. DEPUTY PRESIDENT: Did you participate in the discussion on this amendment, Khan Bahadur Sahib?

Khan Bahadur NAZIRUDDIN AHMAD: No, Sir. My honourable friend evidently claims a better memory as to what I did than I do myself.

Mr. DEPUTY PRESIDENT: All right. Then you may go on.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, with regard to this clause, I was emphasising the well-known rule of interpretation that you cannot do away with a clause of an enactment by merely ignoring it. The inevitable presumption in a court of law would be that paragraph (*c*), which has been deliberately put in and passed by both the Houses of the Legislature and assented to by His Excellency the Governor, has some definite meaning and purpose and a definite function, and Mr. Humayun Kabir has pointed out that the operation of that paragraph has not been very successfully prevented. The sheet-anchor of the Hon'ble Minister's argument is that clause 5 does not mention paragraph (*c*) of clause 2; it mentions only paragraphs (*a*)

and (*b*). He has argued, on the strength of the absence of any reference in clause 5 to paragraph (*c*), that the activities of paragraph (*c*), have, by dint of that omission, been paralysed and rendered inoperative and innocuous and that its retention is a mere superfluity. What I submit is that clause 5 is not in a peremptory or exclusive form. It merely permits the tax to be levied under paragraphs (*a*) and (*b*). As Mr. Humayun Kabir has pointed out, there is here no prohibition to impose any tax under paragraph (*c*). Clause 5, I submit, does not, therefore, exclude the operation of paragraph (*c*). In the circumstances, we shall have to move on from the permissive clause 5 to the operative clauses 6 and 7. I submit that paragraph (*c*) would be within clause 6. Clause 6 runs like this: "Agricultural income-tax shall be payable by an assessee under the head 'agricultural income from rent or revenue'." Supposing there is a building which is let out on rent for agricultural purposes, that rent from that building would come within the mischief of clause 6 of the Bill in spite of the fact that this is not specifically mentioned in clause 5. Then, there is a mention of paragraph (*a*) of clause 2 in clause 5, but it would appear that this is in another connection. Now, even if the Hon'ble Minister gives us a solemn guarantee, that would not be binding on his successors in office. Governments may come and Governments may go; and, as we have seen in Bengal, things are in a very unsettled state; and the average life of a Ministry is about a year and a half years. Nobody knows what will happen in the near future, and so it would be better if the paragraph was excluded. That would make the operation of the clause absolutely independent of any Ministry. Suppose, an over-zealous officer taxed a man with agricultural income for rents received from a building let out for agricultural purposes, then I submit that all these assurances of the Minister will go for nothing. The argument in favour of the levy would be furnished by paragraph (*c*) and clause 6. The paragraph must, therefore, be definitely excluded. If it is omitted, the Hon'ble Minister has warned us, the sanctity of the definitions in the Central Act would be violated and we should be putting ourselves into a dangerous position. I submit, however, that deletion of paragraph (*c*), as proposed in the amendment now before the House, in spite of the sacrosanct character of the definitions in the Central Act and in spite of the dangers with which we are threatened, will not at all affect the validity of the Bill; and here I am on very solid ground. The argument of "sacrosanctness" is based on a misconception. Under section 311 of the Government of India Act, the definition of agricultural income-tax is like this: that agricultural income shall be income as defined in the Indian Income-tax Act.

It is argued that in defining the term "agricultural income" for the provinces, the British Parliament has accepted in *toto* the definition given in the Indian Income-tax Act. The Government of India Act having accepted the definition of the Central Act—so runs the argument—has made the definition so sacrosanct that no profane hand shall be allowed to touch it, or even to look at it for a microscopic examination of it. But, as I was submitting before, I have definite authority for the exclusion of this paragraph (*c*) from clause 2. The House will be pleased to remember that in the Bihar Agricultural Income-tax Act this paragraph (*c*) was entirely omitted. My authority for saying this is the ruling that I cited yesterday and the ruling which the Hon'ble Finance Minister was speaking of yesterday. It is regarding the case of Kulu Sing and others *versus* the Province of Bihar. The decision of the Federal Court is at page 5 of the report, 1942, Federal Court Report. The entire argument has been clearly explained there. The question which arose there was as to whether the omission of paragraph (*c*) made the Bihar Act illegal.

The argument was somewhat like this: "The definition is made sacrosanct by its adoption in section 311 of the Government of India Act and so we must not touch, take away from or add to it. We must not in any way interfere with it." But Their Lordships of the Federal Court rejected the argument. Their Lordships pointed out that by the elimination of paragraph

(*c*), the Bihar Government merely declined to tax the people for agricultural income on buildings, and that the Bihar Act was a valid piece of legislation in spite of the omission of paragraph (*c*). After this ruling of the highest court in the land, specially constituted to interpret the Constitution, I do not think there is any difficulty in the matter. The opinion of the learned Advocate-General was given probably without reference to this ruling of the Federal Court. But after this ruling, there is no question that the course proposed would be perfectly valid. Paragraph (*c*), which is aimless, purposeless, and needless, and therefore meaningless, must not be allowed to disfigure the Bill and must be banished altogether. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. Deputy President, I am surprised, or should I say I am not surprised, at the objection to sub-clause (*c*) of clause 2 of the Bengal Agricultural Income-tax Bill. Sir, I would point out, first of all, that it was necessary to have a complete and comprehensive definition of the term "agricultural income" in the Bill. For that purpose, you have to appropriate the entire field of taxation in this respect. I know that in the Bihar Act sub-clause (*c*) has been omitted from the definition. I have also with me the decision of the Federal Court which was referred to by my honourable friend, Khan Bahadur Naziruddin Ahmad. But, Sir, there is a very good purpose in keeping sub-clause (*c*) in our Bill. If province after province were to cede—I use the word "cede" deliberately—if province after province were to cede to the Central Government this right by neglect or omission, then the Central Government, which is probably more needy than our Provincial Government, might pounce upon this category of income by an amendment of the Indian Income-tax Act.

After all, it is the policy of this Government to exclude notional income from buildings. It may be necessary for a future Government with the consent of the Legislature to take advantage of paragraph (*c*) of clause 2 in order to raise more money by taxation. Why should we give it up in favour of the Central Government? As it is, the Niemeyer Award has placed the province in a very difficult position. We have been fighting the Government of India about this limitation of our provincial field of taxation. I submit that the definition would be incomplete——

Mr. SHRISH CHANDRA CHAKRAVERTI: On a point of order, Sir. What I have just now heard from the Hon'ble the Finance Minister and what I have heard from different other speakers it appears that paragraph (*c*) of clause 2 is excluded by clause 5. So this paragraph (*c*) cannot find a place in the Bill. I want your ruling on this point.

Mr. DEPUTY PRESIDENT: Order, order. Let the Finance Minister continue his speech.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: If the honourable member will bear with me for a few minutes, I shall explain at length why I deem it necessary to adopt the definition of agricultural income in its entirety. We want to remain in possession of the whole field of taxation of all agricultural incomes and not give up our right to a particular category of agricultural income. This is not a charging clause but merely a definition clause. Therefore, I submit that although as a matter of policy we do not wish to tax notional incomes, there is absolutely no reason why we should give it up and make it possible for others to usurp it. By non-usage and acquiescence the Central Government might feel tempted to encroach on this area. And what would happen in that case? Supposing, this category of income comes under the Indian Income-tax Act, then the actual taxation will be much heavier: whereas here if the Bengal Government are in need of more money they can take advantage of this category and with the consent of the Provincial Legislature raise taxation. That is the sole justification for our keeping the definition intact so that, at the risk

of repetition I say, we may be in possession and continue to be in possession of the entire field of taxation that is legitimately the province's.

Sir, an honourable member yesterday referred to the historical background of this Bill. I would like in a very few words to say what this historical background is. Last year when we found ourselves in need of more money, we found a Bill ready to impose agricultural income-tax. That was the Bill of 1941. We found it was to be introduced as the Bengal Agricultural Income-tax Bill of 1943 which was an exact replica, word for word, comma for comma and semicolon for semicolon, of the Bill of 1941. But I made it perfectly clear in another place that it was our intention that the Bill should be examined very carefully in a Select Committee of the Assembly. As a matter of fact, the Select Committee took three months to prepare their report and at the beginning of the sitting of the Select Committee Government made it clear that notional income, that is, income from buildings would not be taxed. But I again repeat, Sir, what is the point in not keeping the definition intact so that a future Government when it needs more money can approach the Legislature for an amendment of this Act and derive some revenue? Otherwise the Government of India might with some device lay their hands on this area of taxation, and I would ask the honourable members to consider this point very carefully. There will be no difficulty in the courts of law. The courts of law in a taxation measure scrutinise the provisions of an Act very carefully, even more carefully than in the case of other enactments, and so long as the operative provisions do not contain anything that would make buildings liable to taxation, the taxpayer is completely safe or immune. I see no difficulty at all.

Mr. NAGENDRA NATH MOHOLANABISH: May I ask through you, Sir, what is the difficulty of having the clause as it is inserted not at the present time but when the future Government would like to impose a tax? If a future Government wants to impose a tax, they will impose it under clause 5. Secondly, I want to know from the Hon'ble Finance Minister whether any insertion in the Bengal Act can affect the Central Act or affect the realisation of the tax which the Central Government are doing— —

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The Central Government already admitted that this category of tax belongs to a province by their definition of "agricultural income" in the Income-tax Act and this was in conformity with the provision of the Constitution Act. I would not like to encourage the Government of India to find a new device to get hold of this area of taxation. That is the whole point.

Mr. DEPUTY PRESIDENT: Order, order. The question before the House is: that clause 2 of the Bill, paragraph (*c*) of sub-clause (*1*), be deleted.

The question before the House is: that in clause 2 of the Bill, paragraph (*c*) of sub-clause (*1*), be deleted.

The question being put, a division was challenged and taken with the following result:—

AYES—15.

Khan Bahadur Naziruddin Ahmad.	Rai Bahadur B. M. Maitra.
Rai Bahadur K. C. Banerjee.	Mr. H. D. Mojumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. L. C. Das.	Mr. R. Pal Chaudhuri.
Mr. B. C. Datta.	Mr. A. D. Roy.
Mr. N. C. Datta.	Mr. B. K. Roy Chowdhury.
Mr. K. K. Dutta.	Khan Sahib Maulvi Wahiduzzaman.
Alhadj Khan Bahadur Shaikh Mohammad Jan.	

NOES—29.

Khan Sahib Fariduddin Ahmad	Khan Sahib Nurul Amin.
Mr. Mesbahuddin Ahmed.	Khan Sahib Abdul Aziz.
Mr. Nur Ahmed.	Mr. D. L. Barua.

Mr. Meazzemali Chowdhury.
Mr. Muhammad Habibullah Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen.
Mrs. K. D'Rozario.
Mrs. L. P. Dutt.
Mr. R. W. N. Ferguson.
Khan Bahadur Abdul Gofran.
The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Latafat Hossain.
Mr. Mohamed Hossain.
Maulana Muhammad Akram Khan.
Mr. W. S. G. Laidlaw.
Mr. Abdul Latiff.
Khan Sahib Subidali Mollah.
Khan Bahadur M. A. Momin.
Mr. T. S. Nimmo.
Khan Bahadur Mukhlesur Rahman.
Rai Bahadur R. S. Roy.
Mr. Yakub H. S. Sattar.
Khan Bahadur M. Shamsuzzoha.
Mr. J. W. R. Steven.
Dr. Kasiruddin Talukdar.

Mr. DEPUTY PRESIDENT: Order, order. The House has divided For the amendment—15, against the amendment—29; the amendment is, therefore, negatived,

In view of the fate of amendment No. 23, I think amendments Nos. 88, 29 and 30 are not admissible.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I wish to move No. 28 on an entirely different ground.

Mr. DEPUTY PRESIDENT: But it is almost similar to amendment No 23 which has been rejected by the House.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I wish to give reasons which are absolutely on a different context——

Mr. DEPUTY PRESIDENT: But it is exactly the same amendment which was rejected by the House.

Mr. HUMAYUN KABIR: The words may be the same in the amendment, but it may be moved on a different ground altogether. Sir, simply because the same form of words has been rejected in another place, would it necessarily follow that the same form of words in another context would also be out of order?

Mr. DEPUTY PRESIDENT: Khan Bahadur, do you seriously consider that this amendment would convey a separate meaning altogether?

Khan Bahadur NAZIRUDDIN AHMAD: The question is one of technicality and I submit that this amendment does not violate the *res judicata* rule.

Mr. DEPUTY PRESIDENT: On the face of it, it does seem that the amendments are of a similar nature; but as you say that you would be able to advance new points, I allow you to move the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in sub-clause (*1*) of clause 2 of the Bill, in paragraph (*c*), for the word "rent-in-kind" in line 4, the words "rent in kind" be substituted.

Sir, everybody knows that my honourable friend Khan Bahadur M. A Momin makes statement, perhaps on behalf of Government, with inside knowledge and authority and he says that this Bill would bring an income of about Rs. 50 lakhs to Government per annum. (Khan Bahadur M. A. MOMIN: Rs. 30 lakhs.) If it is Rs. 30 lakhs, then it makes the Government's case worse and strengthens my position. Some amount will be spent on the realisation of the tax and the net receipts would be much less. The Government having further already received a grant of Rs. 10 crores, the immediate need is fully satisfied. After all these, is it still necessary that this Bill should be hurried through without even the necessary amendments for the small sum of Rs. 30 lakhs *minus* the cost of realisation? In view of all these new facts and circumstances, I am asking the Hon'ble the Finance Minister to reconsider his decision as to whether necessary and legitimate

amendments should not be accepted by him. I have tabled a large number of amendments and I intend to move those only which are calculated to improve the Bill.

With these few words, I submit my amendment to the House.

Mr. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 2 of the Bill, in paragraph (*c*), for the word "rent-in-kind"' in line 4, the words "rent in kind" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 2 of the Bill, in paragraph (*c*), for the word "rent-in-kind" in line 4, the words "rent in kind" be substituted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move: that at the end of sub-clause (*1*) of clause 2 of the Bill, the following Explanation be added, namely:—

"*Explanation.*—The word 'cultivator' includes a person who does not cultivate his lands himself but carries on agricultural operations with the aid of hired labourers."

Sir, there are several persons in Bengal who instead of cultivating their lands themselves cultivate their lands through the help of hired labourers. They should not escape from this tax. They should be brought within the clutches of the law and so this explanation is necessary in order to bring them within the operation of this Bill. In fact, there is a large body of persons in Bengal who hold a large quantity of lands; but instead of cultivating these lands themselves, they actually carry on agricultural operations with the help of hired labourers and even hired ploughs and their income is indeed very big which I think, Sir, will be actually taxable. Therefore, in order to make things clear and beyond any shadow of doubt I think this Explanation should be added, namely, that "the word 'cultivator' includes a person who does not cultivate his lands himself but carries on agricultural operations with the aid of hired labourers."

Mr. DEPUTY PRESIDENT: Amendment moved: that at the end of sub-clause (*1*) of clause 2 of the Bill, the following Explanation be added, namely:—

"*Explanation.*—The word 'cultivator' includes a person who does not cultivate his lands himself but carries on agricultural operations with the aid of hired labourers."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I think the *bona fide* cultivator has been sufficiently protected by the lower limit of taxation, namely, the income of Rs. 3,500 and by many other exemptions. Sir, I oppose the amendment.

Mr. DEPUTY PRESIDENT: Order, order. The question before the House is: that at the end of sub-clause (*1*) of clause 2 of the Bill, the following Explanation be added, namely:—

"*Explanation.*—The word 'cultivator' includes a person who does not cultivate his lands himself but carries on agricultural operations with the aid of hired labourers."

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I want to move the next amendment that stands in the name of Mr. Nur Ahmed as a short-notice amendment.

Mr. DEPUTY PRESIDENT: Which amendment you want to move?

Khan Bahadur NAZIRUDDIN AHMAD: Amendment No. 32. Sir, in the case of a short-notice amendment, it is necessary that enough copies should be available to the members. We have got the list of amendments already tabled before us and the House will, therefore, not be taken by surprise. It is a most important amendment. It will fill up a gap. Sir, I think great weight and respect attaches to the amendments tabled by Mr. Nur Ahmed who is indefatigable in the matter of correct drafting. Sir, I await your ruling on this point.

Mr. HUMAYUN KABIR: Sir, in adidtion to what the Khan Bahadur has said, there is one other argument.

Mr. DEPUTY PRESIDENT: (After some pause) Yes, Mr. Kabir, what did you want to say in this connection?

Mr. HUMAYUN KABIR: I was drawing your attention to the fact that the Hon'ble President the other day stated that since the Government as a matter of policy would not move any of their amendments and no Government supporter also would move any of his amendments (Mr. MESBAHUDDIN AHMED: No, no. This was not said of any of Government's supporters) the Hon'ble President would allow such amendments to be moved on the floor of the House by the Opposition members. (Khan Sahib FARIDUDDIN AHMAD: There was no question about the amendments of the supporters of Government.)

Mr. DEPUTY PRESIDENT: Yes, Mr. Nur Ahmed.

Mr. HUMAYUN KABIR: I have not finished yet, Sir. In this respect, I am depending entirely upon my recollection and I cannot vouch for the accuracy of the words I have used.

Mr. LALIT CHANDRA DAS: What the Chair said is on record and may be compared.

Mr. NUR AHMED: Sir, my submission is that an amendment standing in the name of one member cannot be moved by another member; there is no rule in our Procedure Rules authorising any member to do so. In this connection, I may quote from a ruling of the President of the Central Assembly when this question was raised in connection with the Indian Mines Amendment Bill, and Col. J. D. Crawford——

Mr. DEPUTY PRESIDENT: What are you reading from?

Mr. NUR AHMED: From the decisions of the Chair, Central Assembly, published——

Mr. DEPUTY PRESIDENT: I fully appreciate your point, but the Opposition do not want to move the amendment on anybody's behalf; they want to move it at short notice.

Mr. NUR AHMED: In that case, even if it is admitted it cannot be moved on that day. I may read the rule for your reference, Sir. It is rule 64—provided that the question to which such amendment relates shall not be taken into consideration on the day on which the amendment is admitted, unless the President directs otherwise.

Mr. LALIT CHANDRA DAS: Yes, that is it—unless the President directs otherwise.

Mr. HUMAYUN KABIR: I would submit for your consideration——

Mr. NUR AHMED: I have not yet finished. There is a direct ruling on this point. And it is this: that copies of the amendment must be supplied to all the members before the amendment can be taken up; but in any case it cannot be taken up on the very day.

Mr. HUMAYUN KABIR: I would like to submit for your consideration the following facts: the other day when the Hon'ble Finance Minister stated that Government amendments would not be moved and appealed to his party that they too should not move their amendments, the Opposition raised the point and the Chair was pleased to observe that he would permit those motions to be moved on the floor of the House. Now, an objection may be raised as to how the Chair can say so if there is nothing in the rules and that is the objection which has just now been raised by Mr. Nur Ahmed. First of all, I doubt if the ruling of the Chair can be questioned; but I am not raising that point just now. Even if the ruling is questioned, there are certain provisions in the rules which entitle the Chair to say what he actually said that evening.

As was pointed out a moment ago there is such a thing as short-notice amendment and in case of a short-notice amendment the conditions are that it should be moved on the floor of the House and copies of such amendment should be made available to the members. Whether it will be admitted or not depends on the discretion of the Chair. In this case, Sir, the Chair said that he would permit the members of the Opposition to move the Government amendments and amendments of members supporting the Government and they would be treated as short-notice amendments. So the question of somebody moving somebody else's amendment does not arise. You will find from the records that the Hon'ble President said that he would permit members of the Opposition to move these amendments as short-notice amendments in their own way. That was the ruling of the President the other day. (The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the President said that in the case of Government amendments he would permit but not in the case of amendments of Government supporters.)

Mr. LALIT CHANDRA DAS: Sir, when the Bill was going to be taken up, clause by clause, after the Hon'ble the Finance Minister had spoken the question arose whether he would give time to file further amendments in view of the fact that it had been decided that the members supporting the Government would not move any of their own amendments. Then, Sir, the President gave his ruling, distinct and clear and it is on record, that he would allow any member of the Opposition to move any amendments of the Government.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the ruling of the Chair was in respect of the Government amendments and not in respect of amendments of the supporters of Government. Amendments of Government Party members cannot be said to be Government amendments at all.

Mr. HUMAYUN KABIR: Admitting, Sir, what the Hon'ble Leader of the House has said, it was ruled that the Government amendments could be moved by the Opposition members. It is to be decided whether you will permit the members of the Opposition to move these amendments as short-notice amendments, whether they gave notice of them or not. If honourable members supporting the Government now decide that they will not move any of their amendments, by virtue of your power you can certainly permit the members of the Opposition to move these amendments. Sir, I am depending on the power invested in you.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the distinction between the moving of the amendment of one member by another and the moving of short-notice amendment is this. It is done with the consent and on his behalf, if the honourable member does not care to remain in the House or is indifferent to the business of the House. The honourable member who is present in the House but refuses to move his amendment means that there is no motion before the House. The amendment is simply not there. The question may, therefore, arise as to whether any member can move that amendment on short-notice. The requisite conditions about short-notice

amendment are satisfied in this case. In the circumstances, the matter entirely depends upon your discretion. The original amendment of Mr. Nur Ahmed on account of his refusal to move it is effaced from the record of the House. In fact, there will be no trace of it in the proceedings of the House. There will be some trace in the list of amendments. But by refusal to move it the whole thing is gone. There is a new proposal and the question may be considered on its merits as to whether you will allow it or not at short notice.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I still maintain that the ruling was only with regard to Government amendments. Whether notices are required to move the amendment or not is a question which it is for you to decide. It will be creating a new precedent, because it is the privilege of every member to move an amendment; and if any member does not move it, no other member is to be permitted to move it. If it is allowed, then I think it will go on *ad infinitum*. It was only in respect of Government amendments that the Hon'ble President held that as that was a peculiar case, he would allow members of the Opposition to move those amendments. Nothing was said in respect of private members' amendments.

Mr. KAMINI KUMAR DUTTA: I think the matter is a very simple one and the question is not that one member is moving an amendment on behalf of another member. He is simply moving it himself and moving it at short-notice. Now, the question is for the Chair to decide whether in the circumstances it ought to be allowed as a short-notice amendment. It has already been ruled that Government amendments should be allowed to be moved by members of the Opposition as short-notice amendments and here a distinction has been tried to be drawn between Government amendments and amendments of which notice has been given by other members which has been styled as private members' amendments. I do not know what is meant by private members' amendments. In the Legislature there is party system prevailing and every member has to say whether he belongs to this party or that party and if any member says that he belongs to no party he is Independent. (The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: What about a private member's Bill?) That is wholly irrelevant to the present circumstances. Now, here is the amendment belonging to a member who belongs to the Government Party, owes his allegiance to that party, and gives notice of an amendment which is approved of by that party. So, to all intents and purposes, it is a Government amendment though technically it may not be so. So, in these circumstances if any amendment appears in the name of a member of the Government Party who still owes his allegiance to that party, that should be considered as an amendment of the Government, because it has been tabled at the instance of the Government Party. But if there is objection, then it should be allowed to be moved as a short-notice amendment. Because, all the conditions of a short-notice amendment are fulfilled.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, as you will perhaps remember, on many a previous occasion when amendments were moved by Mr. Nur Ahmed, the Government invariably accepted them as Government amendments. Indeed, amendments moved by Mr. Mesbahuddin Ahmed, Chief Whip of the Government, were treated as Government amendments. Similarly, as Mr. Nur Ahmed belongs to the Government Party, we take it that any amendment moved by him is a Government amendment and we also have been led to believe that the amendments which stood in the name of Mr. Nur Ahmed were really Government amendments. Sir, on that point you might satisfy yourself by looking up the proceedings of the meeting at which the Hon'ble President gave that ruling. Apart from that, I think Khan Bahadur Naziruddin Ahmad stands on a different footing, because as an independent member he has given oral

notice of this amendment and the conditions governing short-notice amendments have been satisfied. Therefore, I think, Sir, that the Khan Bahadur is quite in order to move the amendment as a short-notice amendment.

Mr. AMULYADHONE ROY: Sir, the argument advanced by the Hon'ble the Leader of the House is absolutely irrelevant. He said that you will be creating a very bad precedent——

Mr. DEPUTY PRESIDENT: He did not say bad precedent. What he said was new precedent.

Mr. AMULYADHONE ROY: I submit, Sir, that it is absolutely wrong. The matter is very simple. Mr. Nur Ahmed did not move his amendment and since he did not move his amendment it is no longer his amendment. The only question which arises is: whether you can allow this amendment to be moved as a short-notice amendment. It is entirely in your power and there is none in this House who can take away that power from you. Now, Sir, I hope you will exercise your power in the interest of this House. Then, Sir, there is another point to be taken into consideration. When the Hon'ble the Finance Minister took up an attitude the other day which is unprecedented in the history of legislation in any country, the Hon'ble President gave his ruling and practically entered into a Gentlemen's Agreement with the Opposition, and I think, Sir, that the Chair should not go back upon that agreement. Apart from that, Sir, it is for you to consider whether the amendment should be moved or not, and I think no extraneous circumstance should be taken into consideration.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would like to say a few words on the point which would be something new.

Mr. DEPUTY PRESIDENT: Any new point, Mr. Mukherjee?

Mr. BANKIM CHANDRA MUKHERJEE: Yes. Sir, I want to say a few words for the consideration of both the Hon'ble the Leader of the House and the Hon'ble the Finance Minister. Sir, as a matter of fact, I think you have already heard that when this Bill was taken up for consideration, clause by clause, the Hon'ble Finance Minister made a statement that Government amendments were not going to be moved. Of course, he did not make it clear whether he meant only Government amendments or amendments given notice of by members of the Government Party.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I rise, Sir, on a point of personal explanation. What I said clearly were "amendments of which notices had been given on behalf of the Government." I quote the exact words that I used.

Mr. BANKIM CHANDRA MUKHERJEE: I also accept the position, Sir, that the amendments of Mr. Nur Ahmed were amendments put in on behalf of the Government. I think that would make the position clear. If that be so (cries of "No, no" from the Coalition Party benches, "the Coalition Party did not sit down as a whole to table these amendments"), I do not know whether you have got the proceedings of that day's meeting with you. (Mr. DEPUTY PRESIDENT: Yes, I have them with me here.) Then, a question was raised, I believe by Mr. Kabir, that some of these amendments were very important and that the Opposition wanted to move them if they were not moved by the Government Party. As a matter of fact, you will find that there was a subsequent list of amendments which were allowed to be tabled and that was a late list. You know, Sir, that the consideration of the Bill was postponed in order to decide the question whether the Rulers of Indian States could be taxed. The Opposition took this opportunity to send in certain additional amendments and they were admitted. If the Hon'ble Minister had indicated his mind sufficiently earlier, then the Opposition could have sent in such notices saying that they wanted to move

all or some of the amendments that stood in the names of the members of the Government Party, so that they might be moved by them at the appropriate moment. That was the position, Sir, when the matter came up finally for consideration on the 4th July. On that day, the Hon'ble President stated that any amendment standing in the name of the Government Party would be allowed to be moved by members of the Opposition and it was not necessary for the Opposition even to send in notices for that purpose. As a matter of fact, we wanted to know whether we should send in our names stating that such and such members wanted to move the amendments standing in the names of members of the Government Party, whereupon the Chair observed that it was not necessary and that it would be enough for us to stand up on the floor of the House and to move them. That was perhaps the language used by the Chair, if I remember aright. Therefore, this request of the Opposition which has been characterised by the Leader of the House as unprecedented seems to be answered by the unprecedented attitude taken by the Hon'ble the Finance Minister in directing that Government amendments will not be moved. I therefore submit, Sir, that you will allow this amendment to be moved by any member of this House.

Mr. NUR AHMED: I find that a good deal of confusion has taken place over this question.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, can Mr. Nur Ahmed speak twice? He has already spoken once.

Mr. DEPUTY PRESIDENT: It is not actually in course of a debate on any amendment but on a point of order and he is further clearing up his position.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I did not want to move the amendment following upon the pronouncement of the Chair the other day, but I wanted to move it at short-notice.

Mr. NUR AHMED: Kindly let me say a few words, Sir. Some honourable members are of the opinion that amendments standing in the name of other members can be moved by any other member. I submit that that is not so, and I have already quoted from a ruling of the President of the Central Assembly when the question was raised and the President had disallowed it, saying that that procedure was not justified by the rules and standing orders. So I beg to submit that an amendment cannot be moved by any member on behalf of another member. As regards short-notice amendments, the rule is very strict on the point. If any member wants to put a short-notice amendment, the condition precedent is that he must give a copy of the amendment to all the members of the House and unless he does so, he cannot move: that is the distinct ruling of the President. As you know, Sir, from your experience when a Bill comes up for consideration before the House, all the members in their private capacity send notices of amendments. There are various precedents and it will be found from the proceedings of the House that many amendments are moved from the Government side but all of them are not moved. Members table their amendments and Government select and accept or reject them.

(At this stage the Hon'ble Mr. President occupied the Chair.)

Mr. PRESIDENT: What is your point, Mr. Kabir?

Mr. HUMAYUN KABIR: The point was that amendment No. 32 standing in the name of Mr. Nur Ahmed was attempted to be moved by Khan Bahadur Naziruddin Ahmad as a short-notice amendment in virtue of the assurance which the other day you gave in this House to the effect that so far as the amendments not moved by the Government or supporters of Government are concerned, we could move them as short-notice amendments——

Mr. PRESIDENT: Mr. Kabir, I think you are adding the word "supporters". I distinctly remember to have said "Government amendment".

Mr. HUMAYUN KABIR: There also I have my submission——

Mr. PRESIDENT: Just a minute: let me find out what I said. Yes, that is exactly what I said. I said "I was going to suggest also that if any particular member attaches very great importance to a particular Government amendment, he might be allowed to move it as his own." That makes it very clear. What I felt when Government decided not to move their amendments of which they had given notice of was that if the Government had not given notice of the amendments some of these amendments might have been given notice of by other members and so I agreed that those amendments might be moved by the members who would wish to move them.

Mr. BANKIM CHANDRA MUKHERJEE: Amendment No. 32 was accepted by the Hon'ble Finance Minister.

Mr. PRESIDENT: Certainly not. He has no right to accept it The right lies with the House.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I was instrumental in bringing so much trouble to the House. May I remove the difficulty. (Interruptions from the Government benches.)

Mr. PRESIDENT: Order, order. Khan Bahadur, what is your point?

Khan Bahadur NAZIRUDDIN AHMAD: My point is that Mr. Nur Ahmad gave notice of amendment No. 32. But he was not going to move it. Then I asked the permission of the Chair to move it as a short-notice amendment. Mr. Nur Ahmed contended that no member can be permitted to move an amendment standing in the name of another member and that there is a rule to that effect. But I say that that is a different case altogether, namely, that if a member gives notice of an amendment, remains absent and asks somebody else to move it, then he shows scant courtesy to the House because he attends to some personal affair of his which he considers to be more important than the legislative business. So, when a person refuses to move his motion, it is no longer his motion and any member can move that motion as a short-notice amendment. The condition of a short-notice amendment is that sufficient number of copies should be made available to the honourable members, so that the House may not be taken by surprise. That condition has been satisfied and the most important ground on which I base my argument is on the question of merit. This amendment is a very important one; it is a constructive amendment and any person asking leave to move this amendment will be doing a great service.

Mr. PRESIDENT: Khan Bahadur Sahib, you may attach great importance to this amendment but the condition of a short-notice amendment is that if the President permits, on oral notice a short-notice amendment can be moved. But the Chair must exercise that discretion not in ordinary circumstances but in special circumstances. Now, as regards the amendment, what is it? "Agricultural Income-tax" means "the tax payable under this Act." It is purely a drafting amendment. That is all. It does not make any change in the substance. I do not think this amendment is of that character which should be accepted at short-notice. This privilege should be reserved for special circumstances.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, there may be a lacuna——

Mr. PRESIDENT: We all appreciate your ingenuity. This amendment, however, is not going to improve the Bill and I think the matter should not be pursued further.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, may I move the amendment standing in the names of Mr. Biren Roy and Mr. Mesbahuddin Ahmed?

Mr. MESBAHUDDIN AHMED: Sir, Mr. Humayun Kabir gave notice that he would move the amendment.

Mr. PRESIDENT: Any one can move it. Yes, Mr. Moholanabish.

Mr. NAGENDRA NATH MOHOLANISH: Sir, I beg to move: that in clause 2 of the Bill, in sub-clause (*d*), for the word "an" in line 2, the words "a Bengal" be substituted.

Now, Sir, this amendment will appear to be necessary having regard to the fact that in clause 21 of the Bill the Agricultural Income-tax authorities have been enumerated. And they are:—(*a*) the Commissioner of Agricultural Income-tax, Bengal, (*b*) the Assistant Commissioner of Agricultural Income-tax, Bengal, and (*c*) Bengal Agricultural Income-tax Officers. Now, the term Bengal Agricultural Income-tax Officers has not been defined anywhere in the Bill. If you refer to the definition clause, you will find there only the Agricultural Income-tax Officer has been defined. Therefore, how would we know what is meant by Bengal Agricultural Income-tax Officers. That seems to be an obvious mistake in drafting. However much the Finance Minister may boast of his draftsman, I pity him because he has got such a beautiful draftsman who does not care to read the definitions which occur in the other substantive clauses of the Bill. The object of the definition is simply to see whether a man can easily read the Act consistent with the definitions. Coming to clause 21 of the Bill, a man searches in vain the whole of the Bill for the definition of "Bengal Agricultural Income-tax Officers." Therefore, I believe the Hon'ble Finance Minister will have no hesitation in accepting this amendment as a Government amendment. He has rightly found out the mistake. He had rightly instructed the then Parliamentary Secretary to put in an amendment, and I do not see any justification why that amendment should not be moved. Therefore, Sir, without wasting any more time of the House I should say that this is an amendment which ought to be accepted without further argument.

Mr. PRESIDENT: Order, order. Amendment moved: that in clause 2 of the Bill in sub-clause (*2*), for the word "an" in line 2, the words "a Bengal" be substituted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. I do not think any speech is necessary to strengthen the argument already advanced. (Khan Sahib Fariduddin Ahmad: Then why do you speak?) "Why do I speak" is an unintelligent question. The amendment is a very good amendment. It has been prepared by the Legislative Department, passed by the Finance Department, approved by the Hon'ble Minister in charge of the Bill and again approved by his Party and then submitted to the House on behalf of the Government. Normally, it should have required no argument at all. But the trouble is: that the author now disowns the amendment. It is not to convince them, but to place on record how things are proceeding, that I have to speak. The amendment has been carefully considered by the Legislative Department and as I presume by other departments concerned and the Hon'ble Minister has given it his blessing. In the circumstances, if there is any further argument that is needed, I think, the Hon'ble Minister will give it. I invite him to give us all the arguments that lie behind this simple-looking amendment of Mr. Mesbahuddin Ahmed. With these words, I support the amendment.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in supporting the amendment which has been moved by my friend Mr. Moholanabish and supported by Khan Bahadur Naziruddin Ahmd, I would like to point out certain difficulties which the mover of the amendment——

Mr. PRESIDENT: May I just interrupt you, Mr. Mukherjee? Government themselves probably realised the necessity of an amendment like this. That is why they asked the Parliamentary Secretary to put in this amendment. Therefore, is any further speech necessary?

Mr. BANKIM CHANDRA MUKHERJEE: What I was going to point why the amendment was moved and why it was accepted by the Government. Therefore, I think, I am entitled to speak on this amendment. Besides, there are European members who are independent members and who may after hearing me change their opinion and as independent members may come with us in the lobby. As a matter of fact, it should not be taken that all the members willingly support the view of the Hon'ble the Finance Minister that a defective Bill like this should come out of this House. And I think the Hon'ble Minister accepts that position and you also, Sir, clarified that position by saying that it is for the members of the House to place their amendments for the consideration of the House. Therefore, I say that the fact that they were Government amendments does not take away the objection. As a matter of fact, the Opposition would have supported this amendment if Government had moved it. We want that the tax which shall be imposed in terms of the Act should be realisable and enforceable when the Bill comes into force as an Act. If there were insuperable difficulties in the way of its realisation after the tax is assessed by a person who must be authorised by the Act, as I shall show presently, I submit there is no reason why the Finance Minister should hurry this Bill through in this way. That is the reason why I am pointing out that insuperable difficulties would be found in enforcing the Act when assessed. What is the purpose of a definition? A definition is to denote the meaning of the officer who is to act under the provisions of this Act. Now, the definition is in these terms: in sub-clause (2) of clause 2, "an Agricultural Income-tax Officer" means "a person appointed to be an Agricultural Income-tax Officer under section 21." Let us now look at section 21 for the definition of this Agricultural Income-tax Officer. In section 21 we do not find any officer appointed as an Agricultural Income-tax Officer. Clauses 21 and 22 deal with agricultural income-tax authorities and an Appellate Tribunal: this means the authorities who are authorised to assess the agricultural income-tax and the Appellate Tribunal whose duty will be to hear appeals against the rate assessed by the officers. Section 21 says: "There shall be the following classes of agricultural income-tax authorities for the purposes of this Act, namely:—

(*a*) the Commissioner of Agricultural Income-tax, Bengal;

(*b*) the Assistant Commissioner of Agricultural Income-tax, Bengal;

(*c*) Bengal Agricultural Income-tax Officers.

Now by this clause Government want to change the definition by suggesting that the Agricultural Income-tax Officers means "Bengal Agricultural Income-tax Officers" and that would bring the definition into consonance with the authority that is given in section 21 to a Bengal Agricultural Income-tax Officer to assess the tax and to enforce the payment of the tax. If we look to sub-clause (5) of clause 21, there again we shall find the following words "The Bengal Agricultural Income-tax Officers shall in respect of such areas as the Provincial Government may by notification determine, exercise the powers conferred and perform the duties imposed on them by this Act and by such rules as may be prescribed".

Here in this sub-clause, also, we find mention of the expression "Bengal Agricultural Income-tax Officers", but we have got no definition in the definition clause of the "Bengal Agricultural Income-tax Officers". Nowhere has this expression been defined and that is why we do not find any officers of the designation of Bengal Agricultural Income-tax Officers, as is mentioned in section 21. An objection may, therefore, very well be raised that there being no Bengal Agricultural Income-tax Officers as defined in the Bengal Agricultural Income-tax Bill, notices and assessment orders passed by such officers are illegal and cannot be enforced. The whole basis of the assessment is taken away and I therefore submit that the amendment really seeks not only to remove a formal defect in the Bill or to improve the drafting of the Bill but it cuts at the root of the whole matter, at the root

of assessment, and the whole machinery under this Act for the collection of tax would be jeopardised if the Bill is allowed to be passed in the shape in which it now stands. With these few words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, I agree that this purely drafting amendment would secure the verbal consonance of this clause with clause 21. But, Sir, I am satisfied that even without this amendment there will be no difficulty in the administration of this Act. In the circumstances, I have no other alternative but to oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 2 of the Bill in sub-clause (*2*), for the word "an" in line 2, the words "a Bengal" be substituted.

The motion being put, a division was challenged and taken with the following result:—

AYES—17.

Khan Bahadur Naziruddin Ahmad.	Mr. Humayun Z. A. Kabir.
Rai Bahadur K. C. Banerji.	Rai Bahadur B. M. Maitra.
Mr. S. C. Chakraverti.	Mr. H. D. Majumdar.
Mr. L. C. Das.	Mr. N. N. Mohalanabish.
Mr. B. C. Datta.	Mr. B. C. Mukherji.
Mr. N. C. Datta.	Mr. R. Pal Chaudhuri.
Mr. K. K. Dutta.	Mr. A. D. Roy.
Alhadj Khan Bahadur Shaikh Mohammad Jan.	Mr. B. K. Roy Chowdhury.
	Khan Sahib Maulvi Wahiduzzaman.

NOES—27.

Khan Sahib Fariduddin Ahmad.	Mr. Latafat Hossain.
Mr. Mesbahuddin Ahmed.	Mr. Mohamed Hossain.
Mr. Nur Ahmed.	Maulana Mohammed Akrum Khan.
Khan Sahib Nurul Amin.	Mr. W. B. G. Laidlaw.
Khan Sahib Abdul Aziz.	Mr. Abdul Latiff.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. Moazzemali Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur Mukhlesur Rahman.
Mr. Mohammad Habibullah Chowdhury.	Rai Bahadur R. S. Roy.
Mr. C. E. Clarke.	Mr. Yakub H. A. Sattar.
Mrs. K. D'Rozario.	Khan Bahadur M. Shamsuzzoha.
Mrs. L. P. Dutt.	Mr. J. W. R. Steven.
Khan Bahadur Abdul Gofran.	Dr. K. Talukdar.
The Hon'ble Khan Bahadur S. M. Hosain.	

Mr. PRESIDENT: Order, order. The House has divided: The Ayes being 17 and the Noes being 27, the amendment is negatived.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, may I move the amendment standing in the name of Mr. Biren Roy and Mr. Mesbahuddin Ahmed?

Mr. PRESIDENT: Yes.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I would not have moved this amendment in the ordinary circumstances; but my object in moving it is to show that Government oppose their own amendments. This amendment was evidently given notice of by the Parliamentary Secretaries on behalf of Government in order to improve the drafting. There are many glaring defects in the drafting. Sir, we know that inscrutable are the ways of God! So are also the ways of the present Ministry. It is very difficult to understand why the Government should think it fit to oppose an amendment of which notice was given on their behalf by their Parliamentary Secretaries.

Sir, the amendment which I beg to move runs as follows:—

That in clause 2 of the Bill, in sub-clause (*4*), for the words "the person appointed as Assistant Commissioner of Agricultural Income-tax" in lines 1 and 3, the words "a person appointed to be an Assistant Commissioner of Agricultural Income-tax, Bengal" be substituted.

Sir, this is a very desirable amendment. It removes a great defect and it is also calculated to improve the drafting. The arguments which have been advanced in connection with amendments Nos. 33, 34 hold good in this case also. I do not think many words are needed to explain the desirability of getting this amendment passed. With these few words, I commend this amendment to the acceptance of the House.

Mr. PRESIDENT: Order, order. Amendment moved: that in clause 2 of the Bill, in sub-clause (*f*), for the words "the person appointed as Assistant Commissioner of Agricultural Income-tax" in lines 1 and 3, the words, "a person appointed to be an Assistant Commissioner of Agricultural Income-tax, Bengal" be substituted.

Mr. LALIT CHANDRA DAS: Sir, I want to say a few words. Under section 21(*f*) we read as follows:—

> "The Assistant Commissioner of Agricultural Income-tax, Bengal, shall exercise in respect of the whole of Bengal all the powers provided under section 34 and such powers of the Commissioner under this Act or the rules made thereunder, except the powers provided under section 37, as may be delegated to him by the Commissioner with the approval of the Provincial Government."

Here the Assistant Commissioner of Agricultural Income-tax, Bengal, shall exercise all the powers in respect of the whole of Bengal. But in the definition the word "Bengal" is absent after the words "Assistant Commissioner of Agricultural Income-tax". So, to be precise, I think the word "Bengal" should be added after the words "Assistant Commissioner of Agricultural Income-tax". With these words, I support the amendment moved by my honourable friend Rai Bahadur Keshab Chandra Banerjee.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also support the amendment and my argument will be just this that this amendment is a child of the Government. It was conceived in the Legislative Department and was made over to the custody of two stalwart members of the House, Mr. Biren Roy and Mr. Mesbahuddin Ahmed. Now, these custodians say "we do not desire to take care of the child any more." The father says "I do not want the child" and when a member picks up the abandoned child, and asks the permission of the Chair to take care of the child and give it a home in the bosom of the Bill, the father says "if we discard the child, there will be no harm." I believe, Sir, that this was the only child that has been discarded. In the circumstances, I do not wish to advance any further argument. The Hon'ble Finance Minister will strengthen the argument that could be advanced on behalf of the amendment. With these words I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I tried to provide some adornment for the child, but I think that it can do without such adornment for the present moment.

Mr. PRESIDENT: The question before the House is: that in clause 2 of the Bill, in sub-clause (*f*) for the words "the person appointed as Assistant Commissioner of Agricultural Income-tax" in lines 1 and 3, the words "a person appointed to be an Assistant Commissioner of Agricultural Income-tax, Bengal" be substituted.

The question being put, a division was challenged and taken with the following result:—

AYES—15.

Khan Bahadur Naziruddin Ahmad.	**Mr. H. D. Majumdar.**
Rai Bahadur K. C. Banerji.	**Mr. N. N. Moholanabish.**
Mr. S. C. Chakraverti.	**Mr. B. C. Mukherji.**
Mr. L. C. Das.	**Mr. R. Pal Chaudhuri.**
Mr. B. C. Datta.	**Mr. A. D. Roy.**
Mr. K. K. Dutta.	**Mr. B. K. Roy Chowdhury.**
Mr. Humayun Z. A. Kabir.	**Khan Sahib Maulvi Wahiduzzaman.**
Rai Bahadur B. M. Maitra.	

NOES—26.

ın Sahib Fariduddin Ahmed.	Mr. Latafat Hossain.
Nur Ahmed.	Mr. Mohamed Hossain.
ın Sahib Nurul Amin.	Maulana Mohammed Akrum Khan.
ın Sahib Abdul Aziz.	Mr. W. B. G. Laidlaw.
D. L. Barua.	Mr. Abdul Latiff.
Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
ın Bahadur A. H. Chowdhury.	Khan Bahadur M. A. Momin.
Mohammed Habibullah Chowdhury.	Khan Bahadur Mukhlesur Rahman.
C. E. Clarke.	Rai Bahadur R. B. Roy.
ı. K. D.'Rozario.	Mr. Yakub H. S. Sattar.
ı. L. P. Dutt.	Khan Bahadur M. Shamsuzzoha.
ın Bahadur Abdul Gofran.	Mr. J. W. R. Steven.
Hon'ble Khan Bahadur S. M. osain.	Dr. Kasiruddin Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. For the endment—15; against the amendment—26. The amendment is, there-e, negatived. I now adjourn the House till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Friday, the 14th July, 1944

Members absent.

The following members were absent from the meeting held on the 13th y, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. Kader Baksh.
(3) Mr. Hamidul Huq Chowdhury.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. Khorshed Alam Chowdhury.
(6) Mr. M. R. Jaipuria.
(7) Mr. N. N. Mookerji.
(8) Mr. R. S. Purssell.
(9) Dr. K. S. Ray.
(10) Mr. S. N. Sanyal.

GP-44/5-8401A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 59.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 14th July, 1944, at 3 p.m., being the fifty-ninth day of the First Session of 1944, persuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Removal of paddy from the Tippera State to the British India.

208. Mr. NUR AHMED (on behalf of Maulvi Mahammad Habibullah Choudhury): Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether he has received any representation from any British subject or subjects of the Feni subdivision, stating that they are prevented by the State officials of the Maharaja of Tippera from cutting their paddy in the Maharaja's State bordering British India and carrying that home in the British possession without permit which is issued only after payment of exorbitant extra tax and up-to-date rent;

(*b*) whether the Government have taken any, if so what, action for the removal of the grievances of these tenants; and

(*c*) if not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes, in November last.

(*b*) Yes, representations were made to the Resident, Eastern States Agency, and the grievance has since been removed.

(*c*) Does not arise.

Rai Bahadur KESHAB CHANDRA BANERJEE: The question is not very clear or rather the language is not very happy. So, I cannot follow what is actually meant. Will the Hon'ble Minister kindly explain the position? What happened and what steps have been taken by the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have answered the question. If the honourable member wants detailed information, he should refer to the questioner.

Rai Bahadur KESHAB CHANDRA BANERJEE: The answer is all right but the question is not intelligible. So I request the Hon'ble Minister to kindly explain the position as to what actually happened regarding the cutting of paddy.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is a very novel request that I should explain the question. I am answerable for the answer: not for the question.

Rai Bahadur KESHAB CHANDRA BANERJEE: Neither the question nor the answer is intelligible, that is the difficulty. Therefore, I request the Hon'ble Minister to explain the position so that we may follow the answer.

Mr. PRESIDENT: The difficulty is this that the questioner is responsible for the question and the Hon'ble Minister for the reply. So, if the question is not clear, I do not think the Hon'ble Minister can improve upon it.

Mr. K. C. ROY CHOWDHURY: Arising out of (*b*), will the Hon'ble Minister be pleased to state what was the nature of the representation?

The Hon'ble Khwaja Sir NAZIMUDDIN: It was about the grievances of the tenants who are subjects of British India but who have lands in the Tripura State just over the border.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether as a result of the representation the tenants have now got to pay any tax for the removal of paddy from the Tripura State to British India?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I remember, there was an embargo upon the removal of paddy and rice from the Tripura State although the owner belonged to British India and there was I believe an exorbitant tax put on them. We made representation to the Tripura State and an amicable arrangement was arrived at and all the cultivators are now enabled either to bring their paddy to their own homes or sell it at reasonable price in the Tripura State.

Mr. LALIT CHANDRA DAS: Is any tax paid for it?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe the Tripura State was realising some tax. I do not know it exactly. But very likely the tenants have had to pay some tax.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to enquire and let the House know later on whether the tenants have got to pay any tax?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is likely they have to pay some tax. There is no law under which you can stop it so long as it is not an unreasonable tax.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether as a matter of principle any permit is necessary now for removal of paddy grown in Tripura to British India?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think permit is necessary. But there is no obstruction put on the tenants when they are satisfied that it is the paddy which has been cultivated by the man on his land in the Tripura State.

Mr. HARIDAS MAZUMDAR: The Hon'ble Minister has just stated with regard to the imposition of a tax "provided it is reasonable". Do I understand that the tax levied by the Tripura State is reasonable in connection with the removal of paddy?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not know the details of the settlement but the report is that the matter has been amicably settled and the local people have no grievance to make at the present moment.

Mr. PRESIDENT: Questions over.

NON-OFFICIAL BILLS.

The Advocates Robes Bill, 1944.

The House will now take up Non-official Bills. The first item on the agenda is the Advocates' Robes Bill, 1944, (as passed by the Assembly).

With regard to this Bill, I have just received a communication from the Private Secretary to His Excellency the Governor which runs as follows: "I am desired by His Excellency the Governor to refer to the Bengal Advocates' Robes Bill, 1944, which has been passed by the Bengal Legislative Assembly and sent to the Bengal Legislative Council, with a message asking the concurrence of the Council thereto, and to say that a question has arisen whether the principle of the Bill requires previous sanction of the Governor in his discretion. The question is being considered by His Excellency the Governor, whose decision will be communicated to you in due course. I am, therefore, to request that pending further consideration of the matter by His Excellency, action may be taken as contemplated under rule 6(4) of the Bengal Legislative Council Governor's Rules". So this matter cannot be considered today.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, this matter has been hanging fire since the beginning of the current session of the Council. So far as this House is concerned, this question arose sometime in February last.

Mr. PRESIDENT: This is a separate Bill, Rai Bahadur.

Rai Bahadur KESHAB CHANDRA BANERJEE: The Governor's sanction had not been received at the time and the Bill could not be considered.

Mr. PRESIDENT: As I have already stated, it is not that Bill but an altogether separate Bill, as passed by the Assembly.

The Usurious Loans (Bengal Amendment) Bill, 1940.

Mr. NUR AHMED: I beg to move that the Usurious Loans (Bengal Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Honourable Nawab Musharruff Hossain, Khan Bahadur, Minister in charge of the Judicial and Legislative Departments,

(2) Mr. T. B. Nimmo,

(3) Mr. Birendra Kishore Roy Chowdhury,

(4) Mr. Kamini Kumar Dutta,

(5) Mr. Haridas Mazumdar,

(6) Mr. Humayun Kabir,

(7) Khan Bahadur Abdul Hamid Chowdhury,

(8) Khan Bahadur M. Abdul Momin, C.I.E.,

(9) Mr. Yakub H. S. Sattar,

(10) Khan Sahib Fariduddin Ahmad, and

(11) the mover,

with instructions to submit their report by the 30th November, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Sir, this is a very simple amending Bill which seeks to amend the Usurious Loans Act, 1918. The main provisions of this amending Bill are as follows:—That in section 3 of the said Act, in sub-section (1), for the words beginning with "has reason to believe" and ending with "any of the following powers, namely, may" the following words shall be substituted, namely,—"has reason to believe that the transaction was, as between

the parties thereto substantially unfair, the court shall exercise one or more of the following powers, namely:—"; that the explanation to the same sub-section shall be re-numbered as Explanation II and the following shall be inserted as Explanation I, namely:—

"*Explanation I.*—If the interest is excessive the court shall presume that the transaction was substantially unfair, but such presumption may be rebutted by proof of the special circumstances justifying the rate of interest."

Sir, in the original Act there are conditions precedent on fulfilment of which powers can only be exercised. Even in that case the court is not bound to exercise that power given in section 3. This amending seeks to make it obligatory on the court. If one of these conditions exist, the court is bound to exercise the powers enumerated in the main section. Since the enactment of this Act two acts have been put on the statute book, —one the Bengal Money Lenders' Act, 1933, and the other Bengal Money Lenders' Act, 1940. In both these Acts there are certain exceptions and it may be questioned what is the necessity of an amendment of the Usurious Loans Act, after the enactment of those two Bengal Acts. There are exceptions in these two Acts. In the Act of 1940, certain class of loan transactions have been omitted from the scope of that Act and transactions within the city of Calcutta and some other places have been excluded from the scope of the Act of 1933. So there is necessity for amending the Usurious Loans Act which is an All-India legislation. This Bill was circulated for eliciting public opinion and we have received 74 opinions, mostly from District Judges,—those very persons who have administered this Act and have sufficient experience about the working of this Act. Also District Magistrates and other high personages have supported the provisions of this Bill. For the information of the House, with your permission I want to refer briefly to some of the opinions. The Additional District Magistrate of Bakarganj says, "I have no objection or suggestion to make". The District Magistrate of Birbhum says, "I have the honour to state that in order to give wider power to court to give relief in desirable cases the proposed amendments are necessary". The District Magistrate of Noakhali says, "I have the honour to say that I am in favour of the Bill". The Collector of Dacca says, "the proposed amendments appear reasonable and that we would exclude the words 'in case of loans to agriculturists' occurring in the proviso to section 2(*iii*) of the Bill". He wants to exclude that, other provisions being approved.

Then the District Judge of Bankura says, "I have the honour to state that the proposed amendments will be of immense benefit to the hard-pressed debtors. The courts, I believe, will welcome such measure." District Magistrate, Bankura, says, "The provisions will be useful". District Judge of Birbhum says, "I am in general agreement with the provisions of the Bill." Additional District Magistrate of Howrah says, "The provisions of the Bill are salutary." Additional District Magistrate of Burdwan says, "I see no objection to the proposed amendments." Additional Collector, 24-Parganas, says, "The amendments proposed seem to be desirable." District Judge of Howrah says, "I am in favour of the proposed amendments." District Magistrate of Khulna says, "The Bill as proposed may be adopted." Chittagong Merchants' Association says, "The Committee of this Association approves the provisions of the said Bill." The District Judge of Nadia says, "As the proposed amendment seeks to bring uniformity in the law relating to interest prevailing in the province, I have no objection." Collector of Dinajpur says, "The amendments proposed appear to be desirable so as to keep it in conformity with the Bengal Money-lenders Act and to give more relief as well in appropriate cases." District Magistrate, Faridpur, says, "The amendment is desirable." District Judge of Mymensingh says, "I have the honour to say that I am in general agreement with the provisions of the Bill except that the proposed proviso at

the end of the Bill is too vague" that is with regard to agriculturists' loans Secretary, Bar Association, Midnapore, writes "Both the above amendments are matters of procedure and are meant to relieve the debtor in the matter of onus of proof. In our opinion there is no objection to the proposed amendments." District Judge, Midnapore, says, "I have no objection to the proposed amendment." District Judge of Noakhali says, "I have the honour to state that the proposed amendment will certainly give wider powers to the courts in cutting down interest whenever they think the transaction in question to be unfair. The provisions of the Bill are free from any objection and are considered necessary." District Judge, Murshidabad, says, "The purpose of the Bill is obvious. The proposed amendments are to act more favourably to the debtor and specially the agriculturist debtor than before. There should be no objection to such proposal." District Judge, Rangpur, says, "The Bill aims at granting wider powers to courts to give relief in desirable cases appear to me quite reasonable and I have nothing to say against it." Secretary, Pleaders' Bar Association, Jalpaiguri, writes, "My Association has no objection to the Bill to be passed into Act." Secretary, Indian Merchants' Association, Chittagong, also approves of the provisions of the Bill. District and Sessions Judge, Mymensingh, says, "I have the honour to report that the Subordinate Judges at this station are in agreement that the proposed amendment would give courts greater latitude in coming to the relief of debtors suffering under the burden of inequitable loans."

Sir, I have quoted these opinions *in extenso*, because there is a motion for circulation. Sir, this Bill was circulated at length to all District Judges and all associations and all persons concerned and their opinions have been received. So I appeal to the Hon'ble Minister in charge to accept this motion; it is a very simple Bill and after amendment of the Money-lenders Act, 1940, it has become necessary to amend this Act also. With these few words, I move my motion.

Mr. PRESIDENT: Order, order. Motion moved that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Musharruff Hossain, Khan Bahadur, Minister in charge of the Judicial and Legislative Departments,
(2) Mr. T. B. Nimmo,
(3) Mr. Birendra Kishore Roy Chowdhury,
(4) Mr. Kamini Kumar Dutta,
(5) Mr. Haridas Mazumdar,
(6) Mr. Humayun Kabir,
(7) Khan Bahadur Abdul Hamid Chowdhury,
(8) Khan Bahadur M. Abdul Momin, C.I.E.,
(9) Mr. Yakub H. S. Sattar,
(10) Khan Sahib Fariduddin Ahmad, and
(11) the mover,

with instructions to submit their report by the 30th November, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I believe that there is an amendment to this motion tabled by the Government. It would be convenient if that amendment is moved and then the amendment and the original proposition may be discussed together.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, that amendment will not be moved.

Khan Bahadur NAZIRUDDIN AHMAD: In that case, Sir, I would rise to support——

Mr. KAMINI KUMAR DUTTA: Sir, may I request the honourable mover to substitute the name of Mr. Bankim Chandra Datta in my place as a member of the proposed select committee?

Mr. PRESIDENT: Will some member propose it?

Khan Sahib FARIDUDDIN AHMAD: I propose the name of Mr. Bankim Chandra Datta to be substituted in the place of Mr. Kamini Kumar Dutta as a member on the proposed Select Committee.

Mr. PRESIDENT: I take it that there is no objection to the name of Mr. Bankim Chandra Datta being substituted in place of Mr. Kamini Kumar Dutta.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the motion. The honourable the mover of this Bill is an indefatigable worker in this respect, and he has spent more time in the cause of theoretical legislation than all of us put together. I have taken part in some controversial legislation, but Mr. Nur Ahmad does not like spectacular display and he is a silent, constructive worker. The reasons put forward by him in support of his motion are convincing. By the passing of the Bengal Money-lenders' Act of which the whole Province should be proud, certain well-known and humane principles have been adopted but, as is well-known, numerous exceptions have found place in the Bill somehow or other. The humane provisions of the Bengal Money-lenders Act do not apply to many loan transactions in these exceptional cases. The debtors have to fall back upon the older Acts, and one of the Acts is attempted to be amended by Mr. Nur Ahmed to bring it as far as possible into line with the Bengal Money-lenders Act. The Bengal Money-lenders Act excepts the Scheduled Banks from its operation which it is needless to discuss in detail. I know of no principle by which these bodies should be excepted. I remember to have moved for the inclusion of Scheduled Banks in the Money-lenders Bill so as to make it applicable to them. There was practically a unanimity in the House for including Scheduled Banks but, for certain party reasons, I had to withdraw the amendment much to my own regret, and much to the regret of my friends as well as of many esteemed opponents. As a matter of fact, Scheduled Banks are in theory entitled to charge any rate, more than the legal rate. For instance, they can charge 30, 40 or even 50 per cent. or more. There is nothing to stop them. There are also others who get through other loopholes. A money-lender, as we understand it according to the English as well as to the Indian ideas, is a professional money-lender. So, all creditors do not come within the Bengal Money-lenders Act. Through this and other loopholes, many unconscionable usurious transactions take place and the courts are helpless in the matter, and cannot give any relief. So this Bill is a very timely measure and there is no point in the Government's amendment regarding its re-circulation. Mr Nur Ahmed has told us that the Bill has already been circulated and the opinions received are mostly in favour of the Bill. This shows that the principle underlying this amending Bill should be acceptable to the House. In fact, all classes of debtors in Bengal deserve to be treated on the same basis. Although Mr. Nur Ahmed has described the Bill with great modesty as a very simple measure, I think it is a very simple measure only in the sense that that it is small in size but it is of tremendous importance and the motion for Select Committee should be accepted by all sections of the House. With these few words, I support the motion.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I was waiting for honourable members opposite to tell us whether they have any objection to the motion. If they have no objection, of course

the Bill may then go to the Select Committee and be thrashed out there. I for my own part have no objection to accepting the motion.

Mr. PRESIDENT: The question before the House is that the Usurious Loans (Bengal Amendment) Bill, 1940, be referred to a Select Committee consisting of—

(1) The Hon'ble Nawab Musharruff Hossain, Khan Bahadur, Minister in charge of the Judicial and Legislative Departments,

(2) Mr. T. B. Nimmo,

(3) Mr. Birendra Kishore Roy Choudhury,

(4) Mr Bankim Chandra Datta,

(5) Mr Haridas Mazumdar,

(6) Mr. Humayun Kabir,

(7) Khan Bahadur Abdul Hamid Chowdhury,

(8) Khan Bahadur M. Abdul Momin, C.I.E.,

(9) Khan Sahib Fariduddin Ahmad,

(10) Mr. Yakub H. S Sattar, and

(11) the mover,

with instructions to submit their report by the 30th November, 1944, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

(The motion was agreed to.)

The Bengal Commercial Firms Bill, 1944.

Mr. K. C. ROY CHOWDHURY: I beg leave to introduce the Bengal Commercial Firms Bill, 1944.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. K. C Roy Chowdhury to introduce the Bengal Commercial Firms Bill, 1944.

(The motion was agreed to.)

SECRETARY (Mr. S. K. D. Gupta): The Bengal Commercial Firms Bill, 1944.

Mr. PRESIDENT: The Bill is introduced.

The Indian Fisheries (Bengal Amendment) Bill, 1944.

Mr. NUR AHMED: I beg leave to introduce the Indian Fisheries (Bengal Amendment) Bill, 1944.

Mr. PRESIDENT: The question before the House is: that leave be granted to Mr. Nur Ahmed to introduce the Indian Fisheries (Bengal Amendment) Bill, 1944.

(The motion was agreed to.)

SECRETARY (Mr. S. K. D. Gupta): The Indian Fisheries (Bengal Amendment) Bill, 1944.

Mr. PRESIDENT: The Bill is introduced.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I have your permission to mention a matter with regard to clause 5 of the Bengal Agricultural Income-tax Bill? I have sent in notice of a short-notice amendment (Mr. MESBAHUDDIN AHMED: It does not arise). Yes, it arises on account of the position taken by the Hon'ble Minister. My friend does not know.

Mr. PRESIDENT: But today is a non-official day.

Khan Bahadur NAZIRUDDIN AHMAD: I am simply mentioning it so that permission may be given to circulate it for consideration of the merits and the matter may be considered later.

Mr. PRESIDENT: All right, it will be done.

The House stands adjourned till 3 p.m. on Monday next.

Adjournment.

The Council then adjourned till 3 p.m. on Monday, the 17th July, 1944.

MEMBERS ABSENT.

The following members were absent from the meeting held on the 14th July, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Mr. Altaf Ali.
(3) Khan Sahib Nurul Amin.
(4) Mr. Kader Baksh.
(5) Mr. Hamidul Huq Chowdhury.
(6) Mr. Humayun Reza Chowdhury.
(7) Mr. Khorshed Alam Chowdhury.
(8) Mr. Humayun Kabir.
(9) Mr. Abdul Latiff.
(10) Mr. N. N. Mookerji.
(11) Mr. T. B. Nimmo.
(12) Mr. R. S. Purssell.
(13) Rai Sahib J. N. Ray.
(14) Dr. K. S. Ray.
(15) Mr. S. N. Sanyal.
(16) Khan Bahadur M. Shamsuzzoha.
(17) Khan Sahib Maulvi Wahiduzzaman.

BGP-44/5-9443A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 60.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 17th July, 1944, at 3 p.m., being the sixtieth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Agricultural income-tax.

207. Khan Bahadur NAZIRUDDIN AHMAD: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether there are any companies or firms which are deriving agricultural income as contemplated in the Bengal Agricultural Income-tax Bill, 1944, from land within Bengal but which are operating from—

(*i*) any of the 10 British Indian Provinces other than Bengal, individually or collectively;

(*ii*) any of the 300 and odd Indian States, individually or collectively;

(*iii*) the United Kingdom; and

(*iv*) any of His Majesty's Dominions such as Canada, Australia, South Africa, New Zealand and Eire, individually or collectively?

(*b*) Will the Hon'ble Minister be pleased to state, separately for each area as above, so far as practicable, or collectively, the number of such companies or firms, the amounts of their capital, the estimated amounts of their annual agricultural income and the estimated amounts of their agricultural income-tax leviable under the Bengal Agricultural Income-tax Bill, 1944, if enacted?

(*c*) Are there any companies or firms which are operated from any place in Bengal but which derive any income, in the different areas referred to in part (*a*) and are liable to pay in those areas any tax corresponding to the proposed tax leviable under the said Bill?

(*d*) If the answer to part (*c*) is wholly or in part in the affirmative, will he be pleased to state their number, the amounts of their share capital, the estimated amounts of their income which would correspond to the income which would be taxable under the said Bill, if such income had accrued or had been derived in Bengal?

(*e*) Will the Hon'ble Minister be pleased to state, as far as practicable, the rates of taxes prevalent in the Provinces, States, the United Kingdom and the Dominions, corresponding to the tax leviable in Bengal under the said Bill?

(*f*) Will the Hon'ble Minister be pleased to state the estimated amount of the proposed annual reciprocal relief, which would be claimable under clause 49 of the Bill—

(*i*) against the Province of Bengal by companies and firms operating from the Provinces, States, the United Kingdom and the Dominions referred to in part (*a*); and

(*ii*) against the said areas outside Bengal under the tax laws, if any, in force in those areas by companies and firms operating from within Bengal?

(*g*) Is the Bill intended to secure parity between (*i*) and (*ii*) in part (*f*) and is it expected that parity or quantitative reciprocity would be achieved between the relief granted by the Province of Bengal and the relief secured by companies and firms operating from Bengal and working outside the Province?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Tulsi Chandra Goswami): (*a*)(*i*), (*ii*), (*iv*), (*b*) and (*c*) Not known.

(*a*) (*iii*) Yes.

(*d*) Does not arise.

(*e*) A statement showing the rates of taxation in Assam (current year), Bihar (current year) and the United Kingdom (1941-42) is placed in the Library.

There is no agricultural income-tax in any other British Indian Provinces. The rates of taxation in other places mentioned in the question are not known.

(*f*) No amount of reciprocal relief is claimable under clause 49 of the Bill which does not make any positive provision in this respect, but simply authorises the Provincial Government to make such provision as they may consider necessary as and when required.

(*g*) No.

Khan Bahadur NAZIRUDDIN AHMAD: Arising out of (*f*), has any estimate of the reciprocal relief been made?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: No estimate of reciprocal relief has been made, because we do not expect that in the near future there would arise any question of such relief so far as the Bengal Treasury is concerned.

Khan Bahadur NAZIRUDDIN AHMAD: Arising out of (*e*), rates of taxes in the United Kingdom for the year 1941-42 have been given but is not any later figure available?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I would have liked to give the latest figure, but unfortunately that is not available.

Khan Bahadur NAZIRUDDIN AHMAD: Possibly the later figures are much higher than these figures for 1941-42?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I expect so.

Khan Bahadur NAZIRUDDIN AHMAD: Will the Hon'ble Minister kindly enquire into the matter, because this figure is a matter of importance?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Yes, Sir, I shall be very glad to enquire as, if the rates are much higher, then the reciprocal relief will recede farther.

Mr. HUMAYUN KABIR: With regard to the rates of tax in the United Kingdom, are the figures supplied with reference to the general income-tax or any special type of tax?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: General income-tax under the British Finance Act.

Khan Bahadur NAZIRUDDIN AHMAD: Is there any special agricultural income-tax in the United Kingdom?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: As far as I am aware, there is none.

Mr. W. B. C. LAIDLAW: Is there any tax called Schedule A which relates to tax on agriculture and rents generally?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Schedule A to what?

Mr. W. B. C. LAIDLAW: The Income-tax law is divided into several schedules, namely, A, B, C, D, E and F; and Schedule A relates to income from rents.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Yes, Sir, that is correct.

Khan Bahadur NAZIRUDDIN AHMAD: Is there any special tax? Schedule A may relate to agricultural income or some other kind of income; but the question is whether there is any special income-tax known as agricultural income-tax in the United Kingdom?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I don't think so.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if there is any difference in the rates of taxation with regard to income derived from agriculture or otherwise so far as the United Kingdom is concerned?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: As far as I know, no Sir.

Cost of supplying foodstuffs to Government employees at reduced rate.

209. Mr. NAGENDRA NATH MOHOLANABISH: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) what is the amount of actual or estimated average loss per month incurred by the Government in supplying foodstuffs to their employees at a reduced rate, including all incidental charges in connection therewith; and

(*b*) if the Government propose to consider the advisability of avoiding such loss by discontinuing the present system and helping such employees by—

(*i*) fixing the maximum prices of essential foodstuffs at reasonable figures within the means of such employees, and

(*ii*) granting dearness allowances in cash to all such employees, who are getting rations from the Government?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: (*a*) In the budget estimates I have taken the loss during 1943-44 on the sale of foodstuffs to Government servants at concession rates as rupees one crore seventy-five lakhs.

The average loss per month including all incidental charges may be taken as Rs. 15 lakhs

(*b*) No.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether ration at controlled rates are supplied to the Civic Guards?

Mr. PRESIDENT: I don't think that question arises.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether Civic Guards are regarded as Government employees?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: No, Sir.

Mr. NAGENDRA NATH MOHOLANABISH: Will the Hon'ble Minister be pleased to state whether pecuniary help in the shape of paying dearness allowance will be more economical from the point of Government than supplying foodstuffs?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, we have as far as possible avoided paying pecuniary dearness allowance with a view to avoiding the effects of inflation.

Mr. NAGENDRA NATH MOHOLANABISH: Does not the Hon'ble Minister think that there is a considerable amount of loss and wastage due to this system of supplying ration?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: No, Sir.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it not a fact that the Civic Guards in Calcutta are salaried men?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I don't think that question arises.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if the figure of one crore seventy-five lakhs which is the estimated loss on account of sale of foodstuffs to Government servants during 1943-44 includes the loss incurred on account of supplying foodstuffs to Civic Guards?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I don't think so. I require notice for a more specific answer.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it not a fact that some of the Civic Guards are paid Rs. 30 per month per head and kept in barracks like police constables?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I don't think my estimate relates to any loss due to supply of foodstuffs to Civic Guards, as far as I remember.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state what are the reasons for holding that the grant of any pecuniary dearness allowance to Government servants will lead to inflation, whereas purchases by Government themselves will not lead to any such inflationary effect?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Because such purchases are made according to certain fixed rules and they are also part of the general procurement scheme of Government. I therefore think that the inflationary effect is very much less if we give dearness allowance in kind rather than in cash.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister state whether the menial staff, I mean orderlies, chaprassis, peons, etc., attached to the Bengal Secretariat and to the Legislative Council and Assembly Departments are getting any rations at controlled rates?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I want notice.

Rai Bahadur KESHAB CHANDRA BANERJEE: Are they paid any dearness allowance?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Dearness allowance is paid to different categories of Government servants; but without notice and off hand I am afraid I cannot give a precise answer.

Mr. NAGENDRA NATH MOHOLANABISH: Will the Hon'ble Minister please state what is the cost of the establishment charges and the cost of supplying foodstuffs separately?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: As I have stated, taking all expenses into account our loss comes to rupees 15 lakhs a month.

Mr. NAGENDRA NATH MOHOLANABISH: I wanted the accounts separately.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I am afraid, I am not in a position to oblige my honourable friend.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please state if the budget provides for the ration of the Home Guards?

Mr. PRESIDENT: I do not think that question arises.

Mr. PRESIDENT: The next question on today's list is to be answered by the Hon'ble the Home Minister. He is absent; therefore, all his questions should stand over today.

Cost of aerial visits of Ministers.

211. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Finance Department be pleased to state

(*a*) if it is a fact that the Hon'ble Minister in charge of Public Health and Local Self-Government Department visited Chittagong by air in the last week of October, 1943, for a few hours;

(*b*) if the said visit by the Hon'ble Minister was in his official capacity; if so, what was the object and the total cost of the visit, including his travelling allowance; and

(*c*) the total expenditure incurred on account of different aerial visits by the Hon'ble Ministers of the Cabinet to different parts of India on official business with their names and the object for which these visits were undertaken during the period from April, 1943, to January, 1944?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: (*a*) Yes.

(*b*) The Hon'ble Minister visited Chittagong in his official capacity. The object of the visit was to see for himself what arrangements had been made, and how many emergency hospitals had been opened for giving medical relief to sick destitutes. The Hon'ble Minister also visited the bombed areas.

The cost to Provincial revenue on account of the transit by air was nothing. The travelling allowance drawn by the Hon'ble Minister on account of road mileage was Rs. 20.

(*c*) A statement is attached.

Statement referred to in reply to Question No. 211.

Name of Minister.	Destination.	Date.	Cost of transit by air.
Hon'ble Sir Nazimuddin	Delhi	25-5-43	Nil, by courtesy of R. A. F.
Ditto	Feni (from Chittagong).	5-8-43	Ditto.
Ditto	Karachi	25-12-43	Rs.712-8.
Ditto	Agartala	28-1-44	Nil, by courtesy of R. A. F.
Hon'ble Mr. H. S Suhrawardy.	Delhi	4-9-43	Ditto.
Ditto	Delhi	12-10-43	Ditto.
Ditto	Dacca	16-12-43	Ditto.
Ditto	Feni	14-1-44	Ditto.
Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad.	Chittagong	29-10-43	Ditto.
Ditto	Vishnupur	13-11-43	Ditto.

Note.—All the above journeys were in connection with the duties of the office held by the Hon'ble Ministers.

Mr. LALIT CHANDRA DAS: Sir, with reference to the answer in (*b*) to the effect that the cost to the Provincial revenue was nothing, will the Hon'ble Minister please refer to his statement given below? From this it would appear that a sum of Rs. 712-8—

Mr. PRESIDENT: Mr. Das, your question is not very clear. I tried to follow your question but could not. Will you please try to put it clearly?

Mr. LALIT CHANDRA DAS: Arising out of (*b*), where it is said that the cost to the Provincial revenue on account of the transit by air was nothing, I would like to draw the attention of the Finance Minister to the statement given below that, namely, that the Hon'ble Sir Nazimuddin's tour to Karachi cost Rs. 712-8?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: My answer refers to the question itself, namely, cost of aerial visits of the Hon'ble Ministers. Rs. 712-8 probably includes railway fares and allowances. As regards aerial tours, the cost to the Provincial revenues is nil.

Mr. LALIT CHANDRA DAS: Arising out of (*c*), will the Hon'ble Minister be pleased to state whether the Hon'ble Sir Nazimuddin visited Karachi in his official capacity?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Yes.

Mr. LALIT CHANDRA DAS: What was the official business?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: In connection with the Provincial Ministers' Conference.

Mr. PRESIDENT: Questions over.

Mr. HUMAYUN KABIR: Sir, before you take up the adjournment motions, I would draw your attention to one matter of inconvenience from which all members of this House are suffering. We find that in the bathrooms attached to this place there is no proper arrangement, and towels and soaps very often are not there when we come. They are placed at the option of the authority in charge, whoever that great authority may be I do not know, and they are sometimes taken away within a minute or two after the Council meeting is over. This is very inconvenient and may I request you to kindly take steps in the matter?

Mr. PRESIDENT: Yes, I will look into the matter.

Rai Bahadur KESHAB CHANDRA BANERJEE: I would add to what has already been stated by Mr. Humayun Kabir that it is an encroachment of the privilege of the members that soaps and towels and other things which are in the bathrooms are taken away——

Mr. PRESIDENT: I have already told you that I shall look into the matter.

Rai Bahadur KESHAB CHANDRA BANERJEE: Towels and soaps are kept there all right when the Assembly is in session but when the Council is in session we do not find them.

Adjournment Motions.

Mr. HARIDAS MAZUMDAR: Sir, there is an adjournment motion standing in my name.

Mr. PRESIDENT: With regard to your adjournment motion, Mr. Mazumdar, I have carefully considered the matter. I find that multiplicity of issues involved in one motion. The motion also requires reference to the proceedings of the other House. So on these grounds, I cannot give my consent to it.

Mr. HUMAYUN KABIR: Sir, with regard to my adjournment motion of which I have given notice——

Mr. PRESIDENT: With regard to your motion, Mr. Humayun Kabir, you propose to discuss the "failure of the Government in taking necessary action for the passage of the Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, by the Bengal Legislative Assembly in time after it had been passed by the Bengal Legislative Council in order

to.. ...". Now, this Ordinance I believe expired within six weeks from the first meeting of the Legislature. The Legislature met on the 7th February, 1944. So by the 21st March, 1944, the Ordinance expired. But you did not come up with your adjournment motion ---

Mr. HUMAYUN KABIR: Sir, before you give your ruling, may I submit one thing?

Mr. PRESIDENT: I am not giving my ruling now. I am only stating my views. I think you are very late. The subject-matter of an adjournment motion must be of recent occurrence.

Mr. HUMAYUN KABIR: What you point out is right, but this Bill was passed in this House on the 23rd March and thereafter the Assembly was in session It could not be an Act till it had been passed by both House and assented to by the Governor. We were under the impression that Government would proceed with the Bill. So long as the Assembly was in Session, there would thus be no occasion for an adjournment motion.

After the session of the Assembly came to an end, we were not sure what would be the attitude of Government. They might hold that there was no further necessity for such legislation or Ordinance. But on Friday last, an official notification was issued by the Government. It stated that in view of the fact that this Bill had not been passed, it has been found necessary to issue an Ordinance in order to keep alive the provisions of the Bill. In other words, Government definitely stated that there was necessity for keeping alive the provisions of this Bill and that it was a necessary thing and they still had not moved it in the Assembly. They also admitted that it was a continuing necessity. While issuing the notification, they pleaded the urgency and importance of the Ordinance. The fact, therefore, is that they have not taken steps to pass this Bill. They have not done so in spite of the fact that the Bill was and is necessary. And these facts came to our knowledge only after the notification was published in the newspapers It actually came to our notice at about 1 p.m. on that day. I took the earliest opportunity for giving notice of my adjournment motion regarding this.

There is one more point, Sir. It is a matter of urgent and public importance, as has been pointed out by the Hon'ble Minister in his statement——

Mr. PRESIDENT: What is the urgency? The urgency if at all was when the Ordinance had expired or at least when the other House was prorogued. You took no action either when the Ordinance expired or when the other House was prorogued and waited till Government issued a communique.

Mr. HUMAYUN KABIR: We could not move any adjournment motion when the Ordinance expired, because at that time the two Houses of the Legislature were in session and it was within the competence of Government to carry this Bill through if that was their intention——

Mr. PRESIDENT: That is not the point. You cannot deny that there is a hiatus. The Ordinance came to an end by the 21st of March and the other House was prorogued I think on the 23rd June and today is the 17th of July. So, I cannot agree with you——

Mr. HUMAYUN KABIR: Sir, before you give ruling on this point, may I submit to you that only the other day an adjournment motion regarding the destitutes came up and Government got up and said that they did not want to proceed with the Bill——

Mr. PRESIDENT: Mr. Kabir, there is no analogy to the present case.

Mr. HUMAYUN KABIR: Even now Government admit that this is a matter of urgent public importance.

Mr. PRESIDENT: I have given my ruling.

Mr. LALIT CHANDRA DAS: Sir, I have an adjournment motion standing in my name.

Mr. PRESIDENT: About this, I would like to hear Government.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, this matter concerns the Chief Minister, but unfortunately he is not present. I have not got the necessary papers with me and so I am not in a position to make any statement.

Mr. PRESIDENT: In that case, I shall allow the honourable member to bring up this matter when the Hon'ble the Chief Minister returns.

Khan Sahib Maulvi WAHIDUZZAMAN: Should we wait for the Chief Minister?

Mr. PRESIDENT: It is not a new thing. However, Mr. Das, will you wait till the Chief Minister comes? I shall waive the question of urgency.

Mr. LALIT CHANDRA DAS: All right, Sir.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I beg to move my adjournment motion which runs thus——

Mr. PRESIDENT: You need not read it out. Will you kindly state what are your points in support of the motion? The motion is before me

Mr. NAGENDRA NATH MOHOLANABISH: The motion stands on certain facts. It has very recently come to our notice that the Government in its Agriculture Department under the signature of the Secretary to the Department has issued a circular to all the District Officers in the Province to the effect that "the Government feels embarassed by the publication of the price of rice in the *Supplement to the Calcutta Gazette* and District Officers are informed that where the prices are higher than the controlled price, instead of actual price being given, District Officers should show the controlled price, but add that rice cannot be had at the controlled price". Though the circular is dated the 19th of June, it must have reached the District Officers a week or two later and it has come to the notice of the public quite recently, I say, towards the end of the last week. I don't think it will be contradicted that this circular has been issued. Now, we know that the price of paddy and rice is being published in the *Calcutta Gazette* for the last 30 or 40 years, i.e., since the introduction of the Bengal Tenancy Act. Now, it is necessary not only for the ordinary administration and for ordinary trade or commerce purpose, but it is also necessary for a very important purpose that is mentioned in the Bengal Tenancy Act. It is a legal obligation on the part of the Government to publish correct prices in the different districts, different subdivisions, towns and villages. We are expected to know the correct prices——

Mr. PRESIDENT: I think that will do. May I know the Government point of view, now?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, this circular was issued when it was found out that some of the prices current were higher than the controlled price which was the only legal price. The Government felt that the prices which were not legal were the black market prices. Now the difficulty was whether these prices could be published. If they were published, Government would be recognising the black market prices. It was also felt that although Government was bound to publish current prices according to the Bengal Tenancy Act, they could not publish the prices which were current, because they were illegal prices. Therefore, in order to avoid these difficulties Government thought that a

note should be added to the effect that rice cannot be had at the controlled price. If black market prices were mentioned, Government would be recognising those prices although they have fixed certain maximum prices. In order to steer clear of all these difficulties, Government issued instructions that a note should be made saying that rice cannot be had in the open market at the controlled price. That was the idea. The idea was not to place Government in a false position in which Government would certainly be put had they published prices which were higher than the controlled price and which were not legal, and in that view of the case the Government issued the circular. But we are seriously considering the matter, and we shall take the opinion of the Legal Remembrancer and also of the Advocate-General probably. Then, if necessary, we will withdraw the circular.

Mr. PRESIDENT: Can the Leader of the House say that Government are really going to withdraw the circular?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We are taking legal opinion and I am prepared to say that if we are so advised, we will certainly do so. The advice will be taken with reference to the question as to whether we can publish in the *Calcutta Gazette* a rate for rice which is not the real rate.

Mr. HUMAYUN KABIR: If Government have any intention to withdraw the circular, then we need not press for this adjournment motion, provided of course that the Government are serious in this matter.

Mr. HARIDAS MAZUMDAR: And immediately.

Mr. PRESIDENT: I may say that I am inclined to give my consent to the moving of the motion. Are the Government really going to withdraw the circular or not?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have already made my position clear. There are difficulties in the matter and I have stated those difficulties. But we are prepared to take legal opinion and if we are advised to withdraw the circular, then we are prepared to do so. We do not like to suppress the actual facts; they will always be published.

Mr. HUMAYUN KABIR: In that case, the matter may stand over today.

Mr. PRESIDENT: I take it that Mr. Moholanabish will not press the motion today.

Mr. NAGENDRA NATH MOHOLANABISH: Yes, Sir, I do.

Mr. PRESIDENT: All right, let me now read the adjournment motion. The motion runs thus: That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the attempt that is being made by Government to deliberately suppress the publication of correct information in the *Calcutta Gazette* of the current and prevailing market prices of rice in the various places of the different districts in Bengal and to secure untrue and incorrect reports regarding the same by issuing a circular on or about the 19th June, 1944, to all Districts Officers under the signature of the Secretary to the Government of Bengal in the Agricultural Department to the following effect: —

> "The Government feels embarrassed by the publication of the price of rice in the *Supplement to the Calcutta Gazette* and District Officers are informed that where the prices are higher than the controlled prices, instead of actual price being given, District Officers should show the controlled price, but add that 'rice cannot be had at the controlled price,'
>
> which is causing or likely to cause alarm and panic in the country and demoralise the District Officers".

Now, is there any objection to it?

(There was no objection.)

I take it, therefore, that this motion is admitted. I will now fix a date—

Mr. HAMIDUL HUQ CHOWDHURY: Sir, so far as the date is concerned, may I make a submission? It is more or less a technical matter in which the legal position has to be reviewed, because the entire publication of this price-list is by virtue of a provision in the Bengal Tenancy Amendment Act requiring the publication of the prices of foodstuffs in the province in the Gazette——

Mr. PRESIDENT: When can the Government expect that legal opinion?

Mr. HUMAYUN KABIR: There is no question of policy underlying this matter, and therefore the legal opinion can be obtained in 24 hours time.

Mr. HAMIDUL HUQ CHOWDHURY: I submit, Sir, that the question of policy is indeed involved in this matter. The question now in dispute is as to whether a price that is illegal can be published in the *Calcutta Gazette* for the purpose of the Bengal Tenancy Amendment Act which requires the prices to be made known and whether the prices offered are legal prices or not. In this view I submit that discussion of this matter may be adjourned to a date which will give the Government sufficient time to get legal opinion

Mr. PRESIDENT: Yes, but when do the Government think that they can expect this legal opinion?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: By Friday week.

Mr. PRESIDENT: Well, Friday will be too late. It has never been the practice to put off adjournment motions indefinitely. Today is Monday; I suggest that Government try to get legal opinion by next Thursday so that it may be taken up on Friday next.

Mr. LALIT CHANDRA DAS: Sir, it is a non-official day and we object to take up any other business on a non-official day.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, it is a more urgent business than non-official business and there are precedents that when there are more urgent business, it is taken up on a non-official day. I suggest, therefore, that it may be taken up on Friday.

Mr. HUMAYUN KABIR: Sir, you have admitted the adjournment motion and the difficulty is about the date. It is for you to decide the date of the discussion of the adjournment motion. All these discussions are therefore out of order.

Mr. PRESIDENT: The date should be so fixed that Government may get legal opinion and I tried to obtain an idea from the Leader of the House.

Mr. LALIT CHANDRA DAS: Sir, it may be taken tomorrow. The opinion can be had in 24 hours——

Mr. PRESIDENT: There are heaps of precedents when adjournment motions were taken up after an interval of two or three days. So it does not matter if discussion takes place tomorrow or on Thursday or on Friday.

Khan Bahadur M. A. MOMIN: Thursday is a holiday.

Mr. HAMIDUL HUQ CHOWDHURY: There are precedents when adjournment motions were taken up long after they were admitted.

Mr. PRESIDENT: What is your objection? Why can't you take the legal opinion within 48 hours? I should like to hear Government on this point.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Friday will suit us: Thursday is a holiday.

Mr. LALIT CHANDRA DAS: We object to Friday, because it is a non-official day. The motion has been admitted—it is a matter of urgent public importance and if the Government want to get legal opinion they can obtain it within a day.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Then, Sir, it may be taken up on Saturday.

Mr. PRESIDENT: The House does not sit on Saturday.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It may meet on Saturday specially for this question.

Mr. PRESIDENT: Can't you get the legal opinion by Wednesday?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It would be too early

Mr. PRESIDENT: If they can't get the opinion by Wednesday, there is no other alternative but to postpone it till Monday next.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, before you declare the date, I submit that it would be extremely difficult for us to have the discussion on Monday—

Mr. PRESIDENT: I do not think it is such a matter that it cannot be postponed till Monday

Mr. NAGENDRA NATH MOHOLANABISH: But it would be very inconvenient for us on this side of the House if it is postponed till next week. It is quite possible to get the opinion by Wednesday.

Mr. PRESIDENT: You cannot have it both ways. I fix it for discussion on Monday next.

Mr. HUMAYUN KABIR: If we meet on Thursday, then it may be taken up on Thursday; otherwise on Monday.

Mr. PRESIDENT: I have fixed Monday already.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, we find from the Order Paper that there will be meeting on the 20th July, Thursday, but there will be solar eclipse on that day so it will be very difficult for the Hindu members of this House to attend the Council. Therefore may I request that Thursday be declared a holiday? The High Court will not sit on that day.

Mr. PRESIDENT: That question may be considered tomorrow.

We shall now take up the Bengal Agricultural Income-tax Bill, 1944.

The Bengal Agricultural Income-tax Bill, 1944.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in clause 2 of the Bill, sub-clause (*8*) be omitted.

This sub-clause has created considerable amount of anxiety on the part of some honourable members. The sub-clause defines "Hindu undivided family" to mean a "Hindu undivided family governed by *Mitakshara* law". In Bengal the majority of permanent Hindu residents or original Hindu residents are not governed by *Mitakshara* law. On account of this definition, the provisions relating to Hindu undivided families would be inapplicable

to the real Hindu residents of Bengal for the purpose of this Bill. Certain very good provisions have been made in the Schedule for Hindu undivided families, but they are inapplicable to Hindu undivided families governed by *Dayabhaga* system. These considerations are also applicable to Muhammadan families who, as a matter of fact, live in joint mess. There are certain advantages of joint families, but all the advantages reserved to the Hindu undivided family are, by force of this definition, taken away. It seems that if this definition is omitted, the effect would be that the Bill would be applicable to all Hindu joint families, and I have tabled this amendment only to make the provisions applicable to all joint Hindu families. If this amendment is not accepted, the effect would be that separate families would be more advantageous and the result would be that a large number of separations would take place in joint families both in Muhammadan and in Hindu families. So the integrity of joint families in Bengal, which exist from generations, would be disrupted and broken up by virtue of this definition. Thus, this definition would cause the greatest mischief to our society. I do not think of Hindus only but of Muhammadan joint families also. According to the Bill, it would be more advantageous to partition the joint family properties. I submit that this definition should be omitted. By the omission of this definition the position should be the same for all joint families. With these few words, I commend my amendment to the acceptance of the House

Mr. PRESIDENT: Order, order Amendment moved that in clause 2 of the Bill, sub-clause (8) be omitted.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I beg to support this amendment on the simple ground that this idea of taxing the Hindu undivided family is most objectionable, most inequitable, hard and unjust. In this country, amongst the Hindus there are really two main systems of law by which the Hindus are governed, viz., the *Mitakshara* and the *Dayabhaga*. Under the Income-tax Act of the Central Government, this Hindu undivided family is taxed as a unit, and in that Act really no distinction is made between the *Mitakshara* and the *Dayabhaga* families. In *Mitakshara*, until there is partition between several members of the family, you cannot know as to what is the exact share of a particular member of the family, and therefore there may be some justification for treating the family as a unit. But so far as the *Dayabhaga* family is concerned, you know definitely what share a particular member of the family has. Though he may be living together and enjoying his share of profit together under the management of a *karta* of the family, he has a right to know what is being done with his money, and he can at once say that he is entitled to so much. But whatever may be the position with regard to the difference in the *Mitakshara* and the *Dayabhaga* families, there is absolutely no justification why a Hindu family, whether *Mitakshara* or *Dayaghaga*, should pay more tax than any other subject in the land. You will agree with me, Sir, that if we calculate the tax that is paid by a Hindu undivided family under the same rule, we will find that it is much more than what is paid by other members individually in this country. I am not going to refer to the rules obtaining in other countries where a man is allowed deductions on account of his wife, children and other members; but here we have got no such deduction. Apart from that, what is the justification for treating the family as a unit? When you know that you are treating the three brothers of a family together, you divide the tax amongst them separately and you have your share of the tax. There is no precedent in the world, there is no justification for this, and therefore, Sir, I would submit that in the definition you should not bring in a Hindu undivided family as a unit for taxation. It can be easily said and easily demonstrated that the State cannot lose by virtue of the fact that they are living together, and as they are not actually separating so they cannot tax them separately.

You can always find out their actual relationship. If it is a case of agricultural income-tax and if you find that it is a holding, then it must be

an estate registered with the Collectorate and from the sherista of the collectorate you can easily find out what the share of the brother is. Similarly, if it is a holding registered with the zemindar, you can easily ascertain as to what is the share of his brother and tax him accordingly. Now, this question of taxation and this sort of taxation will have the effect of disrupting the Hindu family, and brothers will be forced to draw up deeds of partition or to go through all the ceremony of partition in the civil courts with a view to avoid this tax. You are thus forcing the Hindu undivided family to disintegrate. The most objectionable feature of this sort of taxation is the taking of the undivided family as a unit. I should say that there should not be any taxation under the social custom, and the usage which has been going on from time immemorial, and under which the Hindus generally prefer to live in common mess with their brothers that should not be touched; you can secure this tax without taxing undivided families. I, therefore, support this amendment and submit that undivided Hindu families should not be brought within the taxation scheme.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, it is the indeterminability of the individual's share in an undivided family governed by the *Mitakshara* law that makes it necessary for us to have this definition. In a way it works harshly on the *Mitakshara* families I admit that; but there was no escape from it. In the Hindu families every share-holder is to pay his own share of the agricultural income-tax. First of all, I do not see how this arrangement would tend to disintegrate the Hindu undivided families. Speaking not on behalf of Government but giving my own personal opinion in the matter, I may say that I shall never willingly do anything to prevent the disruption of the Hindu joint family. It is no longer a good thing; it is an anachronism and a myth. But, as I said, in this I am not speaking on behalf of Government; I am only answering a remark of Mr. Moholanabish. On the question before the House I may repeat that it is because of the difficulty of determining the share of the individual in *Mitakshara* families that we have had this definition.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I ask a question of the Hon'ble Minister in order to have a certain point elucidated? The Hon'ble Minister has just now stated that ordinary members of the *Dayabhaga* joint family would be taxed as individuals, but in the Schedule, in paragraph (A) there is provision for individuals and in paragraph (B) there is a provision again for an association of individuals. I want to know the purpose of the two. I should like to know, first of all, the Hon'ble Minister's view-point as to whether it is his intention to tax Hindu families as an association of individuals or purely as individual persons? That is the point I want to be cleared up.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, it is our intention to tax individual members of the Hindu families governed by the *Dayabhaga* law as individuals.

Khan Bahadur NAZIRUDDIN AHMAD: Should they not be taxed as associations of persons?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: No, Sir.

Mr. PRESIDENT: The question before the House is that in clause 2 of the Bill, sub-clause (8) be omitted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, will you permit me to move amendment No. 41?

Mr. PRESIDENT: Yes.

Mr. LALIT CHANDRA DAS: I beg to move that in clause 2 of the Bill, for sub-clause (*9*), the following sub-clause be substituted, namely:—

"(*9*) 'person' includes any company or association or body of individuals, whether incorporated or not, and includes also a Hindu undivided family and the Ruler of an Indian State".

Sir, this amendment stands in the name of Mr. Biren Roy and Mr. Mesbahuddin Ahmed, that is to say it was a Government amendment, which now I have the privilege to move. If it is accepted, it will remove a great misconception. The definition, as it stands, is defective. The definition given in sub-clause (*9*) of clause 2, says, "person" includes a Hindu undivided family, a firm, a company and the Ruler of an Indian State. In this amendment Government wanted that this should be changed. The word "firm" has been omitted and the words "association or body of individuals" have been added. In the definition there is no such expression as "association or body of individuals". I desire to draw the attention of the Hon'ble Finance Minister to (*b*) of the Schedule in the last page of the Agricultural Income-tax Bill.

In the case of every company, firm or other association of individuals, they will be taxed. In the Schedule we find that every company, firm or other association of individuals will be taxed but in the definition we do not find the use of the word "association of individuals" So it is absolutely necessary that this definition should be corrected and the word "association" should find a place in the definition. Suppose, a body of individuals takes up a big land in the Sunderbans and makes very good profit out of it but because there is no mention of the association or body of individuals in the definition clause, this body will be exempted even though it makes an income of Rs. 3,500 or more.

With these words, I move my amendment

Mr. PRESIDENT: Amendment moved: That in clause 2 of the Bill, for sub-clause (*9*), the following sub-clause be substituted, namely:

"(*9*) 'person' includes any company or association or body of individuals, whether incorporated or not, and includes also a Hindu undivided family and the Ruler of an Indian State."

Mr. HUMAYUN KABIR: Sir, I rise to support this amendment. The Government themselves felt compelled to give notice of this amendment and have at the last moment seen fit not to move it only because they consider discretion to be the better part of valour. I would draw the attention of the Hon'ble the Finance Minister to one kind of situation which not only may arise in future but has arisen on many occasions in the past and may arise again There is no reference whatsoever to a partnership in the definition in clause 2. There is no mention of partnership in the Bill as passed by the Assembly. There is no mention either of the fact how the income of individuals who compose a partnership will be taxed. Obviously, it will mean differential rates. If three persons constitute an association and if each person has an income of Rs. 1,500, then the rate for the total income would be quite different from what it would be if the incomes are considered separately. The definition in the Bill-clause is obviously defective. It leaves out of consideration the case of partnership. Take again the case of individuals who in a body undertake agriculture of a big plot of land. I know of a body of people who are cultivating jointly the whole paddy land of a village in the Nadia district and they are making a fairly good profit. Now, under the Agricultural Bill as passed by the Assembly, their income would not be liable to be taxed because they are neither a company nor a firm nor a Hindu undivided family as there are both Hindus and Muhammedans in the Group,—nor they are Rulers of Indian States. Government cannot tax their income even though the income is more than Rs. 3,500 Government recognised

these defects as soon as this Bill came out of the Legislative anvil in another place. That is why they gave notice of this amendment but they are not prepared to come forward with this amendment. However much my honourable friend Khan Bahadur Naziruddin Ahmad may say that Government are not afraid of public opinion nor are they afraid of facing the Legislature, the Government know better. Government themselves know and every honourable member of this House knows what is preventing Government from moving this amendment. It is their mortal terror of facing the Bengal Legislature and nothing else.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. The definition in the Bill-clause is defective. It does not include "association or body of individuals whether incorporated or not". The House will be pleased to note that this fuller expression finds a place in the Schedule but in the body of the Bill only the word "person" is mentioned. If in the definition the word "person" is not made to include "association or body of individuals whether incorporated or not", then it would be extremely doubtful as to whether the provision in the body of the Bill would really apply to them. Thus, the Schedule contains certain classes of persons on the expectation that they will be taxed but the body of the Bill omits it. But the amendment is also a creature of the Government. It is really a child of the Hon'ble Minister. It was conceived in the Legislative Department and it found the light of day in the printed amendment. Now, Sir, this new child is not much better than its predecessor: the one in the Bill-clause. In the Bill-clause there is the expression "firm" which is omitted in the amendment. Now, the amendment has certain defects and advantages. The original Bill has certain defects and advantages. The Bill-clause mentions "firm" which the amendment omits. The amendment contains "association or body of individuals" and omits "firms". Both these are Government drafts, and while trying to support this amendment, I do so with this reservation that there is nothing much to choose between the two.

Then, there is another aspect of the matter. The word "person" has been defined in the Bengal General Clauses Act. It is defined in section 3(32) of that Act. The application of that definition, however, is dependent upon there being nothing repugnant in the subject or context. This will lead to difficulties and uncertainties. In that section of the Bengal General Clauses Act, "person" includes "any company or association or body of individuals whether incorporated or not". This definition excludes the expression "firm" to be found in the Bill-clause, and then we find the expression in the Bill-clause and the expression as defined in the Bengal General Clauses Act and there is an incomplete definition in the amendment proposed by the Government. None of these definitions would be quite satisfactory but, on the whole, I should think that the amendment is slightly better. With this reservation, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I agree that the amendment would make the definition of "person" fuller and more expressive and it would make it more extensive by bringing in other categories mentioned in the General Clauses Act. But I point out that the operative provision is in clause 3 which refers expressly to association or body of individuals, and I do not think that this amendment is absolutely necessary. Therefore, I oppose the amendment.

Mr. PRESIDENT: Order, order. The question before the House is that in clause 2 of the Bill, for sub-clause (9), the following sub-clause be substituted, namely:—

> "(9) 'person' includes any company or association or body of individuals, whether incorporated or not, and includes also a Hindu undivided family and the Ruler of an Indian State."

The question being put, a division was challenged and taken with the following result:—

AYES—12.

Khan Bahadur Naziruddin Ahmad.	Mr. H. D. Mojumdar.
Rai Bahadur K. C. Banerjee.	Mr. N. N. Moholanabish.
Mr. S. C. Chakravarti.	Mr. R. Pal Chaudhuri.
Mr. L. C. Das.	Mr. A. D. Roy.
Mr. M. R. Jaipuria.	Mr. B. K. Roy Chowdhury.
Mr. Humayun Z. A. Kabir.	Khan Sahib Maulvi Wahiduzzaman.

NOES—25.

Mr. Mesbahuddin Ahmad.	Mr. Latafat Hosain.
Mr. Nur Ahmed.	Maulana Muhammad Akram Khan.
Khan Sahib Abdul Aziz.	Mr. W. S. G. Laidlaw.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. Moazzemali Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Mr. T. B. Nimmo.
Mr. Muhammad Habibullah Chowdhury.	Khan Bahadur Mukhlesur Rahman.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. K. D'Rozario.	Khan Bahadur M. Shamsuzzoha.
Mrs. L. P. Dutt.	Mr. J. W. R. Steven.
Mr. R. W. N. Ferguson.	Dr. Kasiruddin Talukdar.
The Hon'ble Khan Bahadur S. M. Hosain.	

Mr. PRESIDENT: Order, order. The House has divided. For the amendment—12, against the amendment—25. The amendment is, therefore negatived.

Khan Bahadur NAZIRUDDIN AHMAD: May I, with your permission Sir, move amendment No. 43 standing in the name of Mr. Nur Ahmed as a short-notice amendment?

Mr. PRESIDENT: 43 is already disposed of and you cannot move it.

Khan Bahadur NAZIRUDDIN AHMAD: The wordings of the amendment will greatly improve the Bill. So, I would ask your permission to move the amendment.

Mr. PRESIDENT: But I am afraid it has been disposed of and I cannot allow you to move it.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the wordings are so good that I want to keep them on record.

Mr. PRESIDENT: But you cannot do it. Many good things we have to forego in life and this is one of them. You may move your amendment No. 44.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in sub-clause (*12*) of clause 2 of the Bill, for the words "any other association" in line 2, the words "any association" be substituted

Sir, the Bill-clause stands as follows: "principal officer" used with reference to an Indian State, a company or any *other* association means", etc In using the words "any *other* association" it implies that in the context there is provision for other associations from which this is being distinguished. Neither an Indian State nor a company is an "association" There is therefore no force in the word "other". It is redundant, absolutely inartistic and meaningless. So, this word should be banished from the definition; it is inoperative and impotent. In fact, there is a rule of interpretation of Statutes that every word must be given some meaning. Judge might think that, as the Act has been approved by the Bengal Legislatures the word must have some meaning; and they might be forced to give some meaning to it. In the circumstances, I think the word "other" should b

omitted. It would mean economy of expression. On this occasion, I hope, this would evoke some amount of intellectual sympathy from the Hon'ble the Finance Minister.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*12*) of clause 2 of the Bill, for the words "any other association" in line 2, the words "any association" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, for the sake of economy of words, I shall only say that with reference to this amendment the word "other" is necessary. I would like the Khan Bahadur to re-read it.

Mr. PRESIDENT: The question before the House is: That in sub-clause (*12*) of clause 2 of the Bill, for the words "any other Association" in line 2, the words "any association" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in sub-clause (*14*) of clause 2 of the Bill, for the word "include" in line 3, the words "also apply to" be substituted.

Sir, this is a drafting amendment——

Mr. PRESIDENT: Khan Bahadur Sahib, is any long speech necessary to move this amendment?

Khan Bahadur NAZIRUDDIN AHMAD: Sir, whether long or short, the speech will have the same effect. If it is short, it will suffer from inexplicitness; and if it is long, it will show in some greater detail the merit of the amendment; but as to the result, it is ফল মড়ক (the result would be death in any case). The purpose of these speeches is to show and keep on record the work that is done in the House, that is, that bad draftsmanship is being objected to by at least a section of the House. That is the purpose of these amendments. It is not necessary to influence votes.

I submit, Sir, that the words "also apply to", in the amendment, are more accurate from the point of view of English usage. The difficulty with the word "include" is that its nominative "received" is a verb, and it is supposed to include "receipts"—a noun. That is in effect the wording of this sub-clause—the word "received" includes "receipts". This is the anomaly which we have come to—a *verb* including a *noun*. In the circumstances, if we change the word "include" and substitute "also apply to", the effect would be that the word "received" shall *apply to* "receipt by an agent" and so forth and in paragraph (*2*) "receipts by other persons." It will maintain some symmetry from the grammatical point of view. There are authorities on English usage in this House, namely, Mr. Humayun Kabir and the Hon'ble Minister himself and others on the European Benches. They would be pleased to consider this matter and remove the grammatical anomaly. With these words, I propose the amendment.

Mr. PRESIDENT: Order, order. Amendment moved that in sub-clause (*14*) of clause 2 of the Bill, for the word "include" in line 3, the words "also apply to" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The amendment proposed is a drafting amendment and the drafting experts of Government consider that our present draft is satisfactory and in fact it is the correct one. Therefore, I oppose the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I wanted the Hon'ble Minister's own opinion as a great authority on English usage and not a mere repetition of official version.

Mr. PRESIDENT: Order, order. The question before the House that in sub-clause (*14*) of clause 2 of the Bill, for the word "include" i line 3, the words "also apply to" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: As an alternative to the la amendment, I have the next amendment in the hope that this would evol greater sympathy from the Hon'ble Minister, namely, his personal sympath and not the departmental sympathy.

Sir, I beg to move that in sub-clause (*14*) of clause 2 of the Bill, for th word "include" in line 3, the words "be deemed to apply to" l substituted.

This, I think, would be better than the last amendment. This is anoth version of the last amendment. I hope it would be slightly better receive I really want the Hon'ble Minister's personal opinion for which I have great regard.

Mr. PRESIDENT: Amendment moved that in sub-clause (*14*) of clau 2 of the Bill, for the word "include" in line 3, the words "be deemed apply to" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, in the opinio of the Government experts including myself, our words in the Bill are mo correct. Therefore, I oppose the amendment.

Mr. PRESIDENT: Order, order. The question before the House that in sub-clause (*14*) of clause 2 of the Bill, for the word "include" line 3, the words "be deemed to apply to" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in su clause (*14*) of clause 2 of the Bill, in paragraph (*1*) for the words "an agent in line 1, the words "his agent" be substituted.

Sir, the House will please consider the text of the Bill-clause. In th main part of this sub-clause, namely, item 14, there is a reference to th word "person". The words are " 'received' used with reference to the recei of the agricultural income by a person shall include", etc. Then in par graph (1) "receipt by an agent" is mentioned. I think that when th principal is mentioned earlier in the Bill, the words "his agent" would l more appropriate. If you used the words "an agent", then it would ha no reference to the word "person" with which it should be clearly relate After the amendment, the passage will read as follows: " 'received' us with reference to the receipt of agricultural income by a person shall inclu receipt by his agent." That is really what is intended; there is no har in saying what you obviously mean. With these words; I commend m amendment to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*14*) clause 2 of the Bill, in paragraph (*1*) for the words "an agent" in line the words "his agent" be substituted.

Mr. HUMAYUN KABIR: Mr. President, Sir, I regret that I have oppose this amendment of my honourable friend, for in this particular cas at any rate, I think that if he had read to the end of the sub-clause; he woul have seen that "an" is definitely better drafting. The words "receipt b an agent or servant on behalf of a principal or master respectively" ref to the principal, and the arguments advanced by the Khan Bahadur wit regard to the person in the main clause 14, which governs sub-clauses 1 an 2, I think is redundant. Therefore, in this particular case at least I d not complain against the Government's draft.

Khan Bahadur NAZIRUDDIN AHMAD: On a point of personal explanation, Sir. The position taken by Mr. Humayun Kabir is absolutely clear no doubt; but with regard to the next portion upon which he relied there is an amendment also.

Mr. PRESIDENT: Khan Bahadur Sahib, this is not a personal explanation; but you are speaking again in support of your amendment.

Khan Bahadur NAZIRUDDIN AHMAD: The reason why I have proposed this amendment——

Mr. PRESIDENT: I am afraid that is not a personal explanation.

Khan Bahadur NAZIRUDDIN AHMAD: The reason is this: I have not overlooked the position referred to by my friend, Mr. Humayun Kabir. If he had been careful enough to look to my other amendment, then he would have found that this amendment is absolutely clear.

Mr. HAMIDUL HUQ CHOWDHURY: May I congratulate my friend Mr. Kabir on his consequential support of Khan Bahadur Nazirudd'n's amendment?

Mr. NAGENDRA NATH MOHOLANABISH: With regard to this amendment I submit that the drafting is really bad and the Khan Bahadur's amendment read with the other additional amendment, I think, would be better, namely, "'received' used with reference to the receipt of the agricultural income by a person shall include receipt by an agent or servant on his behalf" and the rest may be omitted. Then it would make a correct sense, at least more correct than what is proposed in the Bill.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I would rather prefer to follow the draftsmanship of my friend Mr. Humayun Kabir to that of Mr. Moholanabish: So I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*1*) for the words "an agent" in line 1, the words "his agent" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*1*), the words "on behalf of a principal and master respectively" in lines 1 and 2, the words "on his behalf" be substituted.

Sir, this portion which I want to change by my amendment was relied upon by a great authority in this matter, Mr. Humayun Kabir, whom the Hon'ble Finance Minister has also described as such. What I would ask of Mr. Humayun Kabir is to consider the amendment which was lost in the light of this amendment. The amendment which has been lost just now is on the same line and is calculated to serve the same purpose as this. I am grateful to Mr. Nagendra Nath Moholanabish for looking at my amendment from a practical point of view and explaining the real object of the amendment. I would ask Mr. Humayun Kabir to look at this amendment, as I value his opinion, as that of the Hon'ble Finance Minister in a matter like this, and say whether it is necessary or not, and whether it is on the same line with the amendment which has just now been lost. If that amendment had been accepted, it would have made some sense. Half the improvement has been lost, and if this amendment is accepted, it would be the better half, though the worse half is lost. With these words, I beg to propose my amendment.

Mr. PRESIDENT: Amendment moved that in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*1*) for the words "on behalf of a principal and master respectively" in lines 1 and 2, the words "on his behalf" be substituted.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I support the amendment. I think this amendment will make the sense clear and better.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, it is very discouraging.

Mr. PRESIDENT: Order, order. The question before the House is: that in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*1*), for the words "on behalf of a principal and master respectively" in lines 1 and 2, the words "on his behalf" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*2*), for the words "receipts by other persons" in line 1, the words "receipt by any other person" be substituted.

Sir, the House will be pleased to consider the text. It is a mistake on the opposite direction. In one case the word "other" was unnecessarily used and in this case the word "other" has been used. If the honourable members will look at the text of the Bill, they will find that "any other person" would be a more precise and more consonant with the drift of the text. With these words, I propose my amendment.

Mr. PRESIDENT: Amendment moved that in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*2*), for the words "receipts of other persons" in line 1, the words "receipt by any other person" be substituted.

Mr. HUMAYUN KABIR: Sir, I think it is definitely a better draft and I have much pleasure in supporting the amendment. Whatever the Hon'ble Finance Minister says about expert advice, he will agree, or if he does not agree openly he knows in his heart of hearts, that it is a better drafting.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I support this amendment, because without the word "any" before the word "other", it would create a lot of trouble at the time of interpretation.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I admire Khan Bahadur Naziruddin Ahmad's perseverance but I am afraid I cannot accept the amendment.

Mr. PRESIDENT: The question before the House is: That in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*2*) for the words "receipts by other persons" in line 1, the words "receipt by any other person" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*2*), for the words "which are deemed to be his receipts under the provisions of this Act" in lines 1 and 2, the words and commas "which, under the provisions of this Act, shall be deemed to have been received by him" be substituted.

Sir, this is also a drafting amendment. The words have been re-arranged to strengthen the context. The words in the Bill look like a school boy's translation of a Bengali passage; but there is a sequence of ideas in Bengali, and there is another kind of sequence when you render it into English. I submit this re-arrangement would look much better and I hope that a Bill from the Council should emerge in the best possible form. In the circumstances, I submit that honourable members, if they calmly consider the matter, would agree with me. I venture to submit that it is an improvement on the wording of the Bill. The present perfect tense is more

applicable here. In the circumstances, I would ask the Hon'ble Minister to reply to this amendment. I am a learner and a student and the Hon'ble Minister is a great master. Instead of saying "In the view of the office it is good" or "I do not think it is bad" or "I do not think the amendment is better" and so on, he should reply to my arguments. I have a great respect for his personal opinion and I hope he would deal with the points and if he can give any good reasons, that would be convincing.

With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*2*), for the words "which are deemed to be his receipts under the provisions of this Act" in lines 1 and 2, the words and commas "which, under the provisions of this Act, shall be deemed to have been received by him" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I have not read the book my honourable friend Khan Bahadur Naziruddin Ahmad was quoting the other day "English: how to read and speak" or something like that. It is my misfortune. I think our drafting is good enough for our purpose and I am not certain that Khan Bahadur's amendment will be better. (Khan Bahadur NAZIRUDDIN AHMAD: The reply is not very encouraging.)

Mr. PRESIDENT: The question before the House is: That in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*2*), for the words "which are deemed to be his receipts under the provisions of this Act" in lines 1 and 2, the words and commas "which, under the provisions of this Act, shall be deemed to have been received by him" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*14*) of clause (*2*) of the Bill, in paragraph (*2*), for the words "receipts of agricultural income by way of adjustment of accounts with any other person" in lines 3 to 5, the following words be substituted, namely:—

"any sums received by him by way of adjustment of accounts with any other persons."

Sir, in effect it is nothing more than re-arrangement of the words which are proposed to be substituted by this amendment. I submit that this is more natural in the sequence of ideas and the re-arrangement of words. With these few words, I propose my amendment.

Mr. PRESIDENT: Order, order. Amendment moved that in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*2*), for the words "receipts of agricultural income by way of adjustment of accounts with any other person" in lines 3 to 5, the following words be substituted, namely:—

"any sums received by him by way of adjustment of accounts with any other persons."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I do not find any improvement in the suggested amendment. Our drafting is good enough. I oppose the amendment.

Mr. PRESIDENT: Order, order. The question before the House is that in sub-clause (*14*) of clause 2 of the Bill, in paragraph (*2*), for the words "receipts of agricultural income by way of adjustment of accounts with any other person" in lines 3 to 5, the following words be substituted, namely:—

"any sums received by him by way of adjustment of accounts with any other persons."

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 2 stand part of the Bill.

(The motion was agreed to.)

Clause 3.

Mr. PRESIDENT: Clause 3 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in Chapter I, above clause 3 of the Bill, the following heading of the chapter be inserted, namely, "Charge of Agricultural Income-tax".

All the other chapters in this Bill have independent headings. This is the only headless chapter in the Bill. The expression which I want to insert here is a heading which has already found place in the marginal note. In the marginal note there is the expression "Charge of Agricultural Income-tax". But, as is well-known, a marginal note can never be referred to for purposes of interpretation of an Act. It is only a help to find out in a cursory manner the contents of the section. With regard to the heading of a chapter, it occupies a more important position. It has a constitutional function to discharge. The heading of a chapter is something like an introduction to the sections of the chapter. It exercises the function of a preamble to an Act. As the preamble governs the whole Act, so the heading of a chapter governs the whole chapter to which it acts as a legislative preface. In case of any doubt as to the meaning of a section in a chapter, the heading of the chapter is a legitimate guide to interpretation. The expression used in the heading can be legitimately referred to for purposes of clearing up any doubt in the sections. The expression "Charge of Agricultural Income-tax" as the heading of the chapter appears in the corresponding section of the Indian Income-tax Act, and the Hon'ble Minister and honourable members will find that this identical heading appears above section 3 of that Act. I doubt not that it is an inadvertent omission and that it is appropriate that the chapter should have a heading. This is absolutely undeniable; there is no other example of a similar omission in any other chapter or in any Act. In these circumstances, this heading is proper and should therefore be inserted.

Now, probably the Hon'ble Minister might say that this headless chapter is serviceable; but I think it cannot be denied that this is clearly an omission on the part of the Government draftsman. The Hon'ble Minister on behalf of Government will perhaps say "I do not think that our draft is defective etc.". This course encourages me to a great extent because it concedes that the amendment is a good one, but for reasons of urgency and not for reasons advanced by Mr. Humayun Kabir, Government cannot accept this amendment. The sympathy with which the Hon'ble Minister has lately been treating our amendments, is really very encouraging. My honourable friend the Finance Minister, whose friendship I enjoy and which I very much value, might say that this headless chapter will be quite serviceable; he might even say—কাঠের বিড়াল হোক, ইঁদুর ধরতে পারলেই হোলো, that is to say, a wooden cat will be useful enough if it can catch rats. He will perhaps say that a headless chapter will be quite effective if it can serve our purpose. That may be the line of the Hon'ble Minister's reply. But I hope that he will not, with all the great authority which he exercises and the great authority which attaches to his unique position in this House and the inimitable way he has of dealing with things, he will not try to brush aside this item. I would ask him to kindly make a distinction between the amendments which could be dispensed with and this amendment that cannot be dispensed with except on grounds of extreme State urgency, which I have submitted does not really exist. I think this headless chapter might give some amount of thought to the compiler of Crossword Puzzles in the *Illustrated Weekly of India*. He will give a clue to a puzzle as "a headless chapter of an Act" and our friends of this House will point to this chapter. This

amendment is an amendment of substance and not merely a drafting one and will cure a lacuna in the Bill and I submit it should be accepted as such.

Mr. PRESIDENT: Amendment moved: That in chapter I, above clause 3 of the Bill, the following heading of the chapter be inserted, namely, "Charge of Agricultural Income-tax."

Mr. LALIT CHANDRA DAS: Sir, if consistency is a virtue, then I think the Hon'ble Minister will do well to adopt this suggestion contained in the amendment. For, if we look to Chapter II, we shall find a heading there, namely, Computation of agricultural income-tax and allowances. If we look to Chapter III, we will find a similar heading, namely, Liability to assessment in special cases. If we look to Chapter IV, there again we will find a heading, namely, Income-tax authorities and Appellate Tribunal. In the case of Chapter V also, there is a heading, and so on and so forth.

In this view, I do not know why Chapter I should not have a heading.

It should have a heading and that heading is clear, namely "Charge of Agricultural Income-tax". Then again, in the Indian Income-tax Act which they have copied, all the chapters have headings. All these I think will convince the Hon'ble Minister and persuade him to accept the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, if Chapter I lacks a heading it has a very good purpose to serve. A heading would have been artistic; but since we have marginal notes, I do not think that any inconvenience would be caused either to the assessees or to the assessors. I am grateful to my friend Khan Bahadur Naziruddin Ahmad for having recognised the matter of great urgency (Mr. HUMAYUN KABIR: and not political expediency) yes, and not political expediency that has compelled me to speed up the progress of the Bill through the Legislature. In view of my declaration made at an earlier stage, I would ask my honourable friend not to press this amendment.

Khan Bahadur NAZIRUDDIN AHMAD: May I ask one question to the Hon'ble Minister? Is it permissible to refer to the marginal notes? Our impression is that it is not at all necessary to have marginal notes. Marginal notes or remarks are absolutely detested by judges in interpreting a section. These notes are meant probably to find out the contents of a section in a rough and ready manner——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: But the headings are not for legal or altruistic purpose.

Khan Bahadur NAZIRUDDIN AHMAD: I submit, Sir, the heading has a legal purpose.

Mr. PRESIDENT: Order, order. I would not allow members to argue in this way. Yes, Mr. Moholanabish, you want to say anything?

Mr. NAGENDRA NATH MOHOLANABISH: I do not think I need add anything in the circumstances. But it is a settled law that you cannot refer to marginal notes in interpreting a section and it is also a settled fact that sometimes you are bound to refer to headings in order to interpret that chapter.

Mr. PRESIDENT: The question before the House is. That in Chapter I, above clause 3 of the Bill, the following heading of the Chapter be inserted, namely:—

"Charge of Agricultural Income-tax".

The question being put, a division was challenged and taken with the following result:—

AYES—12.

Khan Bahadur Nazirudin Ahmad.	Mr. H. D. Majumdar.
Rai Bahadur K. C. Banerjee.	Mr. N. N. Moholanabish.
Mr. S. C. Chakraverti.	Mr. R. Pal Chaudhuri.
Mr. L. C. Das.	Mr. A. D. Roy.
Mr. M. R. Jaipuria.	Mr. S. K. Roy Chowdhury.
Mr. Humayun Z. A. Kabir.	Khan Sahib Maulvi Wahiduzzaman.

NOES—24.

Mr. Mesbahuddin Ahmed.	Mr. Latafat Hossain.
Mr. Nur Ahmed.	Maulana Muhammad Akram Khan.
Khan Subidali Abdul Aziz.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. Hamidul Huq Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Mr. T. B. Nimmo.
Mr. Muhammad Habibullah Chowdhury.	Khan Bahadur Mukhlesur Rahman.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mrs. K. D'Rozario.	Mr. Yakub H. S. Sattar.
Mrs. L. P. Dutt.	Khan Bahadur M. Shamsuzzoha.
Mr. R. W. N. Ferguson.	Mr. J. W. R. Steven.
The Hon. Khan Bahadur S. M. Hosain.	Dr. Kasirudin Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The Ayes—12; and the Noes—24. The amendment is, therefore, negatived.

Mr. PRESIDENT: Shall we finish clause 3?

Mr. AMULYADHONE ROY: Sir, I have got an amendment which will take some time.

Mr. HARIDAS MAZUMDAR: Sir, I also object to taking up clause 3 now.

Mr. PRESIDENT: Do you seriously object to this?

Mr. HARIDAS MAZUMDAR: Yes, Sir.

Mr. PRESIDENT: All right. The House stands adjourned till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Tuesday, the 18th July, 1944.

Members Absent.

The following members were absent from the meeting held on the 17th July, 1944:—

(1) Khan Sahib Fariduddin Ahmad.
(2) Mr. Sultanuddin Ahmed.
(3) Khan Sahib Nurul Amin.
(4) Mr. Kader Baksh.
(5) Mr. Humayun Reza Chowdhury.
(6) Mr. Khorshed Alam Chowdhury.
(7) Mr. Kamini Kumar Dutta.
(8) Khan Bahadur Abdul Gofran.
(9) Mr. Abdul Latiff.
(10) Rai Bahadur B. M. Maitra.
(11) Mr. N. N. Mookerjee.
(12) Mr. B. C. Mukherji.
(13) Mr. R. S. Purssell.
(14) Dr. K. S. Ray.

BGP-44/5-8447A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 61.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 18th July, 1944, at 3 p.m., being the sixty-first day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Mr. PRESIDENT: As most of the questions are to be answered by the Hon'ble Mr. Suhrawardy, I would like to know whether he will be able to attend the House today.

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Suhrawardy arrived only at noon today, the train having arrived very late. So he will not be able to be present today. I would, therefore, suggest that the questions do stand over today.

Mr. PRESIDENT: All right. They will be taken up tomorrow.

Prosecution of Mr. Sanat Kumar Roy Chowdhury and Mr. Hari Prasanna Misra.

210. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Home Department be pleased to state —

(*a*) whether he repeated the assurance while the motion for adjournment, regarding the banning of the Lora Hindu Conference, was being debated upon in the Bengal Legislative Council in this House on the 13th June, 1944, that the people were free to hold meetings anywhere in Bengal;

(*b*) whether he can reconcile that statement and generally his statement on civil liberties with the prosecution of Mr. Sanat Kumar Roy Chowdhury, ex-Mayor of Calcutta, and Mr. Hari Prasanna Misra, Secretary, Hindu Students' Federation, for holding public meeting at the Sraddhananda Park in Calcutta, on the 22nd April, 1944, to protest against the Secondary Education Bill, 1944; and

(*c*) whether consistent with his statements aforementioned Government propose to instruct the Public Prosecutor to withdraw the prosecution of which the date of hearing is fixed for the 28th June, 1944, in the Court of the Chief Presidency Magistrate; if not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) The prosecution which was instituted against Messrs. S. K. Roy Chowdhury and Hari Prasanna Misra for holding a public meeting on the 22nd April, 1944, at the Sraddhananda Park, has been dropped.

(*c*) Does not arise.

Mr. LALIT Chandra Das: Was it dropped at the instance of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Shooting in the Dacca Jail.

215. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if he is aware that the ex-Chief Minister, Mr. Fazlul Huq, promised to enquire into the shooting in the Dacca Jail;

(*b*) if it is a fact that the said enquiry never took place in spite of repeated demand from the Bengal Legislature and the Press;

(*c*) if the Government propose to hold an enquiry into the serious affair, regarding the shooting in the Dacca Jail in the interests of public confidence and future security; and

(*d*) if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already made it clear that I do not consider myself bound to implement any promises made by my honourable predecessor in office. Nor am I prepared to re-open the matter after such a lapse of time.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please say if the same Government continues in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so.

Mr. HARIDAS MAZUMDAR: Am I to understand that the same Government does not continue?

Mr. PRESIDENT: The Hon'ble Minister says so.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please tell us what is the policy of the present Government with regard to enquiring into any incidents of this nature?

The Hon'ble Khwaja Sir NAZIMUDDIN: The policy of the present Government is to take immediate steps to make an enquiry and satisfy themselves whether there has been any wrong done by any officers of Government; and if they are satisfied that any officers have been in the wrong, action is taken against them.

Mr. PRESIDENT: That is purely a hypothetical question, Sir Nazimuddin, and you need not have answered it.

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member has asked me for a statement of our present policy and therefore I did so.

Mr. HARIDAS MAZUMDAR: A policy is involved in this question also, because the Hon'ble Minister says that he is not bound by it——

Mr. PRESIDENT: That is a hypothetical question, and——

Mr. HARIDAS MAZUMDAR: Not a hypothetical question in the truest sense of the term, Sir.

Mr. PRESIDENT: It is so.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state if the assurance was given by Mr. Fazlul Huq in his personal capacity or as the Chief Minister of the province at the time?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the records are there and the honourable member can draw his own conclusions therefrom.

Mr. MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister please state how long Mr. Fazlul Huq was in office after he gave the assurance for an enquiry into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as I remember, perhaps, just 5 or 6 months.

Mr. MUHAMMAD HABIBULLAH CHOWDHURY: During these 5 months what did he do in the matter?

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what was the policy of the party which he then represented with regard to the enquiry?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would again refer the honourable member to my speeches which appeared at the time in the papers.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if it is not a fact that his party demanded this enquiry?

The Hon'ble Khwaja Sir NAZIMUDDIN: Very strongly and held very strong opinion on the subject.

Mr. HUMAYUN KABIR: Since the Hon'ble Minister as Leader of the Opposition at that time demanded——

Mr. PRESIDENT: Mr. Kabir, this House has nothing to do with any policy of a party. You should put your question to Sir Nazimuddin as a Minister and he too should answer it in his capacity as a Minister.

Mr. HUMAYUN KABIR: The question arises in this way, Sir. The Hon'ble Chief Minister was then Leader of the Opposition and he and the party of which he was a leader vehemently criticised the Government and were anxious to have an enquiry. Today he is head of the Government with the same party. Therefore, the question of party attitude comes in. I would ask him if the statement made by him in the capacity as the Leader of the Opposition still holds good.

Mr. PRESIDENT: I am afraid, rules do not contemplate that the statement made by a particular member as leader of a party can form subject-matter of a question.

Mr. HUMAYUN KABIR: All right, Sir.

Mr. HARIDAS MAZUMDAR: In his printed answer the Hon'ble Chief Minister said "Nor am I prepared to reopen the matter after such a lapse of time". What is the date of tabling this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have referred to the lapse of time after the incident.

Mr. LALIT CHANDRA DAS: Did not the Hon'ble Minister think that it was his duty to carry out what that party wanted to do about the Dacca shooting when he came and formed the Government?

Mr. PRESIDENT: You can ask him questions only in his capacity as Minister.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether as the Chief Minister he does not think it proper to carry out the view he held as the leader of his own party—now the Government party?

Mr. PRESIDENT: I do not think strictly that is permissible. However, I will allow the Chief Minister to answer it if he so wishes.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think I have made my position very clear on the subject. I hold the view that the Government in office then was the Government responsible for redressing the wrongs. The Government that comes afterwards cannot rake up all the wrongs that took place at the time of the previous Government and rectify them. So I hold that I am responsible for incidents that take place during my time. The Dacca incident took place before my time.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if it is not the duty of the Government to redress any grievous wrong done in the time of previous Government, immediately after he assumed office?

The Hon'ble Khwaja Sir NAZIMUDDIN: When the thing had already been dealt with, I do not think it is right to reopen it.

Mr. HUMAYUN KABIR: Was the Hon'ble Minister satisfied that the things were dealt with properly when he assumed office?

The Hon'ble Khwaja Sir NAZIMUDDIN: Whether it was properly done or improperly done does not arise. If it was improperly done, it was for the Legislature to take action against the then Ministers. This Ministry cannot do anything to set right the wrong done by the previous Government. The Ministry that has come into power cannot be expected to right a wrong done by the previous one.

Khan Bahadur NAZIRUDDIN AHMAD: The Hon'ble the Home Minister has stated that the present Government cannot be held responsible for what has been done in the past in the matter of redressing a wrong. Our question is: why the information asked for has not been given, or in other words why enquiries have not been held?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got nothing further to add. I have already stated that the then Ministry did not hold any enquiry.

Adjournment motion.

Mr. LALIT CHANDRA DAS: Sir, may I mention my adjournment motion regarding the filling up of civilian posts by military personnel in large numbers by this Government? It was decided the other day that this adjournment motion would be brought up when Sir Nazimuddin comes so that he could make a statement.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I shall be very glad to make a statement tomorrow.

Mr. LALIT CHANDRA DAS: Sir, I object to his making a statement tomorrow. Under rule 97 of our Procedure Rules you, Sir, can give your consent to an adjournment motion if you think the motion is in order.

Mr. PRESIDENT: Mr. Das, the question of admissibility will have to be considered after I have heard the statement of the Hon'ble Minister. I cannot come to a decision without listening to the Hon'ble Minister.

Mr. LALIT CHANDRA DAS: But, Sir, rule 97 does not make any such provision that after hearing the other party you will come to a decision.

Mr. PRESIDENT: You know very well that the discretion lies with the Chair and it is hardly possible for the Chair to come to a decision without hearing the statement of the Hon'ble Minister. So, I must wait for the statement of the Chief Minister.

Mr. LALIT CHANDRA DAS: Sir, will you kindly allow me to point out certain facts which have been stated in the motion, namely, that Bengal Government has applied to the Central Government asking for a large number of Army officers to fill up civilian posts. I want to know whether it is a fact that an application has really been made to the Central Government for the importation of a large number of Army officers to fill civilian posts.

Mr. PRESIDENT: We decided the other day that this question should not be taken up in the absence of the Chief Minister who alone was in a position to make a statement and thereby to throw some light on this question. Now, he has arrived only today and he says he would make the statement tomorrow.

Mr. LALIT CHANDRA DAS: Sir, will you kindly consider the fact that one day was taken by the Hon'ble the Leader of the House saying that the Chief Minister was not here and that he would make a statement when he comes. Today we have 13 members and tomorrow when the motion will be taken up we may not be 13 in number and the Chief Whip will object to the motion being admitted for discussion.

Mr. PRESIDENT: Mr. Das, all these things are irrelevant and unnecessary. I hope you appreciate the point that no decision can be arrived at now. I cannot give my consent or refuse my consent without hearing the facts in possession of the Chief Minister. You have made certain allegations and I must hear what the Government have to say on this matter before I give my consent or refuse it.

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, will you——

Mr. PRESIDENT: Order, order. When the Chair is addressing the House, no one should rise in his place. The Chief Minister will make a statement tomorrow and the matter must wait till then.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, the Chief Minister has already got enough notice of this question. So if he wants to make a statement, he can do so now.

The Hon'ble Khwaja Sir NAZIMUDDIN: I returned to Calcutta at 12-30 p.m. today; so how could I possibly know anything about this motion?

Mr. LALIT CHANDRA DAS: Sir, the only fact to be ascertained is: whether any such attempt is being made by the Government of Bengal for the importation of army officers for filling civilian posts in Bengal. It is only on that point that my adjournment motion is based.

Mr. PRESIDENT: Mr. Das, I am not in a position to give my decision without listening to facts: so it is no use discussing the matter just now. If the Chief Minister is in a position to give me the facts just now, then I can also give my decision immediately. But as he says that he returned to Calcutta at noon today, and is not in a position to do so, we must wait till tomorrow.

Mr. LALIT CHANDRA DAS: Sir, may I refer to rule 97 in this connection? It says that a motion for adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President. Therefore, the matter for consideration by you, Sir, is whether what I have stated in my adjournment motion is a definite matter and whether it is a matter of urgent public importance. If it is a definite matter and also a matter of urgent public importance, it may be discussed at once. But if you are to hear the other side first, then you are opening the discussion before my adjournment motion is admitted.

Mr. PRESIDENT: Mr. Das, it has been the invariable practice to hear both sides before the Chair gives the decision—it is no new thing that I am suggesting.

Mr. LALIT CHANDRA DAS: Not always so, I submit.

Mr. PRESIDENT: How otherwise is the Chair going to make up its mind on the question of urgency? How can it decide, again, whether it is a matter of definite and urgent public importance or not? You have made certain allegations and assertions, and I must find out the facts from Government: all these are necessary before I can give my decision.

Mr. LALIT CHANDRA DAS: It is the duty of Government——

Mr. PRESIDENT: I do not propose to discuss my ruling with you.

Mr. SHRISH CHANDRA CHAKRAVERTI: In that case, are we to assume that the Chief Minister has no knowledge of the proposal which has been made as regards the filling up of civil appointments by army officers?

Mr. PRESIDENT: Mr. Chakraverti, I hope you realise what the Chief Minister has told us, namely, that he came back to Calcutta only a few hours before, that he had no notice of this motion earlier and that he would like to find out the facts before he could make a statement on the matter. I on my part do not want to come to a decision unless I know that the facts mentioned in the motion are authentic. The Chair must get the opportunity to consider all authentic facts before the decision is given.

Mr. LALIT CHANDRA DAS: One thing, Sir——

Mr. PRESIDENT: I am not going to discuss the matter any more, Mr. Das.

Mr. LALIT CHANDRA DAS: I am only pointing out this: it is a matter of which the Hon'ble the Home Minister must have full knowledge, namely, whether an application has been made to the Central Government for army officers. Does the Hon'ble Minister deny this?

Mr. PRESIDENT: You can do so tomorrow when facts will be in our possession.

Mr. LALIT CHANDRA DAS: I know that. But the difficulty is that the Chief Whip of this House will be counting the heads and if we are lesser in number, objection will be raised by him.

Mr. PRESIDENT: Well, if the Opposition thinks that it is a matter of urgent public importance, then there should be no difficulty in having adequate number of members of your party present in the House to support you.

Mr. LALIT CHANDRA DAS: Sir, on two consecutive days we have got our men ready and we may fail on the third day.

Mr. PRESIDENT: I am very sorry, Mr. Das, I cannot discuss the matter with you any longer.

Recess on account of Solar Eclipse.

Mr. AMULYADHONE ROY: Sir, now that the atmosphere is cooler, may I enquire whether we are going to meet on Thursday?

Mr. PRESIDENT: I would like to know the views of the Hindu leaders, as it is a Hindu festival.

Mr. LALIT CHANDRA DAS: We want a holiday on Thursday, Sir. The eclipse starts at 9-45 a.m. and will end by 2 p.m. No food is to be taken three hours before and three hours after the eclipse.

Mr. PRESIDENT: Mr. Mazumdar, what is your view?

Mr. HARIDAS MAZUMDAR: I would like Thursday to be a holiday.

Mr. PRESIDENT: It is not a question of holiday, but of convenience for attending the House. Thursday is not a public holiday.

Mr. HARIDAS MAZUMDAR: The High is closed that day, Sir.

Mr. PRESIDENT: Well, we do not go by the High Court Calendar. But the position is this: if it is inconvenient to the honourable members to attend the meeting of this House on Thursday next on account of the solar eclipse, then, of course, we have got to declare that day a holiday, so far as the business of this House is concerned, for the convenience of the Hindu members. That is the point on which I would like to have the views of the honourable members.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I drew your attention about this yesterday and you were pleased to say that you would consider this matter today. Hindus have got to observe certain religious rites on the day on which solar eclipse takes place. The eclipse starts at 9-45 a.m. and ends at about 2 o'clock tomorrow. The Hindus cannot, therefore, take their meals before 5 o'clock, as they will start cooking after the eclipse: they will go to the Ganges for bath and perform religious rites. On the next day, Friday, also they will have to observe certain rites after fasting. So it would be difficult for them to attend the Council on Friday also.

Mr. PRESIDENT: May I have the opinion of the Leader of the House on this point?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, since the Hindu members want a holiday on Thursday, we can have no objection to it.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I suggest that when they want a holiday on Friday also, Friday may also be closed.

Mr. PRESIDENT: All right: then we reassemble on Monday next after tomorrow. Now, the House will resume further discussion on the Bengal Agricultural Income-tax Bill.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. NAGENDRA NATH MAHALANOBIS: Sir, with your permission, may I move amendment No. 53?

Mr. PRESIDENT: Yes.

Mr. NAGENDRA NATH MAHALANOBIS: I beg to move that in clause 3 of the Bill, after the words "financial year" in line 2, the following be inserted, namely:—

"commencing with the financial year which began on the 1st day of April, 1944".

Sir, if we look at the Bill as it is, we find that agricultural income shall be charged in each financial year in accordance with and subject to the provision of this Act. Here in the definition clause, "financial year" is not defined. Therefore, it is necessary to clear up from when and up to when we call it a financial year. Therefore, my amendment is intended to clear up this ambiguity. "For each financial year" without the addition of the words proposed in this amendment does not make it clear as to what is the financial year that is meant in this clause; and it would be extremely difficult for the officers who will be called upon to administer this law to find for themselves what was meant by the authors of this Bill. It may be argued that financial year is a term well known to every body which starts on the 1st April and ends on 31st March. But in a special enactment when we are defining various words and expressions, it is necessary that the words "financial year" should be clearly and specifically described as proposed in this amendment. I think this amendment would not disturb the Hon'ble the Finance Minister as it would not affect the tax on the other hand; it would certainly clarify the ambiguity. I hope the Hon'ble Minister would not feel any difficulty to accept the amendment.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill, after the words "financial year" in line 2, the following be inserted, namely:—

"commencing with the financial year which began on the 1st day of April, 1944."

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment and in doing so, I shall slightly depart from the line taken by the mover of the amendment. Financial year has been defined in the Bengal General Clauses Act, section 3, sub-section (*16*). "Financial year" according to that sub-section means "year commencing from the first day of April". It is, therefore, clear that a financial year begins on the 1st day of April and, therefore, ends on the 31st March. But it is necessary to state the year when the computation of income-tax will begin. So far as the commencement of this Act is concerned, it is laid down in clause 1 that "The Act will be deemed to have come into operation from the 1st day of April, 1944." The Act will have been born with retrospective effect, but if we do not accept the amendment, there will be nothing to show that the computation of tax would begin from the 1st April, 1944. It was to avoid this difficulty that this Government amendment was tabled and I think it is a very necessary amendment. If it is not accepted, it may lead to serious trouble.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, I should rejoice over the conversion of the honourable members of the Opposition Benches to our view that the operation of the Act should commence on the 1st April, 1944, and was very glad to find the honourable members of the Opposition trying to make it quite clear that the tax will begin to be levied in respect of the financial year beginning on the 1st April, 1944. But I find that such clarification is not necessary and we need not make certainty doubly sure in regard to this Bill.

Mr. PRESIDENT: The question before the House is: that in clause 3 of the Bill, after the words "financial year" in line 2, the following be inserted, namely:—

"commencing with the financial year which began on the 1st day of April, 1944."

(The amendment was negatived.)

Mr. HUMAYUN KABIR: Sir, I would like to move a short-notice amendment with your permission at this stage.

Mr. PRESIDENT: I am afraid, I cannot allow more short-notice amendments to be moved.

Mr. HUMAYUN KABIR: Of course, it depends entirely on your discretion to give me permission or not; but if even before giving me a hearing as to what my short-notice amendment is, you say that your decision is not to allow short-notice amendments——

Mr. PRESIDENT: I should make clear that I shall discourage short-notice amendments.

Mr. HUMAYUN KABIR: Well, Sir, it is one thing to discourage and another thing to say that you will not allow short-notice amendments to be moved. To say that you will not permit any short-notice amendments whatsoever to be moved is a very improper attitude on the part of the President, if I may put it so, and I submit is without any precedent in the history of any legislature in the world. What is your opinion, Sir? Can I mention the short-notice amendment or not? Do you allow me a hearing regarding my short-notice amendment or is it your determination——

Mr. PRESIDENT: Mr. Kabir, as I said before, I shall discourage short-notice amendments.

Mr. HUMAYUN KABIR: Discouraging and rigidly ruling out short-notice amendments are two entirely different things. Perhaps you will hear me now before you give your decision.

Mr. PRESIDENT: Yes.

Mr. HUMAYUN KABIR: Sir, the short-notice amendment that I wanted to move with your permission and for which only verbal notice is necessary provided copies of those amendments have been made available to the members, is the one which was originally proposed to be moved by Mr. Nur Ahmed, namely, No. 55, and on which I feel very strongly. On several occasions, in connection with other Bills also I have attempted to get this principle accepted as a part of all legislative procedure in this province. It relates to the question of fixation of the rates of tax so far as any taxation measure is concerned. Therefore, if you, Sir, will allow me to move the amendment, I would move it. Have I your permission?

Mr. PRESIDENT: I quite see your point, Mr. Kabir. This is no new suggestion that you are making. In fact, you made that suggestion more than once and more than once the House gave its decision on the proposal negativing it.

Mr. HUMAYUN KABIR: I would make one more attempt, Sir.

Mr. PRESIDENT: Every time the House has turned your suggestion down. So I feel no justification in allowing your short-notice amendment and I therefore disallow it.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I gave notice of this amendment, but on careful consideration I find that this amendment is not necessary, as it is already covered by the Bengal General Clauses Act, section 3(37). (Interruptions.) Sir, I find that some gentlemen are making interruptions. They may take particular pleasure in my admission that this amendment is unnecessary. I have always taken the position that I shall propose only those amendments which I consider necessary and I shall not be afraid or ashamed in the least to withdraw any amendment which subsequently appears to be unnecessary. So, in conceding this I was not departing from the honourable traditions of this House. With these words, I seek permission not to move the amendment.

Mr. PRESIDENT: You do not move the amendment?

Khan Bahadur NAZIRUDDIN AHMAD: No, Sir.

Mr. HARIDAS MAZUMDAR: I beg to move that the proviso to clause 3 of the Bill be omitted.

Sir, knowing fully well that the debate in this House is quite unreal, I am moving it as if in a dream. Still I shall have to point out as a matter of duty certain things with regard to my amendment.

This amendment seeks to bring the agricultural income of the Central Government or any Provincial Government within the purview of the present Bill. There is absolutely no reason why such agricultural income of the Central Government should be exempted. Bengal has suffered grievously under the Meston Award as compared with other provinces and as in the early period of British rule so in a lesser measure even now this province contributes the major part of the money necessary for administering the Indian Empire. In regard to export duties on jute and its manufactures, the "Capital" in its jubilee number says:—

> "These duties have yielded large revenues to the Government of India and in the boom period, it was estimated that, with the revenues from the export duties and income and super-tax paid by jute mill companies, the jute industry provided more than one anna per rupee of the total income of the Government of India".

If we add to this, import duties collected in the Port of Calcutta in respect of goods consumed in the province and at the same time remember that Bengal compared with other provinces uses a very much larger quantity of these things, the conclusion will be irresistible that the Central Government secures from us a disproportionate share of its taxes.

During this war it has been in a large measure running the show with excess profits tax. When the prices of textiles ruled highest, Bengal had to pay roughly seventy crores of rupees per annum on this head and of this huge sum the greater portion went to the Central Exchequer. Why should we then be overzealous in giving all sorts of concessions to the Central Government? Why should our Finance Minister be simply overwhelmed with gratitude for the subvention granted to us? A considerable portion of our sufferings during last year's famine and also now is due to the financial injustice perpetrated by the Centre on this province. A very large number of soldiers is stationed here not to defend Bengal alone but the whole of India. But the brunt of suffering falls on us. Our cows are being slaughtered indiscriminately while the neighbouring province of Bihar is bringing out almost every month more and more rigorous measures preventing cow-slaughter. If cattle had to be slaughtered for the military, the required number should be taken from all provinces on population basis——

Mr. PRESIDENT: Mr. Mazumdar, you are deviating from the amendment before the House.

Mr. HARIDAS MAZUMDAR: I am showing, Sir, by argument that the Central Government should not be exempted from this tax. The same is the case with regard to vegetables. On account of restrictions on railway traffic, vegetables cannot come in large quantities from outside the province and the result is that the military with their long purses, specially the Americans whose privates earn Rs. 5 per diem besides food, can become the highest bidders and buy up the greater part of supply. While a weak-kneed Government cannot make a just representation of its case to the Centre, it comes before us with the proposal of exempting the Centre. We should impose this tax to record our protest against the unreasonable treatment meted out to us, if not for anything else. Why should the agricultural income of the Provincial Governments be exempted? Though in our case it will be a case of book adjustment finally, still collections should be made and shown separately.

The Central Government charges all its different departments for postage stamps though the expenses go to a common pool. The income of Bengal Government for its own lands as shown in the last budget is given below and calculated on the present rate a very large figure of agricultural income will be forthcoming. I am giving the last Budget Estimate for 1944-45:—

	Rs.
Collection from estates leased to farmers in Chittagong Hill Tracts	1,60,000
Collection from estates leased to farmers in other districts	10,00,000
Collection from estates held direct by Government in Chittagong Hill Tracts	.....
Collection from estates held direct by Government in other districts	73,00,000
Miscellaneous receipts in other districts	.....
Miscellaneous receipts in Chittagong Hill Tracts ...	45,000
Miscellaneous receipts from estates held direct by Government in other districts	7,81,000
Miscellaneous receipts from estates leased to farmers in other districts	11,000
Receipt (including rent of buildings) realised from works	3,000

Total comes to about Rs. 93,00,000. Therefore, we find no reason to exempt the Central Government from the burden of this tax.

With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that the proviso to clause 3 of the Bill be omitted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment. We have already included the Rulers of Indian States within the purview of this Bill. It was argued earlier that though they have several sovereign or semi-sovereign rights, they would not be exempted from paying the tax. Now, there are three authorities which are within the mischief of this amendment, namely, the Central Government, the Provincial Government and any local authority. The tax will be levied only on one condition that these authorities must earn their income within the confines of Bengal. The Central Government is not debarred from earning agricultural income by buying some tea company shares, or by buying shares of the Midnapore Zemindary Company. With regard to a Provincial Government, there is nothing to debar them from holding lands. So far as any local authority is concerned, it may launch upon an agricultural enterprise and earn some income. On the analogy of the Rulers of Indian States, there are no reasons why there should not be any tax on municipality, district board or local board. If any Provincial Government enters into business of an agricultural nature, they should come within the mischief of the Bill. So, on the principle of inclusion of all persons who derive agricultural income, we have to tax every one whatever may be his position. I support this amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the Provincial Government cannot tax the revenues of the Central Government. I would refer the honourable members to section 154 of the Government of India Act, 1935. I do not know whether the honourable members would like me to read out that section. It runs as follows:—"Property vested in His Majesty for purposes of the Government of the Federation shall, save in so far as any Federal law may otherwise provide, be exempt from all taxes imposed by or by any authority within a province or Federated State." Then, Sir, no purpose would be served by taxing Provincial Government's own revenues. Thirdly, the agricultural income of a local authority is usually very small; and if we tax those small incomes, Government will probably have to compensate those local bodies in some way, by subventions or grants-in-aid. Therefore, it is better that we exclude the Central Government, the Provincial Government and local bodies from the scope of taxation under the Bill.

Mr. LALIT CHANDRA DAS: May I rise on a point of information, Sir? The Hon'ble Minister just now pointed out a section of the Government of India Act showing that the revenues of the Government of India could not be taxed. If that be so, then, why is it that the Central Government has been brought in here in the proviso? It is not necessary; the law prohibits it.

Mr. NAGENDRA NATH MAHALANOBISH: May I ask——

Mr. PRESIDENT: Let Mr. Das's point of information be answered first.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: We wanted to make it quite clear that we did not want it in the definition.

Mr. PRESIDENT: Yes, Mr. Mahalanobish!

Mr. NAGENDRA NATH MAHALANOBISH: Sir, the Hon'ble Minister just referred us to section 154 of the Government of India Act, 1935; but may I refer him to section 155 of the Act which says that the exemption is only in respect of federal taxation and not of provincial taxation?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I read out the whole section minus the proviso, namely, that provided that the tax that is already

in force shall continue to be in force; otherwise there is a bar to the provinces trying to tax the sources of Central Revenues; that is quite definite.

Khan Bahadur NAZIRUDDIN AHMAD: One more point requires to be cleared up, Sir. The Hon'ble Minister said that the Bengal Government could not tax the items of Central Revenues. But the purpose of the proviso was to exclude the Government of Bengal or any other Provincial Government: this question has therefore not been replied to.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: There are other Provincial Governments holding agricultural lands and properties in Bengal.

Mr. PRESIDENT: The question before the House is: that the proviso to clause 3 of the Bill be omitted.

The question being put, a division was challenged and taken with the following result:—

AYES—16.

Khan Bahadur Naziruddin Ahmad.	Rai Bahadur B. M. Maitra.
Rai Bahadur K. C. Banerjee.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. L. C. Das.	Mr. R. Pal Chaudhuri.
Mr. B. C. Datta.	Rai Sahib J. N. Ray.
Mr. N. C. Datta.	Mr. A. D. Roy.
Mr. M. R. Jaipuria.	Mr. B. K. Roy Chowdhury.
Mr. Humayun Z. A. Kabir.	Khan Sahib Maulvi Wahiduzzaman.

NOES—27.

Khan Sahib Fariduddin Ahmad.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Mesbahuddin Ahmed.	Mr. Latafat Hossain.
Mr. Nur Ahmed.	Mr. Mohamed Hossain.
Khan Sahib Abdul Aziz.	Maulana Mohamed Akram Khan.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. Hamidul Huq Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Mr. T. B. Nimmoo.
Mr. Mohamed Habibullah Chowdhury.	Khan Bahadur Mukhlesur Rahman.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. K. D'Rozario.	Khan Bahadur M. Shamsuzzoha.
Mrs. L. P. Dutt.	Mr. J. W. R. Steven.
Mr. R. W. N. Ferguson.	

Mr. PRESIDENT: Order, order. The House has divided. The Ayes—16; and the Noes—27. The amendment is, therefore, negatived.

Mr. HARIDAS MAZUMDAR: Sir, I beg to move: that in the proviso to clause 3 of the Bill, after the words "local authority" in line 3, the words, figures and brackets "or any public institution registered under the Societies Registration Act, 1860 (Act XXI of 1860), or the Company's Act under any special licence of the Provincial Government" be added.

Sir, the Hon'ble the Finance Minister was very eager to exclude the Central Government, other Provincial Governments and local authorities from the purview of the Bill. Now, I would request him to accept this amendment so that these institutions may be also excluded from the purview of the Bill. This amendment seeks to exempt public bodies carrying on agriculture neither for profit nor for charity but for educative work. An instance may be given. The National Council of Education in Bengal started a large agricultural farm at Jadavpur. It has since been occupied by the military. If it were not so, the farm would bring a good agricultural income and in that case the Finance Minister would take out a slice. My humble self started a kitchen garden on a fairly large plot of land at Narayanpur Colony for the training of school boys. Unless this exemption is granted, all public-spirited attempts at improving agriculture in this predominantly agricultural province will be stopped. I know the Finance Minister will not accept this amendment but I would request him to exclude these institutions which are registered.

Mr. PRESIDENT: Amendment moved: that in the proviso to clause 3 of the Bill, after the words "local authority" in line 3, the words, figures and brackets "or any public institution registered under the Societies Registration Act, 1860 (Act XXI of 1860), or the Company's Act under any special licence of the Provincial Government" be added.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I see absolutely no reason why these registered institutions which derive income from agriculture should be exempted. This matter was also considered in another place as the honourable members are perhaps aware. (Khan Bahadur NAZIRUDDIN AHMED: We are not permitted to be aware of what passed in the other House.) But as this Bill has come from the other House reference to the proceedings of that House is not entirely irrelevant. The amendment is unsound and the reasons given by the honourable mover are unconvincing.

Mr. NAGENDRA NATH MOHOLANABIS: On a point of information, Sir. I would like to know whether the Calcutta University or the Dacca University has got agricultural property; and if so, whether the income derived from that property will be excluded?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: As the Bill stands, the Universities would not be exempted if they have assessable incomes.

Mr. NAGENDRA NATH MOHOLANABIS: Would it not be proper to exclude them?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: No, Sir.

Khan Bahadur NAZIRUDDIN AHMAD: One more point, Sir. There are charitable institutions and institutions of learned bodies registered under the Societies Registration Act. These charitable and learned bodies are really bodies which benefit mankind; should they not be exempted from this tax?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: How does this question arise in connection with this amendment?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I am afraid the honourable member has not read the Bill well: religious trusts have been exempted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: The next amendment is of the same nature as that moved by my friend, Mr. Haridas Majumdar. Since that one was voted down by the House, I am not moving it.

Mr. PRESIDENT: I was just going to point that out.

Mr. AMULYADHONE ROY: I beg to move that in clause 3 of the Bill, a further proviso be added, namely:—

> "Provided further that twenty-five per cent. of the agricultural income-tax so charged under section 3 be earmarked in each financial year for the purpose of expenditure towards the improvement of agriculture".

Sir, amendment after amendment has been moved by my honourable friends to my right and to my left with the object of applying the income derived from the agricultural income-tax to the improvement of agriculture, but it appears that the Hon'ble Finance Minister is opposed to any suggestion for improving the Bill that may emanate from this side of the House. The matter does not rest there, Sir. He has also declared an open war by his public pronouncement that all the 497 amendments will receive the same treatment in his hands. So, Sir, what is the good of his occupying

a seat on the Treasury Bench? If a gramophone is placed in his place, I hope the result will not be different. The conduct of the Hon'ble Mr. Tulsi Chandra Goswami clearly demonstrates that he has been so well tied by Sir Nazimuddin to the machinery of the Government that he is moving round it all right without any grudge whatsoever. On the one hand, he has no independence, no free hand in the matter, and on the other how can he dare face the Legislative Assembly? The plea of subvention is merely an eye-wash as has been clearly proved by the statement——

Khan Bahadur ABDUL HAMID CHOWDHURY: On a point of order, Sir. May I refer you to amendments Nos. 15, 17 and 17A? The House has already decided on the subject-matter of this amendment which has just now been moved by Mr. Amulyadhone Roy.

Mr. PRESIDENT: Khan Bahadur Sahib, there is a slight difference between these amendments; the former batches wanted total receipts to be ear-marked for agriculture, whereas the present one asks only for 25 per cent. of the tax.

Mr. AMULYADHONE ROY: I am grateful, Sir, for your observations.

Khan Bahadur ABDUL HAMID CHOWDHURY: If the House has decided that the entire portion, it should not be spent for the purpose of agricultural improvement, I think the question about a portion of it going for the improvement of agriculture does not arise.

Mr. PRESIDENT: The previous amendment wanted that the revenue derived from the agricultural income-tax should be solely devoted to agricultural improvement and that was not accepted. But the present amendment wants that 25 per cent. of the income be devoted to agricultural income. So it is somewhat different.

Mr. AMULYADHONE ROY: Thank you, Sir, for your kind ruling. The Deputy President tried to come to the rescue of the Hon'ble Finance Minister, but I am sorry his wisdom has come late.

Now, Sir, coming to the amendment itself, I must humbly submit that here is a definite and most reasonable proposal for ear-marking 25 per cent. of the agricultural income for the improvement of agriculture. But it must be opposed because you have no majority in the Lower House. You have got no provision in the Bill for applying the income from this tax for the betterment of agriculture. Therefore, you must accept this amendment irrespective of whether you remain or cease to exercise your constitutional right of sitting on the other side. You must set apart at least a certain percentage of the agricultural income for the improvement of agriculture as has been recommended by the Floud Commission. Bengal is no longer suffering from the injustice done by the Meston Award. She is now getting two-thirds of the jute Export duty and a share of the income-tax; and in view of all these circumstances, why do you want to spend all the proceeds of the agricultural income-tax for administrative requirements? A portion of the tax must be utilised for the source from which the income is derived, as imposition of taxation cannot be justified without any corresponding benefit to the people. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in clause 3 of the Bill a further proviso be added, namely:—

> "Provided further that twenty-five per cent. of the agricultural income-tax so charged under section 3 be earmarked in each financial year for the purpose of expenditure towards the improvement of agriculture".

Mr. NAGENDRA NATH MOHOLANABIS: Sir, I support this amendment. Though amendment No. 17 and other amendments by which

it was ought to be provided that the entire income of agricultural income-tax will be devoted to the improvement of agriculture were turned down, still it is something to provide 25 per cent. as suggested in the present amendment. One argument we have heard very often from the Hon'ble Finance Minister and that is that it is bad finance to ear-mark any amount for any particular purpose. I do not see how it is bad finance to do so. It has not been backed by any argument by the Hon'ble Minister save and except his bold assertion. It was pointed out during the discussion of a previous amendment that it was clearly laid down by the Floud Commission that when you raise agricultural income-tax, you ought to spend the money for agricultural improvement. Nobody can deny that agriculture in Bengal is in a hopeless condition and that it requires vast improvement. Our leader of the House, the Hon'ble Minister in charge of Agriculture, will also agree with me that agriculture requires improvement and that again requires money and Bengal's finance at present does not provide for sufficient money to improve agriculture. Now, here is an opportunity: why not take it? If you do not utilise the entire money out of this tax for agriculture, why not take 25 per cent. of it? The other day my honourable friend Khan Bahadur Momin argued that though the Floud Commission made a recommendation like that, still the time has changed. But how many years have elapsed since the sitting of the Floud Commission—a few years only perhaps—and my friend cannot reasonably expect that legislation could be made in the twinkling of an eye simultaneously with the issue of the Report of the Commission. This Bill may be said to have been brought closely on the heels of the Floud Commission and it is most unjust and unfair to say that the time has changed and therefore this recommendation of that Commission should not be taken into account. I submit that having regard to the present circumstances in Bengal, having regard to the most deplorable condition of agriculture in Bengal, it is necessary, I say imperative, that Government should set apart certain percentage of the agricultutral income-tax for the improvement of agriculture. I, therefore, whole-heartedly support this amendment and I hope that this amendment would be accepted by the Hon'ble Minister though my previous hopes have all been disappointed.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment. Although I should have liked to ear-mark the whole of the proceeds, still I support the present amendment on a question of principle. As has been just now pointed out by my honourable and learned friend who spoke before me that the honourable Khan Bahadur Momin, who was a distinguished member of the Floud Commission, has made a rather startling disclosure that this recommendation did not really express his own mind.

Khan Bahadur M. A. MOMIN: On a point of personal explanation, Sir. I am afraid, I am being misquoted and misrepresented by every member on the other side. I never said that this tax should not be ear-marked for agriculture. What I said was that we made recommendation for agricultural tax in the Floud Commission Report only because we found that there was no chance of abolishing the zemindary system. So when we found that we could not get the whole bread, we tried to be satisfied with half a bread. I never said that money was not required. I said that we were getting much more money, in excess of the requirements. In fact, the Hon'ble the Agriculture Minister's pocket is full and he does not know how to spend so much money. Therefore, this ear-marking is not very judicious. Mr. Haridas Mazumdar is very fond of pumpkin and he is growing them in his garden but he should be more reasonable to claim that the income of this tax should be ear-marked for agriculture alone.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, we should be extremely grateful to my honourable friend for this personal explanation. My honourable friend said the other day that he and another of his colleague on the Floud Commission, who is also a member of this House,

agreed to the inclusion of this recommendation for reserving the proceeds of agricultural income-tax for improvement of agriculture, for other reasons, and I then and there pointed out the absurdity of incorporating anything in the report which the signatories did not mean. Sir, the other day I was reading a great ruling on the interpretation of Acts and written documents generally, in which it was said that the author of an Act or of a document was a person least fitted to interpret the Act or the document. A document should be held to mean exactly what it says and not what its author wanted it to mean. The test is: what the document plainly means and not what the author meant. Sometimes, in political give-and-take, we have to make concessions. This is what the learned judge in the ruling said. In parliamentary assemblies or in political committees or in similar other places, we have frequently got to give and take and situations do often arise where sound and explicit draftsmanship has got to be sacrificed and ambiguous substitutes accepted for the purpose of reaching an agreement. In doing so, each party is led to think that he has gained his point, although the compromise draft may be obscure or equivocal. In such cases it would not be unnatural for any of the contending parties to attempt to read and interpret the written document through his own personal feelings or preconceived ideas. In the circumstances, it would not be very wise on the part of this House to read the Floud Commission's Report as the Khan Bahadur would want us to read, but try to find out what the report actually means and that I think would be a safer way of ascertaining the mind of the Commission as a whole. As far as the recommendation—that the proceeds of the tax should be ear-marked for agriculture—goes, it was unanimous and great weight attaches to that recommendation. As I said the other day, every tax is unpopular; but in order to give the people some amount of sentimental consolation, the proceeds should be reserved for agriculture, and, if accepted, it would make the tax less unpopular. As I said the other day, greater expenditure on agriculture would enhance agricultural income which will improve tax receipts and these in their turn will go back to improve agriculture and so on. Thus, by action and reaction, the tax will improve agriculture and improved agriculture would enrich the Exchequer. Sir, we have been hearing all the time about food shortage, of the "Grow-more-food" campaign which has been accepted as a national slogan; but the pity is that enough arrangements cannot be made to grow more food for the eternal shortage of funds. And today, we have heard the honourable Khan Bahadur asserting that there is more money in the pocket of the Agriculture Minister than his pocket can hold. If so, Sir, if he has more money in his pockets than he knows how to spend, let us pick holes in his pockets and allow him to drop a few precious coins, so that we may try to solve some other national problems. But to be frank, Sir, the Hon'ble Minister should be able to find work for the money that he has in his hand. Personally speaking, I doubt very much whether the Minister has more money than he can spend. It is really doing him great injustice to say so, for we know very well that he has not enough money. Want of money is the cry everywhere, and, as every honourable member of this House also knows, during his pre-ministership days the Minister for Agriculture was crying himself hoarse that agriculture was being starved for want of money and I would, therefore, request that the assertion, that the Agriculture Minister has more money in his pockets for the improvement of agriculture than he can spend, should not be fastened upon him and it should rather be resented by the Agriculture Minister himself. This small amendment has raised all these important questions. Although the amendment is described as a very modest one, the principle involved is very large and I think the Floud Commission's recommendations should not be lightly set aside. I, therefore, support the amendment whole-heartedly.

Mr. HUMAYUN KABIR: Mr. President, I rise to support this amendment. It is of the nature of a compromise between the position which we on this side of the House have taken up and the position which has been

represented by the spokesmen of the Government. The Hon'ble Deputy President referred to amendments 15, 16 and 17 which were rejected by this House. If he had cared to refresh his memory, he would have noticed that those amendments wanted that the entire income derived from the agricultural income-tax should be devoted for the purpose of agricultural improvement. That proposition was not conceded to by the party supporting the Government. In other words, it seemed to be the opinion of the members of the Government Party that the entire amount derived from the income of this tax is not necessary for the agricultural budget and need not be ear-marked for that purpose. That was practically what my honourable friend Khan Bahadur Abdul Momin has stated. He said that the situation has changed and today the agricultural budget has more money than the Hon'ble Agriculture Minister knew how to spend. This I should say is the unkindest cut——

Khan Bahadur M. A. MOMIN: On a point of order, Sir. I did not say that the agriculture budget has more money than the Agriculture Minister knew how to spend. I said that the Agriculture Minister has more money than he can spend. My friend Mr. Kabir——

Mr. PRESIDENT: Order, order. You should not interrupt the honourable member. Go on, Mr. Kabir.

Mr. HUMAYUN KABIR: Thank you, Sir. My honourable friend Khan Bahadur Momin has not improved the position by his explanation. He has said that the agricultural budget had more money than the Hon'ble Minister can spend. I said there was more money in the agricultural budget than the Hon'ble Agriculture Minister knew how to spend and he said "more money than he can spend". The difference here is the difference between tweedledum and tweedledee.

Sir, my honourable friend Khan Bahadur Momin repeated more than once on the floor of this House that the Hon'ble Minister in charge of Agriculture has more money than he can spend. In other words, according to Khan Bahadur Momin, the position regarding agriculture is such that there is more money today allotted for the improvement of agriculture than can be spent on agriculture and therefore no additional sum is required to be ear-marked for that purpose. I do not think I have represented the view of the Khan Bahadur unfairly. I have tried to explain his position as clearly as possible. This represents fairly the position taken up by Khan Bahadur Momin and since he is the leader of that party, I take it that this is also the view of the party which he represents. In other words, the party which supports the Government today places on record its deliberate and explicit opinion that according to that party no special amount need be ear-marked for the improvement of agriculture as more money has been allotted in the agriculture budget than the Hon'ble Agriculture Minister can spend.

Now, Sir, I want to take up two aspects of that statement of the Hon'ble Khan Bahadur. On the one hand, I would say that it is a failure of imagination on the part of the Leader of the Coalition Party; on the other, it is an indictment of Government of which he is a supporter. These two are inter-related. Regarding the charge of failure of imagination which I have brought against him, I suggest, Sir, that he is a bold man, or should I say a callous man, who would say that the money allotted for agriculture is more than need be spent by the Hon'ble Minister in charge of Agriculture. Who in this House can say that more money need not be given for agricultural improvement, and that the money allotted is already adequate? You know, Sir, from your experience that the condition of agriculture in Bengal is very serious. This seriousness again has different aspects. There is no standardisation of seeds in Bengal. We find some fine specimens of rice, but these are not standardised. Agriculturists cannot go to the market and say: here is a quality of rice for which they can give

a guarantee. With regard to other agricultural crops also, there is no standardisation. This applies even with regard to jute which is one of the most important money crop in the world, and the most important money crop of the agriculturists of Bengal. One of the main difficulties of the agriculturist is that he cannot always supply a standardised product. He is, therefore, not able to get from his agricultural produce that price which he could fairly obtain and demand from the world market. My honourable friends on my left, the members of the European Party, know this very well. One of the reasons which they often advance for not giving a better price for our jute is that the product is not standardised. They have to buy all kinds of assorted jute and pay a price which is determined by the lowest type of jute. Therefore, so far as agricultural improvement is concerned, there is the problem of standardisation of products, of jute crop as well as the food crop.

These are all big problems and require money. Researches and experiments are necessary to standardise seeds. By researches and experiments, we shall have to find out what kinds of seeds would flourish best in the conditions which obtain in Bengal. I do not know whether the Leader of the Coalition Party will say that all these things have been done or whether he will say these things need not be done. If one of these two be his position, I will not certainly further argue with him. I will take his case to be a hopeless one where arguments will be entirely useless. I am, however, confident that this is not his position. His position simply is that the present Minister lacks the competence to carry through a constructive programme of this type. I am quite sure that many of my honourable friends, members of the Coalition Party, know that these problems require very careful consideration from the Government and this has not been done.

Then again, there is the problem of cattle which is closely associated with the improvement of agriculture. It is one of the crying shames of our province that we have no standardised type of cattle for agricultural purposes, or for the purpose of supplying milk. Dairies can be included under the department of agriculture in a broad sense. Then there is poultry farming which also requires improvement. There is also the need to improve the nature of the soil. There are also problems of research in regard to different kinds of manure. The natural resources of Bengal need to be replenished. There are other important problems as well and if I had further time I would go into details and state the different categories under which experiments have been carried on in other countries. Those countries ear-mark revenues for certain purposes. Notwithstanding the peremtory *obiter dicta* of the Hon'ble the Finance Minister, there are amounts which are ear-marked for specific and special purposes.

I fail to understand how in the face of all these facts, the Finance Minister can come up and say that he is against ear-marking or that it is bad finance. One-third of the budget which he has presented is ear-marked for some specific purposes. The moneys charged to the revenue of the province defy his dictum and over them neither he nor we have control. That is already there, ear-marked for definite purpose. If my honourable friend the Finance Minister really means what he says when he states that no amount should be ear-marked for any purpose whatsoever, all the amounts which are charged to the revenue of Bengal should be taken out of the budget. I do not think it is fair on his part to say that he does not believe in ear-marking money and at the same time bring before this House year after year budgets in which amounts are ear-marked for specific purposes by charging them to the revenue of the province. Amounts are certainly ear-marked and I would like the Hon'ble the Finance Minister to deny this. They are certainly ear-marked for specific purposes. He may say that he is helpless for he is governed by the Government of India Act, these being statutory provisions; but that does not help him. It is precisely our purpose to make statutory provision for agricultural purposes. I may tell him that

all the problems I have mentioned require researches and experiments, namely, improvement of seeds, standardisation of crop, breeding of cattle, standardisation of cattle in Bengal, dairy, poultry farm, better type of manure and improvement of agricultural implements.

All these are matters of research, all these are matters of experiment. It is not desirable that there should be a debate year after year on these matters. For these scientific investigations, it has been the experience of practically every country in the world that sums are ear-marked. These amounts are not brought within the turmoil and din of day-to-day parliamentary warfare. Therefore, the Hon'ble Finance Minister would be well-advised to accept an amendment like the present one demanding that only 25 per cent. of the tax is to be devoted to the improvement of agriculture. As I have stated previously, this recommendation is in the nature of a compromise between the point of view of Government and the point of view of the Opposition. The Opposition wanted that the whole amount should be ear-marked for the improvement of agriculture and I make bold to say that even if the whole amount derived from the tax is devoted to the improvement of agriculture, that would not be adequate to meet the suggestions that I have made. Research on the lines that I have suggested, would alone require more money than can be obtained from the entire tax. If this token grant, if this amendment for setting apart only 25 per cent. of the tax is accepted, then and then alone can the Hon'ble Minister in charge of Agriculture or the party which is supporting him say that they really and genuinely want to improve the agriculture of Bengal; otherwise, their professions would be mere tall talk.

One further point, Sir, before I conclude. It is admitted in the census figures and I believe my honourable friend the Leader of the House, the Minister of Agriculture, has more than once stated on the floor of the House that about one-fourth of the total arable land in Bengal is not cultivated, about one-fourth of the total culturable area in Bengal is still not under cultivation. Now, Sir, that is one of the severest indictments possible against this Government, and not only against this Government, but also against the Governments that have gone before. If one-fourth of the total arable area of the province is not under cultivation, it is the duty of the Government which takes charge of the provincial administration to see what is the reason thereof. Why is it that we find that in certain areas agriculture is not a paying profession and therefore the people are receding from agriculture as a profession? Why is it that in certain areas, specially in Central Bengal, there is such deterioration in the quality of the soil that agriculturists are gradually drifting away from agriculture? It is no doubt true that as a result of the artificial boom in agricultural prices during the last two years, agriculture has become a paying proposition just now, but everybody knows that this is only a passing phase. In any case, unless steps are taken now for placing agriculture in Bengal on a footing of permanent improvement, I think the Hon'ble Minister as well as this House will be certainly failing in their duty.

Reference has been made to the Floud Commission and to the fact that the recommendation of the Commission was unanimous that the proceeds of the tax should be devoted to the improvement of agriculture. No satisfactory reply to that has yet been given. If the recommendation of this type of expert body has to be rejected, it should be only on grounds that are unimpeachable. I myself am not a blind follower of the Floud Commission's Report, and, as a matter of fact, I do not see eye to eye with them in some of their recommendations; but I certainly consider it my duty to advance cogent arguments if I do not approve of any of their recommendations. But, here, beyond saying that the situation has changed and that so much money is not now necessary, and that the Agriculture Minister has more money than he knows how to dispose of, which I think is a severe condemnation of the present Government coming as it does from the Leader of the Coalition Party which supports the present Government, no

arguments have been offered for rejecting the findings of the Floud Commission. I think Government would be well-advised in accepting a modest amendment like the present one.

Mr. HARIDAS MAZUMDAR: Sir, I support the amendment of my friend Mr. Amulyadhone Ray. It is a very modest amendment and I hope the Hon'ble Finance Minister will see his way to accept it.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I should like to clear up some misconception that has arisen in the course of this debate. My friend Khan Bahadur Abdul Momin said that the Agriculture Minister had more money than he could spend. As a matter of fact, he knew that over and above our budgeted money the Cabinet had sanctioned one crore of rupees for the purchase of bullocks and cattle for agricultural purposes, but we could not spend it because Bihar put a ban on the exportation of cattle from there and because other provinces refused to supply us with cattle and bullocks. So we are trying our best to meet the situation from the cattle available in our own province; consequently all the money could not be spent. The position is that we are determined to develop agriculture to its utmost capacity and we are determined to spend as much money as may be necessary for any new scheme for the improvement of agriculture. No money will be wanting, whether it is ear-marked or not, for the improvement of agriculture in Bengal. That is the position we have taken up.

As regards the Floud Commission, we stand by the recommendations of the Commission. They have recommended that the money derived from the agricultural income-tax should be spent for the development of agriculture. We are not only determined to spend the entire income from this tax but much more than that. At the most we expect to get Rs. 30 lakhs out of this tax. But last year we spent Rs. 150 lakhs on agriculture and this year we have budgeted for spending Rs. 133 lakhs; but over and above that we have allotted one crore of rupees for the purchase of cattle and bullocks and we have sanctioned more money for other schemes, which will come up before the House in connection with the Supplementary Budget. So the question of ear-marking this small amount does not arise. This is our position. With these words, I oppose this amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, are we to understand that the Hon'ble Minister's view is this: that not only he would appropriate the entire income of the agricultural income-tax but something much more? If so, we expect that he accepts the principle of the amendment——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We accept the spirit of the Floud Commission Report.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, I have very little to say after what has fallen from the Leader of the House. The House has rejected the principle of ear-marking the proceeds of a particular tax for a particular purpose, and if the ear-marking of the whole of the proceeds of a tax is bad, ear-marking a portion of it is worse.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the difficulty created by the Hon'ble Minister, Agriculture——

Mr. PRESIDENT: Order, order, I think you have spoken more than once Khan Bahadur——.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, it is an important point——

Mr. PRESIDENT: I am afraid, I cannot allow this point to be discussed.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, things should be made more clear otherwise it could not be followed. The Hon'ble Minister for Agriculture has created some amount of difficulty in the way of the Hon'ble the Finance Minister——

Mr. PRESIDENT: Order, order In explaining things we sometimes create confusion and let us take it that this is a case of confusion.

The question before the House is: that in clause 3 of the Bill, a further proviso be added, namely:—

"Provided further that twenty-five per cent. of the agricultural income-tax so charged under section 3 be earmarked in each financial year for the purpose of expenditure towards the improvement of agriculture."

The question being put, a division was challenged and taken with the following result:—

AYES—12.

Khan Bahadur Naziruddin Ahmad.	Mr. H. D. Mojumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. Khorshed Alam Chaudhury.	Mr. R. Pal Chaudhuri.
Mr. L. C. Das.	Mr. A. D. Roy.
Mr. Humayun Z. A. Kabir.	Mr. B. K. Roy Chowdhury.
Rai Bahadur B. M. Maitra.	Khan Sahib Maulvi Wahiduzzaman.

NOES—25.

Khan Sahib Fariduddin Ahmad.	Mr. Latafat Hossain.
Mr. Mesbahuddin Ahmed.	Mr. Mohamed Hossain.
Mr. Nur Ahmed.	Maulana Muhammad Akram Khan.
Khan Sahib Abdul Aziz.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. Hamidul Huq Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Mr. T. B. Nimmo.
Mr. Muhammad Habibullah Chowdhury.	Khan Bahadur Mukhlesur Rahman.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. L. P. Dutt.	Khan Bahadur M. Shamsuzzoha.
Mr. R. W. N. Ferguson.	Mr. J. W. R. Steven.
The Hon. Khan Bahadur S. M. Hosain.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes"—12; the "Noes"—25. The amendment is, therefore, negatived.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I mention a matter in which we are interested?

Mr. PRESIDENT: Not at this stage, Khan Bahadur.

Khan Bahadur NAZIRUDDIN AHMAD: Some of my friends who are deeply interested in the matter——

Mr. PRESIDENT: Not at this stage, Khan Bahadur, but you may mention it at the end of today's business.

Khan Bahadur NAZIRUDDIN AHMAD: The matter will take some few minutes, Sir.

Mr. PRESIDENT: Let us proceed with our business and then we shall listen to you. If it takes some time, we will sit some time longer to hear your proposal. I will now put clause 3.

Clause 3.

The question before the House is: that clause 3 stand part of the Bill.

(The motion was agreed to.)

Clause 4.

The question is that clause 4 stand part of the Bill.

Mr. HARIDAS MAZUMDAR: With your permission, may I move Mr. Bankim Chandra Mukherji's amendment No. 60A?

Mr. PRESIDENT: No, no, that has been disposed of. You can't move it. You move your own amendment.

Mr. HARIDAS MAZUMDAR: I beg to move that in clause 4 of the Bill all the words beginning with "including any local cess" in lines 4 and 5 and ending with "respectively" in line 7 be omitted.

Sir, this is a very logical amendment and it does not require any explanation. So I hope the Hon'ble Finance Minister will accept *in toto* the amendment. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in clause 4 of the Bill, all the words beginning with "including any local cess" in lines 4 and 5 and ending with "respectively" in line 7 be omitted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, it has been held by the Patna High Court that "cess" is an agricultural income. Hence it is desirable to bring this provision into the Bill. The provision, however, does not affect the assessee adversely. This clause lays down the manner of calculating the agricultural income without producing any adverse effect on the assessee.

Mr. PRESIDENT: The question before the House is: that in clause 4 of the Bill, all the words beginning with "including any local cess" in lines 4 and 5, and ending with "respectively" in line 7 be omitted.

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: I beg to move that in clause 4 of the Bill, after sub-clause (*a*) the following new sub-clauses be inserted, namely:—

"(*aa*) any receipts of agricultural income which are of a casual and non-recurring nature.

(*aaa*) any agricultural income which may be received after the commencement of this Act but which accrued, became due or is otherwise related to a period earlier than the previous year to the year ending the 31st March, 1945."

Sir, this is a reasonable amendment which will improve the Bill to a great extent and leave out those incomes which should not be included in the assessable income. So it is reasonable and should be accepted. Although I know it is useless to advance any reasonable argument for the acceptance of a very reasonable amendment, I have moved it in the hope that Hon'ble Finance Minister may be induced to accept it. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in clause 4 of the Bill, after sub-clause (*a*) the following new sub-clauses be inserted, namely:—

"(*aa*) any receipts of agricultural income which are of a casual and non-recurring nature.

(*aaa*) any agricultural income which may be received after the commencement of this Act but which accrued, became due or is otherwise related to a period earlier than the previous year to the year ending the 31st March, 1945".

Mr. NAGENDRA NATH MOHOLANOBISH: Mr. President, Sir, I support this amendment which really seeks to clarify the provision with regard to income that is proposed to be taxed. The first part of this amendment is to exclude any receipts of agricultural income which are of a casual and non-recurring nature. With regard to this, it is well known that this is not regarded as an income. We know that in the Indian Income-tax Act there is a clear provision to exclude any income of that nature. In this

Bill the Government have not considered the case from that point and they want to include local cesses, education cesses. But the Hon'ble Minister has just now stated that it would not matter much because under section 6 they have granted some allowance and that the assessee will not be in the least affected by this clause. In this connection, I may bring to the notice of the Hon'ble Minister that in any taxing enactment it should always be carefully stated which are the incomes and which are the receipts which should not be considered as income. If you do not insert a clause like that, it will be an unusual thing and the assessing officer will not be able to exclude them. For example, a man purchases a property in the beginning of the year and then after some time for some reason or other he sells it at the end of the year, not to make a bargain over it, not to make a trade of buying and selling, but for some personal necessity and by this transaction he may have got Rs. 5,000 to Rs. 10,000. Now, unless you exempt all such things, there would be hardship on the part of the assessees. I, therefore, submit that his amendment is very reasonable and should be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, I have carefully considered this amendment and I shall deal with the two parts of the amendment separately. Regarding the first part, in view of the elaborate definition of agricultural income in the Bill, exemption of casual receipts is unnecessary. Any income which is agricultural income should be taxed, whether it is received regularly or at intervals. For example: (1) rents not collected from year to year or there being occasional defaults, (2) land not yielding crop every year it being necessary to keep it fallow at intervals, (3) agricultural income derived from land subject to occasional alluvion or diluvion and so on.

As regards the second part, the Bill seeks to tax agricultural income received and not agricultural income accrued. It would, therefore, be unfair to adopt the accrual basis for purposes of exemption.

For these reasons, I have to oppose the amendment.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Now that this amendment has been disposed of, may I mention the matter, Sir? Besides, it is just 5 o'clock.

Mr. PRESIDENT: Yes.

Khan Bahadur NAZIRUDDIN AHMAD: Tonight there is a religious festival of the Muhammadans, called Shabe-Meraj. (SOME MEMBERS: Tonight or tomorrow night?)

Mr. PRESIDENT: There seems to be a difference of opinion about the date.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, tonight.

Khan Bahadur NAZIRUDDIN AHMAD: There is the great authority of the Leader of the House that it is taking place tonight. The ceremony requires us to keep up the whole night. As a holiday has been granted to the members of the Hindu community on account of a Hindu festival, I think Wednesday should be observed as a holiday in the interest of the Muhammadan community.

Mr. PRESIDENT: Khan Bahadur Sahib, I have no objection to maintain the communal ratio in this matter, but it all depends on your Muslim colleagues here. I would like to hear the views of the Leader of the House.

Khan Sahib Maulvi WAHIDUZZAMAN: Of course, there are some Muhammadans in this House who do not want the holiday and it is not our fault. We who belong to a certain section of the Muhammadan community demand that Wednesday should be a holiday on account of our festival.

Khan Bahadur NAZIRUDDIN AHMAD: The Assembly office is closed tomorrow.

The Hon'ble Khan Bahadur SAIYED MUZAMUDDIN HOSAIN: It is a religious ceremony which is observed at night only, Sir, I do not think, therefore, that it is absolutely necessary that we should close tomorrow.

Mr. HUMAYUN KABIR: Is the Government opposing this? The Leader of the House has not expressed any opinion on the matter.

It is not absolutely necessary he has said, but he does not say whether there should be no sitting tomorrow.

Mr. PRESIDENT: The position is this: we have Government business now before the House; therefore it is for the Government to suggest whether there should be a holiday tomorrow or not.

Mr. HUMAYUN KABIR: Yes, Sir, let him say so.

The Hon'ble Khan Bahadur SAIYED MUZAMMUDDIN HOSAIN: I think Government does not want a holiday.

Mr. HUMAYUN KABIR: Then, does he oppose it?

Mr. PRESIDENT: It seems to be so; so I am afraid Khan Bahadur, I cannot help you.

The House stands adjourned till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Wednesday, the 19th July, 1944.

MEMBERS ABSENT.

The following members were absent from the meeting held on the 18th July, 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Khan Sahib Nurul Amin.
(3) Mr. Kader Baksh.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. K. K. Dutta.
(6) Khan Bahadur Abdul Gofran.
(7) Alhadj Khan Bahadur Shaikh Mohammad Jan.
(8) Mr. Abdul Latiff.
(9) Mr. N. N. Mukherji.
(10) Mr. B. C. Mukherji.
(11) Mr. R. S. Purssell.
(12) Dr. K. S. Ray.
(13) Mr. K. C. Roy Chowdhury.
(14) Mr. S. N. Sanyal.
(15) Dr. Kasiruddin Talukder.

BGP-44/5-8524A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 62.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 19th July, 1944, at 3 p.m., being the sixty-second day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY, J.P.) was in the Chair.

QUESTIONS AND ANSWERS,

Cheap grain shop at Kandi.

212. Mr. RANAJIT PAL CHOUDHURY: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) whether it is a fact that there are about 20,000 people residing within the municipal area in the Kandi subdivision in the Midnapore district;

(*b*) whether it is a fact that there is only one Government Grain Supply Depot wherefrom only 10 maunds of rice are distributed at controlled price daily; and

(*c*) whether complaints have reached him about the inadequacy of the quantity supplied?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) According to the Census of 1941, the population of the Kandi Municipality is 16,652.

(*b*) There was a cheap grain shop which used to supply 1,150 persons with foodgrains at the rate of 1 seer per head per day.

(*c*) No.

Standard cloth for Jessore.

213. Mr. AMULYADHONE ROY: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the quantity of the standard cloth despatched to the district of Jessore with a statement of the quantity sent to each subdivision;

(*b*) the date of the despatch and the quantity already sold in each subdivision;

(*c*) the names and full addresses of the persons in whose favour permits were issued for standard cloth in the subdivision of Bongaon; and

(*d*) the principle on which standard cloths are being sold?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) and (*b*) *During May,* 1943, 56 bales of *dhuty* (9 yards × 39 inches) and *sharee* (10 yards × 44 inches)

were received for the whole of the district of Jessore. These bales were despatched to each of the subdivisions between the 20th May and 3rd September, 1943. A further consignment of 13,348 pairs (*dhuty*) and 36,100 yards (grey shirting) were received by the retail dealers of this district during the last week of November and in December, 1943, from the Khulna Reception Centre. A statement showing receipt and disposal by sale from May to December, 1943, is laid on the Table.

(*c*) (1) Rai Sahib Hazarilal Pramanik, Cloth Merchant, post office Gopalnagar, Jessore; (2) Munshi Quorban Ali, Cloth Merchant, post office Bongaon, Jessore; (3) Babu Hazarilal Singha, Cloth Merchant, post office Bongaon, Jessore; (4) Babu Krishnadas Haldar, Cloth Merchant, post office Benapole, Jessore; and (5) Babu Surendra Nath Kundu, Cloth Merchant, post office Mohespur, Jessore.

(*d*) In order that the cloths might reach the poorer classes and the most deserving among them lists of pauper families who are not assessed to union rates, are prepared by the Presidents of the union boards and are scrutinised by the Circle Officers, Special Officers, Subdivisional Supply Officers, Assistant Inspectors of Jute Regulation on the basis of union records. Each wholesale dealer is allotted a number of unions for retail distribution, as also a number of sub-dealers.

The families finally selected are given permits for purchase from the selected dealers and the sale is supervised by the above officers. For proper identification of the persons selected, a representative of each union board is asked to remain present during the hours of sale on fixed days.

Statement referred to in reply to question No. 213 of standard cloth, showing receipt and disposal from May to December, 1943, up to 31st December, 1943.

	Dhuty in pairs.	*Sharee* in pairs.	Grey shirting.	Disposed of by sale—			Balance up to 31st December, 1943—		
				Dhuty.	*Sharee.*	Grey shirting.	*Dhuty.*	*Sharee.*	Grey shirting.
			Yds.			Yds.			Yds.
Sadar	6,146	862	15,200	1,524	800	..	4,622	62	15,200
Jhenidah	5,167	974	11,400	1,280	974	..	3,887	..	11,400
Bongaon	2,560	600	..	2,109	600	..	451	..	..
Magura	4,215	1,000	9,500	2,411	931	4,104	1,804	69	5,396
Narail	1,640	600	..	1,110	600	..	530	..	..
Total ..	19,728	4,036	36,100	8,434	3,905	4,104	11,294	131	31,996

Relief work at Purbadhair.

214. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether in the village of Purbadhair and in the Purbadhair union in the district of Tippera (police-station Muradnagar), there has been any relief committee formed? If so, who is the President thereof and how many sittings it had?

(*b*) Are the Government aware that there are many *bhadralog* middle class families almost landless and many Muslim and Hindu labouring people who are starving in that union? Do Government propose to cause a list to be prepared of them and send relief to them without further loss of time to prevent deaths from starvation?

(*c*) Will the Hon'ble Minister be pleased to state what steps have been taken to give relief to those people?

(*d*) Do Government propose to undertake test relief work and engage the labourers in that union?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) A union relief committee with Maulvi Siddiqur Rahaman as Chairman for the Purbadhair union, and a village relief committee with Babu Ramani Mohan Das as President for the village Purbadhair were formed. Each committee had seven sittings.

(*b*) A list of deserving persons including landless *bhadralogs* was prepared.

(*c*) Gruel kitchens were opened in 5 different centres of the union, but they were closed down with the harvesting of paddy, as the attendance of destitutes at the kitchens began to fall off.

(*d*) No, since labourers were not available for work at the test relief rates of wages.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state what are the test relief wages?

The Hon'ble Mr. H. S. SUHRAWARDY: Certainly, I am not able to give any definite reply today; but test relief wages were lower than those of agricultural wages.

Mr. LALIT CHANDRA DAS: Have you any idea what the test relief rates are, generally?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir; the test relief rates vary.

Shooting in the Dacca Jail.

215. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if he is aware that the ex-Chief Minister, Mr. Fazlul Huq, promised to enquire into the shooting in the Dacca Jail;

(*b*) if it is a fact that the said enquiry never took place in spite of repeated demand from the Bengal Legislature and the Press;

(*c*) if the Government propose to hold an enquiry into the serious affair, regarding the shooting in the Dacca Jail in the interests of public confidence and future security; and

(*d*) if not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): I have already made it clear that I do not consider myself bound to implement any promises made by my honourable predecessor in office. Nor am I prepared to re-open the matter after such a lapse of time.

Supply of foodstuffs to the families of seamen and sailors.

216. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if it is a fact that the Government of India have drawn the special attention of the Government of Bengal to average supplies of foodstuffs and other necessaries of life to the family members of seamen and sailors in Bengal, especially in Chittagong?

(*b*) If so, have the Government of Bengal made any special arrangement in Chittagong for supply of foodstuffs and other necessaries of life to the families of seamen and sailors in Chittagong?

(*c*) If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) Government issued instructions to District Officers, including District Magistrate, Chittagong, to pay special attention to the needs of families of seamen and to make supplies available to them from the resources at his disposal.

(*c*) Does not arise.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state if special attention has been paid to the needs of the families of seamen and sailors after the issue of the instructions?

The Hon'ble Mr. H. S. SUHRAWARDY: I believe so. This time no families of seamen and sailors have been given special cards from which to draw ration.

Export of paddy from Tamluk.

217. Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if his attention has been drawn to the fact that in the Nandigram police-station, Tamluk subdivision in the Midnapore district, there has been failure of crops in the present year resulting in insufficient supply of foodstuffs in the entire subdivision? If so, will he be pleased to state if he proposes to stop exporting paddy from this subdivision?

The Hon'ble Mr. H. S. SUHRAWARDY: There has been a partial failure of crops in parts of Nandigram police-station. It cannot be said that this partial failure of crops has resulted in an insufficient supply of foodstuffs in the entire subdivision of Tamluk.

Steps, however, have already been taken to stop exporting paddy from the Tamluk subdivision.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state from what date to what date this reply relates?

The Hon'ble Mr. H. S. SUHRAWARDY: The present position is that we have stopped exporting paddy.

Mr. LALIT CHANDRA DAS: Is it a fact that it relates to September, 1943?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir; the export has been stopped for some time past and it still continues to be so.

Mr. SHRISH CHANDRA CHAKRAVERTI: As regards the paddy which is in stock there already, will the Hon'ble Minister be pleased to state whether it is enough for the maintenance of the whole subdivision?

The Hon'ble Mr. H. S. SUHRAWARDY: There is a certain amount of paddy within the subdivision, but Government have also stocked paddy. Government will release it and at the same time import more paddy as necessities demand.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state the date from which the export from this area was stopped?

The Hon'ble Mr. H. S. SUHRAWARDY: Government exported certain amount at the beginning of the season.

Mr. HUMAYUN KABIR: What month?

The Hon'ble Mr. H. S. SUHRAWARDY: I cannot exactly recall at the present moment. I believe we passed orders stopping it some time in the month of March.

Free kitchens in Chittagong.

218. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if it is a fact that all the free kitchens in Chittagong have been stopped to the great suffering of the poor people?

(*b*) If not, how many free kitchens and in what thanas have been stopped in Chittagong up to February, 1944, and how many kitchens in 1943, and why?

(*c*) Is it a fact that rice is still being sold in some thanas, such as, Hathazari, Boalkhali, Patiya, Panchlais and Double-Moorings, etc., at 1½ to 1¾ seers a rupee in the black markets?

(*d*) If so, what steps have been taken by the Government of Bengal to give alternative relief to the poor and the destitute in those areas where free kitchens have been stopped and also for the supply of rice and other foodstuffs at the controlled rates at Chittagong?

(*e*) Do the Government propose to introduce full rationing in Panchlais and Double-Moorings thanas of Chittagong? If not, why not?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No.

(*b*) 577 free kitchens were stopped up to February, 1944, in the thanas Rouzan, Rangunia, Satkania, Banskhali, Fatikchary, Hathazari, Kotwali, Sitakund, Merssari, Chakaria, Kutubdia, Maiscal, Ramu, Ukhia and Teknaf.

No kitchen was stopped in 1943.

As conditions had improved, kitchens were replaced by work houses to encourage industry and discourage mendicancy.

(*c*) The price of rice is between Rs. 30—32 per maund.

(*d*) Rationing is going to be introduced very soon for non-agricultural poor people in these areas. It has started in Patiya and Boalkhali from February, 1944.

(*e*) Bulk rationing in these areas has been going on since April, 1943.

Mr. HARIDAS MAZUMDAR: With reference to answer (*b*), will the Hon'ble Minister be pleased to state how many work-houses have been opened in 1944 in place of the kitchens closed?

The Hon'ble Mr. H. S. SUHRAWARDY: I am glad to be able to correct a certain statement which I made some time ago when I said that there were some 16 major work-houses and about 100 or 120 minor work-houses. Actually there are 200 or so work-houses.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state how many of them are major ones and how many minor?

The Hon'ble Mr. H. S. SUHRAWARDY: There are 16 large work-houses and about 200 small work-houses.

High price of rice at Dacca.

219. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if it is a fact that *balam* rice is now selling at Rs. 18-8 per maund at Dacca as reported by Associated Press from Dacca, April 9, 1944;

(*b*) if so, whether this is not against Price Control Order issued by the Government; and

(*c*) what steps Government intend to take to prevent such acts?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) Yes, in regard to wholesale transactions only.

(*c*) Steps are being taken to place on the market stocks of Government rice which are available in the areas concerned, and it is hoped that this will automatically bring down the price level.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state the price at which rice is selling in Dacca this week?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know, Sir; but I know that the price is on the decline.

Mr. BANKIM CHANDRA MUKHERJEE: Is the Hon'ble Minister aware that the price of rice yesterday in Dacca was Rs. 16 per maund, which is more than the controlled rate?

The Hon'ble Mr. H. S. SUHRAWARDY: I consider that satisfactory for this time of the year.

High price of rice.

220. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if his attention has been drawn to the news appearing in a daily Calcutta paper that rice in Rajyerthana *Hat* in Madaripur subdivision, at Gossain *Hat*, Dingamanik, Tongibari *Hat*, Lauhajang Bandar is being sold at higher price than the controlled prices, in some cases beyond Rs. 25 per maund;

(*b*) if it is a fact that after the announcement of a reduced new price scale in Bengal, rice has become scarce in many *hats* of the Province;

(*c*) what is the price of rice prevailing at this time of the year 1942;

(*d*) what are the reasons for this abnormal rise in prices in spite of a bumper crop this year; and

(*e*) what steps the Government propose to take to meet this serious situation?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) According to reports received from local officers, the retail prices of rice have ranged between Rs. 17-2 and Rs. 19 in the Madaripur subdivision and between Rs. 18-12 and Rs. 19-4 in the Munshiganj subdivision during the fortnight, 5th to 19th April, 1944.

(*b*) Government have no information of any such general scarcity.

(*c*) The provincial average price of coarse rice during April, 1942, was Rs. 5-5.

(*d*) Rises in prices have been purely local in character and were due to the activities of speculators or temporary local shortages caused by transport difficulties. The general trend in prices has, however, been downwards.

(*e*) In deficit areas, Government is placing on the market stocks of Bengal *aman* rice at Rs. 16-4 retail and stocks of imported rice at even cheaper prices.

Mr. HARIDAS MAZUMDAR: Arising out of answer (*d*), will the Hon'ble Minister be pleased to state what steps the Government have taken to keep down the activities of the speculators or black-marketers in these places?

The Hon'ble Mr. H. S. SUHRAWARDY: At the present moment I do not think that much speculation is going on. A certain amount of trade

transactions is taking place and these have told upon the market and have brought down the price. As a matter of fact, although we have flooded the whole of Dacca and Feni with our own rice—with Government rice—all Government rice are at present held in stock and there is very little offtake. It appears, therefore, that there is rice flowing into the market in quantities sufficient for the people—but I am still keeping that rice in stock. As a matter of fact, we are opening up a large number of places for stocking and keeping rice so as to make it available for the people should the present availability fail the people in the general market.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is the price of rice at present in these areas, as the figures given by him refer to the month of April?

The Hon'ble Mr. H. S. SUHRAWARDY: It is much below that in many cases.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state what is the price of rice at present in these areas, as the figures given by him refer to the month of April?

The Hon'ble Mr. H. S. SUHRAWARDY: It is much below that.

Mr. HUMAYUN KABIR: What is the price of rice in Madaripur?

The Hon'ble Mr. H. S. SUHRAWARDY: It is difficult to say precisely at this time.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please enquire why people are not taking Government rice even where it is available? Is it because of the inferior quality of the rice or because it has deteriorated beyond the suitability of consumption?

The Hon'ble Mr. H. S. SUHRAWARDY: Obviously, this matter is always under enquiry and it has been our policy to see that the quality of rice is maintained. There is constant deterioration and therefore constant examination by us. The reason why people are not purchasing our rice is that they are able to purchase at the local market local rice which they appreciate more than foreign rice and at competitive prices, so that if a man can get Barisal Balam rice at the local market at a little higher price, they would prefer that to the Central Provinces or Sind rice.

Mr. HUMAYUN KABIR: Is it a fact that people were asked to purchase *bajra* if they wanted to purchase Government rice?

The Hon'ble Mr. H. S. SUHRAWARDY: I believe that was only for a short time, a very short time. Such an order was passed for the purpose of stimulating the use of *bajra* and to make it familiar to the local people but that was for a short time only and the orders have now been withdrawn.

Mr. HUMAYUN KABIR: The order has been withdrawn?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister please consider the desirability of releasing the entire Government stock of rice in the district of Dacca for sale at a lower price so that it might not be destroyed or damaged considerably?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no desire to put that rice in the general market, Sir.

Rai Bahadur KESHAB CHANDRA BANERJEE: Does the Hon'ble Minister consider *bajra* a suitable substitute for rice?

The Hon'ble Mr. H. S. SUHRAWARDY: I consider *bajra* as a first class substitute except for the *bhadralogs*.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state whether the rice which is held in stock by Government is not continually deteriorating as a result of such stocking?

The Hon'ble Mr. H. S. SUHRAWARDY: It is bound to deteriorate even under natural causes.

Mr. HUMAYUN KABIR: In that case, will Government consider the advisability of releasing this rice in order to further bring down the price?

The Hon'ble Mr. H. S. SUHRAWARDY: When the time comes, I shall do so; but this is not the time.

Rai Bahadur KESHAB CHANDRA BANERJEE: Does the Hon'ble Minister personally prefer *bajra* to rice for his own consumption?

The Hon'ble Mr. H. S. SUHRAWARDY: There is always the difficulty of answering a personal question; but, Sir, sometimes I associate myself with the *bhadralog* classes. (Laughter.)

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state the reason why he should not consider the advisability of releasing Government rice in the market to bring down the price to the level of the prices prevailing in all the districts of Bengal, so that they can at least pay some respect to their controlled price?

The Hon'ble Mr. H. S. SUHRAWARDY: Because I do not want to depreciate our stocks of rice there. With great difficulty we have built up our stock and we are procuring and building up stocks, for I do not know when there will be a scarcity. If there is shortage of local labour or if from any other cause scarcity appears, then we should have a stock in hand to put on the markets.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister please state the policy of Government in keeping stocks of rice in the district of Dacca and not releasing the same when rice is not available at controlled prices in the market and thus bring it on a par with them?

The Hon'ble Mr. H. S. SUHRAWARDY: I am afraid, I have been misunderstood. If you ask me why I am not placing it at cheaper rate in the market to bring down the price, then as regards that there are Government stocks elsewhere and retailers have rice in their possession and they are available for any one against ration cards which have been distributed to the people.

Mr. LALIT CHANDRA DAS: That is so far as the rationed area is concerned. But what about the areas where ration system has not been introduced? Do not Government think it proper to release this stock to these areas so that people may have some respect for the control price?

The Hon'ble Mr. H. S. SUHRAWARDY: Instructions have been issued to ration the whole of the Dacca district including all the rural areas—particularly in areas affected last year. Arrangements have been made in pursuance of those instructions to ration every part of the rural area of Dacca.

Mr. LALIT CHANDRA DAS: When do you expect the arrangements to be completed and be in operation?

The Hon'ble Mr. H. S. SUHRAWARDY: They are complete and in operation.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it a fact that at Dacca Government supplies of rice are not being obtained by the Mahalla Committees in view of the bad quality of the rice to which notice was drawn of the Hon'ble Minister on many occasions?

The Hon'ble Mr. H. S. SUHRAWARDY: This, Sir, is a very very old story. There was a period of time when Mahalla Committee would not take rice from Government stocks complaining of the bad qualities because they could not sell it to consumers. On the other hand, the poor consumers were anxious to take their stocks which they could not make available to them.

We decided to release some inferior quality rice in the market at a very cheap rate and that rice was put on the market and was welcomed by the consumers. Therefore, where the Mahalla Committees did not take our stocks and make it available to the consumers, we have opened stores where we have made this inferior quality of rice available for the consumers.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it not a fact that the rice stocked in the Government godowns is of inferior quality and unfit for human consumption?

The Hon'ble Mr. H. S. SUHRAWARDY: That is not a fact. That is part of a mischievous propaganda.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what is this cheaper rate at which he is placing rice in the market?

The Hon'ble Mr. H. S. SUHRAWARDY: That depends on the quality. For instance, at Dacca we have placed inferior quality rice on the market to be sold at Rs. 8 per maund, and in 7 other places we are placing inferior quality rice at Rs. 11 per maund. But the rice considered to be A grade rice, the price of that we have not reduced.

Rai Bahadur KESHAB CHANDRA BANERJEE: Has the rice fixed to be sold at Rs. 8 been supplied to the Mahalla Committees for distribution?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not certain about that. But the Mahalla Committees non-co-operated with the local authorities at that time. In any event, it was taken up readily by the people of Dacca and the entire stocks disappeared.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it not a fact that the Central Relief Committee of Dacca met the Hon'ble Minister and some of the representatives of the Government to complain about the quality of rice and to request them to supply better quality of rice for the consumption of the people?

Mr. DEPUTY PRESIDENT: Order, order. Instead of asking for information you are supplying it.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether this rice offered at Rs. 8 a maund has all been taken up?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes.

Mr. HUMAYUN KABIR: Have the Government accepted the principle of gradation of rice and fixing prices for different qualities of rice?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, long ago. We are sending officers down for the purpose of grading rice and we are trying to sell A grade rice at market rate. Inferior quality rice we are trying to sell at a reduced rate and if we find there is a shortage of supply, we will release our reserve stocks.

Mr. HUMAYUN KABIR: Will this principle of gradation be applied to the whole of Bengal, as has been done in Dacca?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, to the whole of Bengal.

Mr. HUMAYUN KABIR: Has it been applied to Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: Not yet, Sir. I am trying to put various grades of rice into the Calcutta market, but as the rice sold in Calcutta markets is wholesome and good, the best quality of rice is being sold at a higher rate than in the muffasil.

Mr. RANAJIT PAL CHOUDHURY: May I enquire whether the superior quality of rice has been released in the markets in the Presidency Division?

The Hon'ble Mr. H. S. SUHRAWARDY: So far as I can say offhand, this rice has not been released in the Presidency Division.

Mr. HUMAYUN KABIR: Has the question of releasing graded rice in Calcutta been taken up, and if so, at what price?

The Hon'ble Mr. H. S. SUHRAWARDY: Orders were issued long ago, but I believe that it will be put into practice within a short time.

Tenders for the Presidency, Central and Dum Dum Jails.

221. Khan Sahib WAHIDUZZAMAN: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether there is a rule that tenders for the supply of food to the jails has to be accepted within 14 days of the submission of such tenders by contractors?

(*b*) Is it a fact that one Mr. B. N. Guha submitted such tenders for the Presidency, Central and Dum Dum Jails in December, 1943?

(*c*) Is it a fact that the tenders were accepted after more than three weeks in violation of the rule referred to above?

(*d*) Will he please state what was the rate offered in the tender and the rate at which the contract was accepted?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) It is specified inviting such tenders that the rates offered therein must stand for at least two weeks from the date of opening the tenders.

(*b*) Yes.

(*c*) No.

(*d*) A statement is placed on the Table.

Statement referred to in reply to question No. 221.

A. Rates offered by Messrs. B. N. Guha & Co., in their tender:—

Items.	For Calcutta Jails and Dum Dum Central Jail. Rs. a.	
Red pumpkin	9 8	per maund.
White pumpkin	9 8	,, ,,
Lowka	9 0	,, ,,
Mukhi kachoo	9 8	,, ,,
Brinjal	10 0	,, ,,
Raddish	9 0	,, ,,
Cauliflower	17 8	,, ,,
Cabbage	19 8	,, ,,
Patal	17 8	,, ,,
Kakrol	15 8	,, ,,
Green papita	12 8	,, ,,
Green plantain	12 0	,, ,,
Uchhe and *karalla*	17 8	,, ,,
Jhinga	16 8	,, ,,
Peas	15 8	,, ,,
Beans	12 8	,, ,,
Ladies finger	15 8	,, ,,
Dhudul	12 8	,, ,,
Cucumber	16 8	,, ,,
Knol khol	17 8	,, ,,
Sweet potato	22 8	,, ,,
Chichinga	12 8	,, ,,
Beet	50 0	,, ,,
Mangold	..	
Tomato	15 0	,, ,,
Carrot	45 0	,, ,,
Turnip	50 0	,, ,,
Squash	40 0	,, ,,
Palong sag	10 8	,, ,,
Other *sag*	10 0	,, ,,
French beans	17 8	,, ,,
Potatoes	21 10	,, ,,
Pona fish	39 10	,, ,,
Cut *pona* fish	1 8	per seer.
Bata and sorts	1 8	,, ,,
Koi and *magur*	3 12	,, ,,
Hilsha	0 14	,, ,,
Mutton (1st class)	57 8	per maund.
Goats' liver	1 12	per seer.
Suet	..	

B. The items for which the contract was accepted at the abovementioned tendered rates—

For Presidency, Alipore Central and Dum Dum Central Jails:—

Mukhi Kachu, cabbage, *patal*, *kakrol*, *peas*, ladies finger, French beans, *pona* fish, cut-*pona*, *bata* and sorts, *koi* and *magur*, *hilsha*, mutton and goats' liver.

For Alipore Central Jail only (in addition to the above items), *knol khol*.

Khan Sahib WAHIDUZZAMAN: With reference to answer (*b*), will the Hon'ble Minister in charge be pleased to state whether this Mr. B. N. Guha was offered a contract before this?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Khan Sahib WAHIDUZZAMAN: With regard to answer (*c*), will the Hon'ble Minister be pleased to state after how long these tenders were accepted? Was it after 3 weeks?

The Hon'ble Khwaja Sir NAZIMUDDIN: Within a very short time, a day or two, I suppose, it was not in any case more than a week.

Khan Sahib WAHIDUZZAMAN: Then it was accepted shortly afterwards?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Khan Sahib WAHIDUZZAMAN: With regard to answer (*d*), has the Hon'ble Minister satisfied himself that the rates offered by this contractor were not higher than the prevailing market rate?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am making enquiries, and have asked the Inspector-General of Prisons to submit a report.

Khan Sahib WAHIDUZZAMAN: With reference to answer (*d*), will the Hon'ble Minister be pleased to state whether all the items included in the statement referred to cover the items supplied by this contractor or there were more and different items?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state how many tenders were received?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Khan Sahib WAHIDUZZAMAN: Is the Hon'ble Minister aware that this Mr. B. N. Guha has been given this contract on behalf of a Parliamentary Secretary?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is the first time that I have heard of it.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister kindly enquire into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly, if there is any justification.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister in a position to state whether the items which were not mentioned in item B of the statement have already been accepted from Mr. B. N. Guha? And if so, at what rates? The Hon'ble Minister has stated about other items. Were those items accepted from Mr. B. N. Guha? And at what rates?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is obvious from the reply that the other items were not accepted from Mr. B. N. Guha.

Mr. HUMAYUN KABIR: Is that obvious? I should think it is not.

The Hon'ble Khwaja Sir NAZIMUDDIN: I should think so.

Security prisoners Srijut Rabindra Nath Sikdar and Srijut Mohit Mohan Moulik.

222. Mr. NAGENDRA NATH MOHOLANABISH: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether any allowance has been granted to security prisoners Srijut Rabindra Nath Sikdar and Mohit Mohan Moulik who were arrested and detained at Jalpaiguri? Are they still in the Jalpaiguri Jail or have they been transferred elsewhere? If so, where?

(*b*) Has any allowance been granted to the families of either of them? If so, how much? If not, why not?

(*c*) Is it a fact that Srijut Rabindra Nath Sikdar fell seriously ill recently and is still in indifferent health?

(*d*) Have their cases been recently considered with a view to their release? If not, do the Government propose to consider the cases afresh?

(*e*) Have they been informed of the reasons for their detentions?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Security prisoners are not granted any allowance other than the diet allowance at Rs. 1-8 per diem and this has been allowed to these prisoners. Rabindra Nath Sikdar has recently been transferred to the Presidency Jail and Mohit Mohan Moulik is now detained in the Rajshahi Central Jail.

(*b*) No allowance has been granted to the family of either of them as no one in the family was dependent on the prisoners.

(*c*) The security prisoner was suffering from amœbic dysentery with daily passing of mucous in stool, hepatitis and pyorrhœa and the condition of liver and dysentery was, on treatment, improved. He is in indifferent health now.

(*d*) Yes; but Government are not prepared to release them at present.

(*e*) Yes.

Mr. NAGENDRA NATH MOHOLANABISH: Will the Hon'ble Minister be pleased to state whether it is a fact that when they are detained in jail, do they not get their food from the jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: Security prisoners do get their food in jails.

Mr. NAGENDRA NATH MOHOLANABISH: Is this sum of Rs 1-8 meant for their daily food? Or is it in addition to the food that they get in jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, no, this sum is the limit, up to which they are allowed to spend on the food.

Mr. NAGENDRA NATH MOHOLANABISH: Is the Hon'ble Minister aware that nowadays a man cannot have two meals at Rs. 1-8 per diem?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I know, the average Bengali middle class family spends about 12 annas per head per diem.

Mr. NAGENDRA NATH MOHOLANABISH: Will the Hon'ble Minister be pleased to state if he has ascertained who are the members of the families of these detenus?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not follow the question.

Mr. NAGENDRA NATH MOHOLANABISH: The Hon'ble Minister has stated in reply (*b*) that no allowance have been granted to the families of either of them as no one in the family was dependent on the prisoners. My question is whether he has ascertained the number of the dependants.

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have stated in the printed reply, no one is dependent on these prisoners.

Mr. NAGENDRA NATH MOHOLANABISH: Has he ascertained whether the members of their families were their dependents or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. NAGENDRA NATH MOHOLANABISH: Who are they?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether Government intend to release these prisoners in the near future, say, before the *Pujas*?

The Hon'ble Khwaja Sir NAZIMUDDIN: I can make no statement about it at present.

Mr. LALIT CHANDRA DAS: Is it not a fact that examination of the cases of prisoners under detention is being continued with a view to releasing them?

The Hon'ble Khwaja Sir NAZIMUDDIN: The examination of the case of prisoners and detenus for the purpose of releasing them has not yet been finished.

Mr. LALIT CHANDRA DAS: Is it not the time for Government to formulate their policy with a view to releasing these prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have examined a considerable number of cases and have passed orders on them.

Mr. LALIT CHANDRA DAS: Is it a fact that Government have decided to make only partial releases—say one-third of the total number of prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. LALIT CHANDRA DAS: Then, is there no possibility of one-third of the prisoners being released in the near future, say before the *Pujas*?

(No answer was given.)

Mr. HUMAYUN KABIR: Will the Hon'ble Minister enlighten us as to when this figure of Rs. 1-8 as diet allowance of security prisoners was fixed?

The Hon'ble Khwaja Sir NAZIMUDDIN: During the regime of the present Ministry; I think within three months of their accepting office.

Mr. HUMAYUN KABIR: What was the amount before?

The Hon'ble Khwaja Sir NAZIMUDDIN: I should think 12 annas.

Mr. HARIDAS MAJUMDAR: With reference to (*b*), the Hon'ble Minister says that no allowance has been granted to the family of either of them as no one in the family was dependent on the prisoners. Will the Hon'ble Minister now state the source of the income of this family?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister please state if he will consider the desirability of increasing the allowance in case of sick prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: So far as those prisoners who are ill are concerned, they get whatever is prescribed for them by the doctors irrespective of cost and I have known several security prisoners stating that they get far better food in hospitals than in their own homes.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister state if Rabindra Nath Sikdar had any income when he was arrested?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have fished out the facts. He was earning Rs. 70 a month before he was arrested; he had no wife or children to maintain; he was, however, helping his widowed sister, a minor son and a daughter with a portion of the income. The financial position of the family being good, it was decided not to grant any family allowance.

Mr. HARIDAS MAZUMDAR: How does the Hon'ble Minister know that the financial position of the family was good?

The Hon'ble Khwaja Sir NAZIMUDDIN: From the same source from which I have collected the above information.

Mr. HARIDAS MAZUMDAR: From his statement we find that a portion of the income of the security prisoner went to help certain relations of this detenu and still the Hon'ble Minister says that he had no dependents.

Mr. DEPUTY PRESIDENT: What is your question?

Mr. HARIDAS MAZUMDAR: My question is this: The Hon'ble Minister says that the detenu has no dependent on his income, and from his statement it also appears that he had an income when he was arrested and he used to help certain minor relations of his family and widowed sister and her sons and daughter. Therefore, the reply is not correct: that is my submission, Sir.

Khan Sahib WAHIDUZZAMAN: After the statement just now made by the honourable member, is the Hon'ble the Home Minister prepared to revise his former answer saying that he had no dependent on the date of his arrest?

The Hon'ble Khwaja Sir NAZIMUDDIN: Widowed sister and children are not considered as dependents, specially if the widowed sister has a father or parents of the husband living.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister aware that widowed sisters and their sons and daughters are considered to be dependents of the brother?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not if the parents of the husband are alive.

Mr. LALIT CHANDRA DAS: Are the parents of the girl or of the husband of the widow alive?

The Hon'ble Khwaja Sir NAZIMUDDIN: Obviously it is so.

Mr. LALIT CHANDRA DAS: It is not a matter of "obviously"; are the parents actually alive at this moment?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice so far as the question regarding the parents being alive is concerned.

Mr. LALIT CHANDRA DAS: Was it not the declared policy of the Government of Bengal that when a security prisoner was earning something

at the time of his arrest, a family compensation was given in accordance with his earning for the dependants of the prisoner?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not when the circumstances of the family were good; in the other case a compassionate allowance was given and not an obligatory allowance.

Mr. SHRISH CHANDRA CHAKRAVERTI: Who according to the Hon'ble Chief Minister are regarded as dependants of a detenu?

The Hon'ble Khwaja Sir NAZIMUDDIN: That depends on the circumstances.

Mr. LALIT CHANDRA DAS: What are the materials on which the Hon'ble Minister says that this particular detenu's circumstances were good?

The Hon'ble Khwaja Sir NAZIMUDDIN: The condition of the family is good.

Mr. LALIT CHANDRA DAS: What is the annual income of the family?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. LALIT CHANDRA DAS: How does the Hon'ble Minister say then that the condition of the family is good?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the report of the local officers.

Mr. LALIT CHANDRA DAS: Have not the local officers reported about the annual income of that family?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not necessary. If the circumstances are good, that is enough for the honourable member's purpose.

Mr. HARIDAS MAZUMDAR: May I enquire what was the earning and income of the detenu Mohit Mohan Moulik at the time of his arrest?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was working in the soap factory run by his elder brother. He has no dependant and the family is in good condition.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to enquire what is the annual income of the family even though the report is that his family condition is good?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not consider it necessary in view of the local officers' report that the condition of the family is good. If the honourable member makes a counter statement, I will have it checked.

Adjournment Motion.

Mr. HARIDAS MAZUMDAR: I have got an adjournment motion.

Mr. DEPUTY PRESIDENT: Order, order, will the Hon'ble Chief Minister make a statement on Mr. Das' adjournment motion?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not a statement but it is a note submitted by the Home Department relating to the subject in question.

Owing to the stoppage of recruitment of the I.C.S. and the I.P. with a view to the appointment of war candidates in the vacancies in these services the Government of India had under consideration the question of strengthening the Civil Service in India on a long-term and All-India

basis for the duration of the war and for some years thereafter and they asked the Provincial Government in their Express letter number so and so dated 23rd December, 1943, to furnish statements indicating the extent to which the Secretary of State's services and the provincial services Class I required strengthening in view of war requirements and recent developments. It was envisaged in that letter that these requirements would be met from demands to be made on the armed forces. This matter was discussed by His Excellency Sir Thomas Rutherford with me and it was agreed that some military officers could be employed in the Civil Supply Department immediately and also about 30 to 40 I.C.S. and P.C.S. officers from other povinces. Then in our immediate telegram No. 18, dated 24th January, 1944, a formal demand for additional men was made to the Central Government for immediate reinforcement of the Civil Services in Bengal apart from the long-term reinforcement, owing to the strain imposed on all cadres in Bengal by heavy deputations to the Civil Supply Department.

These deputations had rendered the state of the General Administration precarious and the position could not be rectified by recruitment from internal sources since men already trained in administration were required. The demand made was for some military officers together with about 40 civil officers. In reply to this telegram the Government of India in their telegram No. 203/44Ests., dated 26th January, 1944, offered the services of 5 senior and 6 junior military officers and 40 civil officers from other provinces. Later they offered 6 Emergency Commissioned Officers and 12 military officers with experience of Food Administration in Syria. As against the total offer of 29 military officers and 40 civil officers. Of the military officers, 19 are employed in the Civil Supply Department and 4 on General Administration and miscellaneous work. Of the civil officers 21 are employed under the Civil Supply Department and 17 on General Administration work. This was surely a short-term reinforcement scheme extending for a period of one year for the present, it being understood that arrangements for long-term reinforcements would be completed in the meantime.

In connection with the long-term scheme, Mr. A. J. Dash, C.I.E., I.C.S. (retired), Chairman, Public Service Commission, Bengal, was placed on special duty to investigate the relative urgency and importance of the demands made by the various departments of Government for reinforcements under the scheme. The report submitted by him was discussed in a Cabinet Meeting as a result of which the Chief Secretary's letter No. 1061-A., dated the 15th March, 1944, was issued to the Government of India. Full particulars of the requirements were given in that letter and it was on this basis that the statements required in the Government of India's original Express letter No. 276/43-Ests., dated the 23rd December, 1943, were drawn up and sent to the Government of India. In our statements we asked for 93 officers—75 to fill I.C.S. and senior B.C.S. posts and 18 to fill I.P. posts. In reply to Chief Secretary's letter, dated the 15th March, 1944, the Government of India, Home Department, stated that no further I.C.S. officers could be supplied but that in respect of the loan of military officers, Bengal's demand would receive priority.

An Indian Army Order was promulgated giving the term of appointment of military officers volunteering for the Civil Services. It was proposed to constitute a special cadre for them. They would be posted after training to fill up deficiencies in the various Civil Services.

The selection of volunteers is now taking place and 100 of those volunteers will shortly be deputed to Bengal.

It should be emphasised that all these additional officers *from outside the* province are required to fill vacancies caused by the *expansion of work particularly* in the Civil Supplies Department which the *existing cadres of the* I.C.S., B.C.S., etc., were not designed to meet. The *introduction of these*

reinforcements for the period of the war and a few years after its termination will not adversely affect the normal expectations of promotion of officers in the B.J.C.S. and B.C.S. In fact promotion from the B.C.S. to listed posts has been well above average for the last two years while there is a proposal now that about 50 officers of the B.J.C.S. should be promoted temporarily to the B.C.S. I may also mention that 175 temporary promotions have been made to the B.J.C.S. from the subordinate services and further possibilities of promotion in these services to replace men at the top required for the war time duties would probably be necessary. In so far as this is compatible with the maintenance of an efficient general administration such further promotions will definitely be made by Government in preference to bringing of reinforcement from outside the province. For the present reinforcement actual vacancies exist and simply cannot be filled by officers in the normal cadres of services in Bengal.

Sir, the gist of this statement will show that the demand for officers is so great that in spite of promotion from other services we should be requiring 175 men and proposals for promotion of another 50 men and also of recruitment are under consideration. As far as possible we have got to have at least about another 90 officers from the Military. The Civil Supplies Department have expanded so much and have required so many officers that it is absolutely impossible to meet their demand unless men are brought from outside.

Mr. LALIT CHANDRA DAS: Will you, Sir, permit me to submit that the statement does not at all remove the necessity of the adjournment motion which I have tabled. I shall with your permission, Sir, read out the words of the motion —

> "That this Council do adjourn its business to discuss a definite matter of urgent public importance, viz., the situation arising out of the Government of Bengal applying to the Central Government as revealed in today's papers asking for services of a large number of Army officers to hold civilian posts in the province to the detriment of the claims of the Bengalees to those posts, intensifying at the same time the problem of unemployment in Bengal".

Sir, what I want to draw your attention to is that as a matter of fact certain arrangements have been made by the Government of Bengal to increase their cadre of officers by importing military officers and other classes of officers from outside without doing anything to solve the problem of shortage locally. It is certainly not the case of the Government of Bengal that their own officers are not qualified to fill the posts, by promotion of course——

Mr. DEPUTY PRESIDENT: Order, order. I think the Hon'ble Chief Minister has fully explained the position.

Mr. LALIT CHANDRA DAS: Sir, I submit that the statement of the Hon'ble Chief Minister is not satisfactory. It is for you to withhold your consent or allow me to move my adjournment motion.

Mr. HUMAYUN KABIR: Sir, I should like to add only one word to what has been said by Mr. Das. As I look at the question, two important principles are involved. I do not however wish to go into the merits of those principles, though I shall touch on them briefly.

With regard to the advisability of admitting this motion, which relates primarily to the recruitment of military officers—or rather importation of military officers—I submit that it relates to a principle which Government should consider carefully, as it involves responsibility of a very grave character. The other is with regard to the arrangement regarding provincial distribution of officers, the method of recruitment, the mixture of

civilian and military—inside Bengal and outside Bengal—which is of very great importance to the public of Bengal. Perhaps, it would have been a better thing if Government had set apart a day for the discussion of this question, and my own feeling is that we should have a full discussion. No doubt, there may be many things for the Government to place before the House; on the other hand, there are various questions relating to the economic and political implications of the question which can be brought forward by the Opposition. So, if Government are prepared to set apart a day, perhaps Mr. Das may be persuaded to withdraw his present motion. Otherwise, Sir, I would suggest that you should not withhold your consent to the moving of this motion.

The Hon'ble Khwaja Sir NAZIMUDDIN: In view of the offer made by Mr. Humayun Kabir, Government would be very glad to arrange a discussion on this matter on any Friday that the Opposition may like. (Cries of "No, not on Fridays" from the Opposition benches.) This adjournment motion can be moved as a special motion next Friday. I think this will be acceptable to the Opposition. Next Friday is a Special Motion Day when this matter can be taken up and discussed. As regards its merits, I may submit that this not a matter, first of all, of any urgency. Secondly, we have been employing military officers for a long time and this is well known to the Opposition (Opposition members: No, we never knew this, we never heard of this). It has been done in the past and I submit that in view of the statement that I have just now made, there is no immediate necessity for discussing this matter. Government are, however, quite prepared to give consent to the discussion of this motion as a special motion which will have priority over all resolutions. We are quite agreeable to discuss this matter next Friday, if the Opposition so likes.

Mr. DEPUTY PRESIDENT: Mr. Das, I think that after the statement made by the Hon'ble Chief Minister the House has no objection if this motion is discussed as a Special Motion. That is the proposal of Mr. Kabir and the Hon'ble Chief Minister accepts that proposal.

Mr. HUMAYUN KABIR: I had suggested that if the Government offered one full day perhaps we might agree, but if it is going to encroach on a private member's day——

Mr. DEPUTY PRESIDENT: I am not now talking of the date, but only of discussing this motion as a special one. That is what Professor Kabir has suggested.

Mr. HUMAYUN KABIR: It was only my personal opinion, Sir.

Mr. DEPUTY PRESIDENT: When you expressed that opinion, I thought it was an opinion expressed on behalf of the Opposition. I did not think for a moment that Professor Kabir could make any statement in a lighthearted manner.

Mr. HUMAYUN KABIR: I made it quite seriously when I said so but I said that in that case Mr. Das might be persuaded to accept the suggestion. These are the exact words that I used "Mr. Das may be persuaded to agree if Government give a special day". This will show that I was speaking not on behalf of the Opposition but entirely on my own.

Mr. BANKIM CHANDRA MUKHERJEE: The fact that the Hon'ble Minister has admitted that the matter is urgent——

The Hon'ble Khwaja Sir NAZIMUDDIN: I did not say so, Sir. On the contrary, I pointed out that it was not an urgent matter nor was it of any importance; but I agreed to the discussion of this matter as a special motion only to meet the Opposition's point of view: otherwise the matter is neither urgent nor important.

Mr. LALIT CHANDRA DAS: I consider the matter to be an urgent matter of great public importance, for it concerns the whole of Bengal and affects the bread of many people of Bengal. Will the Hon'ble Minister kindly explain when army officers were drafted to Bengal previously for administrative work? Therefore, we want an immediate discussion of the motion.

Mr. DEPUTY PRESIDENT: For the moment, we are not discussing the date of the discussion. The question now is whether your purpose will be served if you get a full day to discuss the matter.

Mr. LALIT CHANDRA DAS: But I am not agreeable to have the discussion on next Friday which is a non-official day.

Mr. DEPUTY PRESIDENT: That is not the question before us at the moment. The question is: whether you will agree to the discussion of the matter as a special motion, as I have already pointed out several times. As regards the date, that will be fixed later on.

Mr. LALIT CHANDRA DAS: The whole thing is this: if this motion is accepted as a special motion by the Hon'ble Home Minister and discussed on Tuesday next, then we can come to an agreement. The day is very important and we will agree to Tuesday next and not to Friday. We have lost one Friday because it has been declared a holiday and if you want another Friday to go, we lose another.

Mr. DEPUTY PRESIDENT: Are you willing to sit for a longer time than usual.

Mr. LALIT CHANDRA DAS: No, Sir, two hours.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, we have had many resolutions and accepted some resolutions. So we can have this special motion on Friday. There is no Non-official Bill before the House at present.

Khan Sahib WAHIDUZZAMAN: Sir, this is a very urgent matter and if we do not take the matter immediately, the Central Government may take action on the suggestion of the Bengal Government. But if in the meantime Bengal Government change their opinion as a result of this special motion and the Central Government are informed of it, they may be prevented to do so. So it is necessary that this matter should be discussed immediately.

Mr. HARIDAS MAZUMDAR: I think Sir, that the Hon'ble Home Minister should accept the suggestion of Mr. Das.

Mr. DEPUTY PRESIDENT: The consensus of opinion then is that this motion will be treated as a special motion. As regards the day on which this special motion will be discussed, I leave it to the Hon'ble the President to decide on the next meeting day. If he does not come on the next day, I shall do it.

Mr. LALIT CHANDRA DAS: Sir, the date can be fixed by the Home Minister. If he agrees to Tuesday, we can agree to it.

The Hon'ble Khwaja Sir NAZIMUDDIN: I accept the decision of the Deputy President that it may be left to the President to fix the date.

Mr. SHRISH CHANDRA CHAKRAVERTI: Does the Home Minister waive his right about date? He does not want to be consulted?

The Hon'ble Khwaja Sir NAZIMUDDIN: I waive my right so far as the date is concerned. I won't object to this being treated as a special motion.

Mr. HARIDAS MAZUMDAR: Sir, I have an adjournment motion today.

Mr. DEPUTY PRESIDENT: As regards that, the Chair has not got sufficient time to examine it. It may be taken up on the next day for decision of the question of its admissibility. The question of urgency is waived.

Mr. NAGENDRA NATH MOHOLANABIS: Sir, may I know from the Leader of the House whether he has got the opinion of the Advocate-General in connection with my adjournment motion?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Legal opinion has not yet been received from the Advocate-General.

Mr. DEPUTY PRESIDENT: The House will now resume discussion of the Bengal Agricultural Income-tax Bill, 1944.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Mr. Deputy President, I beg to move that in paragraph (*b*) of clause 4 of the Bill, after the word and comma "purposes," in line 3, the words "or as *Debattar*" be inserted.

Sir, I move this amendment to do away with the distinction which appears to have been made in this sub-section between Hindu and Muslim property devoted to religious and charitable purposes. While in the case of the former, only that property which is held under trust or other legal obligations wholly for religious or charitable purposes is exempted from the tax, in the case of the latter, *Wakf-al-al-aulads* are also excluded. So far as I know, *Wakf-al-al-aulads* are Muslim trusts for the benefit of children. They do not, therefore, differ essentially from Hindu *Debattar* property. If the income from *Wakf-al-al-aulads* is to be excluded from taxation, I do not see why the income from Hindu *Debattar* property as such should not also be so excluded. Such property comes under the ownership of the deity. The income is partly devoted to the deity's worship, partly to charitable purposes and partly to the benefit of those in charge of the worship. In other words, if Muslim trusts made for the benefit of children of the original owner may be excluded from taxation, Hindu *Debattar* property, whose income is partly enjoyed by the descendants of the original owner, should have this benefit also.

Mr. DEPUTY PRESIDENT: Amendment moved: That in paragraph (*b*) of clause 4 of the Bill, after the word and coma "purposes," in line 3, the words "or as *Debattar*" be inserted.

Mr. LALIT CHANDRA DAS: Mr. Deputy President, I rise to support the amendment which has been moved by my friend Mr. Birendra Kishore Roy Chowdhury. Apparently, there has been an omission, and it is desirable that the word "*Debattar*" should be there. When arrangements have been made for exempting charitable trusts such as *Wakf-al-al-aulads*, I submit, Sir, that the incomes derived from *Debattar* should also be equally exempted, inasmuch as such incomes are utilized for the worship of the deity.

With these words, Sir, I support the amendment moved just now.

Mr. BANKIM CHANDRA MUKHERJEE: Mr. Deputy President, I rise to support the amendment moved by my friend Mr. Birendra Kishore Roy Chowdhury. It wants to add to the actual words of the clause itself the words "or as *Debattar*" after the words "any agricultural income derived from property held under trust or other legal obligation wholly for religious or charitable purposes". Now, possibly, it is not realized that a Hindu religious endowment is not liable to be treated as a trust at the will of the Provincial Council. In the case of Vidyavarathi reported in 40, Madras, it was held that Hindu religious endowments are not to be treated as trusts. Therefore, I believe, that it was purely a case of mistake. While

the framers of the Code intended that Hindu religious endowment which are known as *Debattar* should not be taxed, they used words which are not appropriate for the purpose. The amendment before the House only seeks to clear up this doubt, and therefore I submit it should be accepted by Government and by the honourable members of this House. Now, the amendment seeks to introduce the following words after the word and comma "purposes," the words "or as *Debattar*". If the word "*Debattar*" is included therein, I believe all misapprehension that might arise hereafter may be removed, and therefore the words "or as *Debattar*" should be added so far as this clause is concerned. It is stated that religious purpose includes *Debattars*. Now, if that is the object, it should be incorporated in clause (*b*); on the other hand, if my friend's words are to be excluded, the position should at least be made clear so that there may not be any doubt when the time for assessment comes. With these words, I support the motion of my friend.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment which has been moved by my friend, Mr. Birendra Kishore Roy Chowdhury. Since *Wakf-al-al-aulads* have been included, I do not see any reason why *Debattars* should be excluded. It must be remembered that all *Debattar* property is on the same plane and it is only fair that such property should be treated on the same basis and should be exempted from taxation.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I think I can add very little to what my friend Khan Bahadur Naziruddin Ahmad has just said. It is a very desirable amendment, and the Government should have no objection to accept it. We want the *Debattar* properties to be treated in the same way as the *Wakfs-al-al-aulads*. Sir, it is well known that there are many *Debattar* properties in Bengal. To tax *Debattar* income would, I think, being going beyond the purpose for which these *Debattars* were and may in future be created. The incomes accruing from the *Debattar* properties are utilized for the maintenance of the deities. So, I think, the amendment should be accepted by Government. In many parts of Bengal—whether in Eastern Bengal or in Western Bengal—*Debattar* properties are found to exist, and the income, as I have already said, from these properties are devoted exclusively to the worship of the deities concerned. Having regard to the fact that this income is meant to be spent for religious purposes, it is only meet and proper that the *Debattar* properties should be exempted from taxation.

Mr. HARIDAS MAZUMDAR: Sir, I rise to support this amendment. বর্ত্তমানে এই ঠাকুরবাড়ী ও অতিথিশালা, মতিলাল ট্রাষ্ট ফণ্ডের আয় হইতে পরিচালিত হইতেছে। এখন এখানে প্রতিদিন মধ্যাহ্নে ১৫০।২০০ লোক ভোজন করিতেছে।

Mr. DEPUTY PRESIDENT: What are you reading from ?

Mr. HARIDAS MAZUMDAR: Dr. Narendranath Law's "সুবর্ণ বণিক কথা ও কীর্ত্তি", just to show that unless this amendment is accepted, the religious charities will be hard hit.

Mr. DEPUTY PRESIDENT: Do you propose to read the whole book ?

Mr. HARIDAS MAZUMDAR: No, Sir. I will read only a few sentences. "হিন্দু মুসলমান সকলেই সেখানে পৃথকভাবে আহার পায়। গোঁড়া হিন্দুধর্ম্মাবলম্বী হইয়াও মতিলাল যে কত উদার ছিলেন এই ব্যবস্থা হইতে তাহা বেশ বুঝিতে পারা যায়। মন্দির ২।।০ বিঘা জমির উপর নির্ম্মিত ..... ঠাকুরের ভোগ গৃহ, ঠাকুরের শয়ন গৃহ ইত্যাদি। সুবিস্তৃত বারান্দায় হিন্দু কাঙালীরা ভোজন করে। মন্দিরের বাহিরে টিন ঘেরে মুসলমানদের আহারের স্থান।"

This is only one instance; there are numerous such institutions all over the province. If we tabulate them, it will be a formidable list. Even where they are confined to one community only, they relieve human suffering. I think this amendment unless it is accepted will leave a loophole

with the result that religious and charitable institutions will suffer a good deal. With these words, I commend my amendment to the acceptance of the House; at least this important amendment concerning the inclusion of Hindu religious *Debattar* institutions should be accepted.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, when I was considering this Bill with a view to put in amendments, this particular clause drew my attention and I found that the gentleman who drafted this clause seemed to have a particular fascination for Moslem trusts. Now if you will kindly consider this clause, you will find that this clause—a clause for exempting certain income from the purview of the tax—generally enumerates certain trust properties or properties under certain legal obligation wholly or partly for religious or charitable purposes. I think that if this clause stood like that without attempting to enumerate any Moslem trust or Hindu trust as it has been attempted to be done here, the matter might have looked very much decent. Sir, what is the object of bringing in this particular class of trust I cannot for my life understand. Does it at all show that the clause was intended to exclude a particular Moslem trust? I believe not. And if it was intended to exclude properties under trust wholly or partly, then we could have had the same clause without the additional words or in the case of Moslem trusts commonly known as *wakf-al-al-aulads*. My point is, that either there was this intention to exclude this particular class of trusts or there was some intention—as the Finance Minister was just now saying of advertising this particular class of trusts. What was the point in putting it in in this clause? So I thought that this clause should not be at all there, and therefore, I have tabled amendments Nos. 67 and 69 which will presently come under discussion. I thought the other way and in my amendments I suggested the omission of *Wakf-al-aulads* so that all trusts may be covered by the same law, whether Hindu trusts or Muslim trusts, wholly or partly—this will cover all cases without any distinction. But as this clause is there, naturally one section, the Hindu community, might reasonably think that you are not going to exempt Hindu charitable endowments. It is well-known that there are large and numerous Hindu endowments the incomes of which are entirely, mostly or partly devoted to charitable and religious purposes. Now, the point may naturally arise in the mind of the assessing officer when the question of exemption of such income from such endowed property will come up—look here the Hindu *Debattar* property is not excluded from the tax, it is only the Muslim trust that has been excluded. The well-known maxim is that when a particular thing is specially mentioned, the other things are excepted; that theory will be employed by the assessing officer in the case of Hindu religious trusts to their disadvantage. If you want to keep the clause with regard to Muslim trust, I think in all fairness the Hindu *Debattar* should always be specifically mentioned so that there may not be any difficulty or argument about the question of exemption. With these words I support this amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, I am quite satisfied that *Debattar* properties which my honourable friend Mr. Haridas Mazumdar took so much pains to advertise and of which I believe he is in a substantial sense a beneficiary, come under clause 4. The reason why *Wakf-al-aulads* have been mentioned in particular is because it is a known form of trust. The machinery for creating this trust is known whereas in the case of *Debattars*, they may be created by various kinds of documents and you will see that "property held under trust or other legal obligation wholly for religious or charitable purposes, etc.", covers all *Debattar* properties that are in existence. If my honourable friend Mr. Nagendra Nath Moholanabish wants communal parity even in respect of the use of words, I think he would perhaps be justified in asking for the inclusion of the word "*Debattar*". Otherwise, I do not see any purpose. All *Debattar* properties are covered by our definition and it is unnecessary to use the word "*Debattar*" which after all has no connotation in the law.

Mr. DEPUTY PRESIDENT: The question before House is: that in paragraph (*b*) of clause 4 of the Bill, after the word and comma "purposes,", in line 3, the words "or as *Debattar*" be inserted.

The question being put, a division was challenged and taken with the following result:—

AYES—14.

Khan Bahadur Naziruddin Ahmad.	Rai Bahadur Brojendra Mohan Maitra.
Mr. Altaf Ali.	Mr. H. D. Mojumdar.
Rai Bahadur K. C. Banerji.	Mr. N. N. Moholanabish.
Mr. S. C. Chakraverti.	Mr. B. C. Mukherjee.
Mr. Khorshed Alam Chowdhury.	Mr. A. D. Roy.
Mr. L. C. Das.	Mr. B. K. Roy Chowdhury.
Mr. Humayun Z. A. Kabir.	Khan Sahib Maulvi Wahiduzzaman.

NOES—21.

Khan Sahib Fariduddin Ahmed.	Mr. Latafat Hosain.
Mr. Mesbahuddin Ahmed.	Mr. Mohamed Hossain.
Mr. Nur Ahmed.	Maulana Muhammad Akram Khan.
Khan Sahib Abdul Aziz.	Mr. W. B. G. Laidlaw.
Mr. Hamidul Huq Chowdhury.	Khan Sahib Subidali Mollah.
Mr. Muhammad Habibullah Chowdhury.	Khan Bahadur M. A. Momin.
Mr. C. E. Clarke.	Mr. T. B. Nimmo.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. K. D'Rozario.	Khan Bahadur M. Shamsuzzoha.
Mr. R. W. N. Ferguson.	Mr. J. W. R. Steven.
The Hon'ble Khan Bahadur S. M. Hosain.	

Mr. NAGENDRA NATH MOHOLANABISH: Mr. Deputy President, I beg to move that in paragraph (*b*) of clause 4 of the Bill, the words "or in the case of Muslim trusts commonly known as *Wakf-al-aulads*" in lines 5 and 6 be deleted.

Sir, we have just now been discussing the other amendment, viz., whether it is at all necessary to include this particular form of Muslim trust within the purview of this clause. Now, Sir, we must remember that not only the Muslims but the Hindus, Christians, Buddhists, Jains and several other communities and religious sects also living within this province do own agricultural property, and each one has got endowments of various nature and under various denominations, and they are all for religious or charitable purposes. It is impossible for the Finance Minister or for the matter of that of any lawyer to enumerate all classes of trusts that are in vogue by name. The Hindu *Debattars* have just now been stated by the Finance Minister to have been included in this amendment. I submit that neither any Christian endowments or any Buddhist endowments or any other religious endowments have been mentioned specifically in order to safeguard their being exempted within this clause (*b*). I have been wondering as to what was at the back of the mind of the authors of this Bill when they framed it. Is it their intention to exclude the income of this particular form of trust? Is it their intention to exclude a part of the income of this class of trust, which under the terms of the trust may be devoted or applied to charitable or religious purpose. I do not know but we know this much that *Wakf-al-al-aulad* is one of the many forms of *wakfs* authorised by the Muhammadan law and we also know that there are many other classes of *wakfs* which are made by religiously-minded Moslems for the purpose of charity, for the relief of the poor and other like purposes. I would enquire of the Hon'ble Minister why in this Bill those *wakfs* have not been mentioned? Why are they left alone and only a particular class of *wakf* is mentioned is this clause? We know that ordinarily *Wakf-al-al-aulads* are really meant not for charitable purposes, nor for religious purposes but mainly for the maintenance of the *wakeef* or his descendants. (Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is why it is necessary.) All right, Sir, I am coming to that presently. Now under the Bengal Wakf Act, 1934, you cannot have a *Wakf-al-al-aulad* unless 75 per cent. of the income is applied to the maintenance of the *wakeef* or the

maintenance of his descendant, so that mainly it is a sort of device under the name of a *wakf* to maintain the family of the *wakeef* and nominally for the purpose of charity. There is no harm even if 99 per cent. of the income goes to the *wakeef* or his descendants for their maintenance and only one per cent. is devoted to religious or charitable purposes. (Khan Sahib FARIDUDDIN AHMAD: Not even that, even cent. per cent. may be devoted to the maintenance of the *wakeef*!) I am coming to that, my friend; don't be anxious, that is not the way to listen to a debate. Now, Sir, under the law a man may make a *Wakf-al-al-aulad* by devoting the entire income of the property for the maintenance of himself or his descendants howsoever remote. Such *wakfs* would provide for relief of the poor or other charitable or religious purposes only when there are and will be no heirs or successors of the *wakeef* in any of the branches to enjoy the property; or in other words, when the property is likely to go to the Crown by escheat, at that time only will this *wakf* property vest in charity for religious purposes and so forth. That is the case of *wakfs* that is sought to be included within this particular provision, namely, clause (*b*). At the same time, you do not at all care to notice other classes of religious and charitable endowments which are made by Hindus and Moslems also, and with regard to the classes of endowment of Christians, Jains, Buddhists and so forth. Was it at all necessary having regard to the clause that you are going to give relief only with regard to the income that is applied for the purpose referred to, I believe, charitable and religious purposes, and again is expanded by the Explanation by saying that "charitable purpose" includes relief of the poor, education, medical relief and other object of general public utility?

I say that this particular clause is absolutely unnecessary. If it is a case of *Wakf-al-al-aulad*, you are to show by the document itself or some other proof whether you are reserving the entire profits for the purpose of maintenance of the *wakeef* and his descendants or whether you are appropriating certain percentage for *wakeef* and his descendants and certain percentage for religious and charitable purposes. So you will be entitled to relief to the extent to which you apply the income for charitable and religious purposes. That being the position, I say there is absolutely no necessity for including this clause in the Bill. Now, Sir, let us take into consideration the position. If the amendment is carried and if you omit or delete this particular clause "or in the case of Muslim trusts commonly known as *Wakf-al-aulad*", how are you going to be affected so far as the tax is concerned? By inclusion of this will you get more tax or will you exempt more endowments which are not entitled to exemption? On the contrary, if you retain this clause you bring in difficulties to thousands of persons who have got endowments. When from a particular endowment a portion is used for charitable purposes you are giving exemption to that portion because that is what you mean. But I am not sure whether you will be able to express it clearly by this clause, because the words "income applied thereto" would bring in complications later on, whether you mean *Wakf-al-aulad* or whether you mean for such purpose by the expression "the income applied thereto". That is very doubtful; but I have got a shrewd suspicion that there is an idea behind it that *Wakf-al-aulads* are in a way intended to be exempted altogether. But whether that is so or not will be the subject-matter of amendment No. 69. But there is absolutely no purpose in retaining these words in clause (*b*). If you just consider clause (*b*) after eliminating the expression which I have referred to, you will find that it would be quite good reading, carrying good sense and serving the same purpose which I believe the authors of the Bill had in view.

If your intention is to exclude all charitable and religious institutions,—the income of all charitable and religious institutions which apply their funds entirely or partly to such purposes—I think it is better for all concerned that this particular clause which specifically mentions the case of Muslim trusts, *Wakf-al-al-aulad*, should be deleted, because you do not add

anything to this clause; nor do you make a different clause by which you intend to regularise the matter. What you intend is to exclude the *Debattars* and other religious trusts, but by doing so you would only bring in confusion if you were to retain these few words in sub-clause (*b*). Therefore, legislation, especially taxing legislation, should be as clear and as explicit and as void of all ambiguity as possible. There should not be left any room even by implication for any loophole in any taxation measure. I have therefore, Sir, brought in this amendment for the serious consideration of the Hon'ble Minister, and I think that the omission of these words will not affect any trust—Muslim or otherwise. I submit, Sir, that by omitting this trust from the scope of the Act no harm will be done. As the Finance Minister has just now told us, the interest of economy should prevail, and my submission is that these words should be omitted so that economy might be effected in the use of paper. I therefore commend this amendment to the acceptance of this House.

Mr. DEPUTY PRESIDENT: Amendment moved: "That in paragraph (*b*) of clause (*4*) of the Bill, the words "or in the case of Muslim trusts commonly known as *Wakf-al-aulads*' in lines 5 and 6 be deleted."

Mr. NUR AHMED: Sir, I rise to oppose this amendment. With all respect to the honourable mover I must submit that he is labouring under a misapprehension. I submit that in this sub-clause (*b*) there is enshrined one principle which is applicable to all classes of trusts. Further, there are two parts of this sub-clause. The first part says that if "any agricultural income derived from property held under trust or other legal obligation wholly for religious or charitable purposes, their income will be exempted from the operation of the Agricultural Income-tax Act. Then comes the second part regarding which my honourable friend has moved his amendment. Now what will happen if part of the income of any trust or legal obligations as applied to charitable or religious purposes? This question has been dealt with in the latter part of this clause. Sir, it appears to me that all that has been said by my friend regarding Muslim trusts, commonly known as *Wakf-al-aulads*, has been stated under a misapprehension. In my opinion there is absolute necessity for mentioning *Wakf-al-al-aulads* in this clause. In the case of these *wakfs*, some income is spent on education, religious and charitable purposes; but other portions of that income are spent for the benefit of the persons named in the trust as beneficiaries. It so happened that under the Indian Income-tax Act a portion of the income covered by the *Wakf-al-al-aulads* was not exempted from the income-tax and as there was no such provision for exemption, it is only meet and proper that such exemption should be provided for in the present Act so that religious and charitable purposes might be fully served. The difficulty arose in the case of the Indian Income-tax Act; and so to avoid future difficulty it is only fair that these trusts should be exempted from the Agricultural Income-tax and I therefore say that *Wakf-al-al-aulads* has not been differentially or favourably treated.

Then, Sir, there is another point to remember. It is a trust in which specific mention is made about religious and charitable purposes. So, I think, this amendment if carried will create a situation which will deal bad blow to these trusts, for in that case the whole income will be taxed including the income which is applied to or is ear-marked for religious and educational purposes.

With these words, Sir, I oppose the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to oppose this amendment; but in doing so I shall rely on arguments slightly different from those adduced by my honourable friend Mr. Nur Ahmed. My learned and honourable friend, in arguing against this amendment, was, in fact, arguing in favour of the last amendment. Every argument against this amendment is an argument in favour of the last. Now, what are the provisions of the Bill? My honourable friend makes a distinction between

two classes of charity—one relates to such charitable and religious institutions which are wholly for charitable or religious purposes, where the whole of the income is excluded from taxation. He has envisaged another kind of trust, where only a part of the income is to be applied to religious or charitable purposes. If my friend is right in his opposition to the present amendment—and I think he is right—then there is no reason why *Debattar* properties should not also be included in the scope of the exception. If, however, *Debattar* properties must be excluded from the exception, there is no reason why *Wakf-al-al-aulads* should not follow suit. Of course, this is by way of argument. I do not really desire that *Wakf-al-al-aulads* should not be exempted. What I want is a sort of parity between Hindu and Muslim trusts, for *debattar* is as much a religious and charitable trust as *Wakf-al-al-aulad*. I do not deny that difficulties have arisen under the Indian Income-tax Act in respect of *Wakf-al-al-aulads*. If that is so, that only makes out a strong case for specifically exempting *Wakf-al-al-aulads* in the Bill; but, at the same time, I do not see why, on the same reasoning, *Debattar* properties should not be similarly exempted.

If the provision that charitable and religious endowments, part of the income of which is employed for such purposes, will go to protect *Debattar* properties, then on the same argument, the same provision should protect the Muslim trusts and the special protection of *Wakfs-al-al-aulad* would not have been required. *Debattar* properties should also have been mentioned in order to free them from doubts, vexation and litigation. It is therefore quite certain that a mistake has been made by my friends on the side of the Government in voting down the previous amendment. I think that it will be equally wrong on the part of the Opposition to vote for this amendment. A mistaken opposition on the part of the Government supporters in the last case should not be a reason for a mistaken support for the present amendment. Though technically the sponsors of these amendments were absolutely right in trying to treat both classes of charities on the same basis, it would be a logical result of the Hon'ble Minister's assurance in the case of the *Debattar* properties that the case of *Wakf-al-al-aulads* also does not need to be specifically exempted. Though I fully realise the logic of the situation created by opposition to the previous amendment, still I should think that the specific exemption of *Wakf-al-al-aulads* should be retained in the Bill in order to guard against subsequent doubts and difficulties. I should, therefore, think that my learned friends who are supporters of this amendment should wait and bide their time, for, after all, politics is a waiting game, and, after all, the opposition, which is blind opposition to-day, and has been forced upon my honourable friends of the Government Party as a matter of necessity, will pass away. Things will, be seen in their proper light in the fullness of time, and I think that in the amending Bill which we have been promised by the Hon'ble Finance Minister the inclusion of the expression *Debattar* properties will find a place and that I think will settle these honest differences. But the fact that one of your legs has been cut off is no reason why the other leg should also be similarly cut off for purposes of symmetry. The leg which is entire and whole should be retained; and the leg that is cut off, should be restored. It is not necessary that the leg that is cut off, should be restored by surgical operation, and in this case, a mere amending Bill will be enough. When the amending Bill is brought forward, attention should be paid to *Debattar* properties. For all these reasons, I oppose the amendment and hope that this wrong which has been done, unintentionally will be righted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, in rising to support the amendment moved by my friend Mr. Moholanabish, I would like at the very first instance to remove a misapprehension which I am sorry to see is passing in the mind of both the mover and the speaker who followed him while opposing the amendment. Now, in order to appreciate the reason which leads me to support the amendment I would like to read out the

clause itself before the House. The clause stands thus: Sub-clause (*b*) of this clause 4—the first portion says that any agricultural income derived from properties held under trust: I would ask honourable members to mark the word "held under trust". I would also ask honourable members to mark the words "legal obligation". Both these words "under trust" and "legal obligation" are important words which have got to be given their proper meaning. The first portion of the sentence refers to or covers all trust property, as the Finance Minister has himself assured us that it includes Hindu *Debattar* properties as well as other trusts. If the Hon'ble Minister includes under trust all income from all properties which are devoted to charitable and religious purposes, then last two lines in the clause, that is "or in the case of Muslim trusts commonly known as *Wakf-al-aulads*, the income applied thereto"—these two lines are not only unnecessary but it brings in an amount of confusion which ought not to be ignored. If the first sentence includes Hindu religious and Muslim religious trusts, it is absolutely unnecessary to mention anything about Muslim trusts. The first four lines include trust or legal obligation wholly for religious or charitable purposes, etc., but in the last two lines if you accept *Wakf-al-aulad*, other Muslim trust is not excluded, then I must say that you are doing injustice to other Muslim trusts I mean *wakf* propery so called. I would warn my Muslim friends here and request them to seriously consider whether they should allow the last two lines of this clause to remain in order to create difficulty with regard to *wakf* estates so called. As a matter of fact, the two amendments standing in the name of Mr. Nur Ahmed, Nos. 62A and 63, clearly intended——

Mr. NUR AHMED: On a point of order, Sir. Is the honourable member in order to refer to amendments which have not been moved at all?

Mr. BANKIM CHANDRA MUKHERJEE: I am not referring to them for supporting them; but I am referring to them for the purpose of supporting the amendment now before the House——

Mr. DEPUTY PRESIDENT: Mr. Mukherjee, how long will you take to finish?

Mr. BANKIM CHANDRA MUKHERJEE: I will take some time, say 10 or 15 minutes, because it is a very important matter.

Mr. DEPUTY PRESIDENT: In that case, I must adjourn the House now. The House stands adjourned till 3 p.m. on Monday next.

Adjournment.

The Council then adjourned till 3 p.m. on Monday, the 24th July, 1944.

Members Absent.

The following members were absent from the meeting held on the 19th July 1944:—

(1) Mr. Sultanuddin Ahmed.
(2) Khan Sahib Nurul Amin.
(3) Mr. Kader Baksh.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. K. K. Dutta.
(6) Khan Bahadur Abdul Gofran.
(7) Mr. M. R. Jaipuria.
(8) Alhadj Khan Bahadur Shaikh Mohd. Jan.
(9) Mr. Abdul Latiff.
(10) Mr. N. N. Mookerji.
(11) Mr. R. S. Purssell.
(12) Dr. K. S. Ray.
(13) Mr. K. C. Roy Chowdhury.
(14) Mr. S. N. Sanyal.
(15) Dr. Kasiruddin Talukdar.

BGP-44/5-8617A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 63.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 24th July, 1944, at 3 p.m., being the sixty-third day of the First Session of 1944, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PROSAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

High price of foodstuff in Bakarganj.

223. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if he is aware that the abnormal rise in the price of rice, paddy and other foodstuff has wrought untold sufferings to the poor people of Bengal, particularly of Bakarganj bringing them right on the verge of starvation and famine; and

(*b*) if the answer to the above question be in the affirmative, what steps, besides the food census drive, the Government propose to take to meet the emergency in question?

MINISTER in charge of the CIVIL SUPPLIES DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes, but the situation in Bakarganj was, on the whole, less desperate than that in other areas.

(*b*) It is needless at this stage to recount all the measures taken. The position is now completely normal.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state the date when this question was put?

The Hon'ble Mr. H. S. SUHRAWARDY: Sometime last year, I should think.

Supplies of foodgrains received by Bengal.

224. Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if, in consequence of Major-General Wood's broadcast of the 16th April, 1943, stating that foodgrains to the value of 100 crores would be purchased during next 12 months to maintain an equalisation of supplies all over the country, Bengal received any supply? If so, what is the total value of such supply and when was it received?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes. A statement showing the value of the supplies received, quarter by quarter, during the period 16th April to 31st December, 1943, is placed on the Table.

Statement referred to in reply to question No. 224, showing the value of the supplies received during the period 16th April to December, 1943.

	1st quarter (16th April, 1943, to June, 1943).	2nd quarter (July, 1943, to September, 1943).	3rd quarter (October, 1943, to December, 1943).
	Rs. a. p.	Rs. a. p.	Rs. a. p.
Rice ..	1,41,45,440 0 0	54,71,140 0 0	4,24,78,540 0 0
Paddy ..	13,97,760 0 0	....	2,15,160 0 0
Wheat ..	1,07,47,991 4 0	3,16,33,740 0 0	3,27,28,837 8 0
Wheat products ..	12,27,946 10 9	94,74,917 14 0	3,10,17,865 7 3
Jowar ..	6,92,712 0 0	11,49,003 0 0	13,47,516 0 0
Bajra ..	18,33,990 0 0	50,42,670 0 0	54,73,920 0 0
Maize ..	98,777 7 0	1,38,868 10 0	8,00,310 14 0
Gram ..	....	....	48,80,400 0 0
Pulses ..	....	13,06,830 0 0	66,38,400 0 0
Barley ..	....	....	19,31,429 8 0
Total ..	3,01,44,617 5 9	5,42,17,169 8 0	12,75,12,379 5 3

Export of rice or paddy from Bengal.

225. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if they have information as to what has been the total quantity of rice or paddy exported from Bengal during the months of May, June, July and August, 1943, and if so, give the figures thereof; and

(*b*) what steps Government took to prevent such exports and have taken to prevent export of rice or paddy from Bengal in future?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The quantity exported is trivial being ship's stores.

(*b*) No action was called for as the amount of exports was negligible.

Export of rice from Bengal.

226. Rai Sahib JOGENDRA NATH RAY: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if they have information as to what has been the total quantity of rice exported from Bengal since January, 1943, and if so, the figures thereof;

(*b*) the total quantity of rice imported into Bengal from other provinces since January, 1943;

(*c*) the names of the places where these exports were made with quantity supplied to in each case; and

(*d*) the names of the places from which rice was supplied to Bengal with the quantity of imported rice supplied from each such place?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) and (*c*) The information is confidential; but I can assure the honourable member that the quantity exported in 1943 is very small.

(*b*) and (*d*) A statement is laid on the Table.

Statement referred to in reply to question No. 226, showing the total quantity of rice imported into Bengal from other provinces during the period January to December, 1943.

	Rice.	Paddy.
	Mds.	Mds.
Sind	519,893	..
Punjab	955,517	..
Central Provinces	431,087	27,472
Rewa State	46,746	..
Orissa	1,606,958	272,497
Keraput State	2,492	..
United Provinces	64,083	..
Punjab State	8,074	..
Eastern States	754,567	61,665
Bihar	1,011,051	66,035
Gwalior	951	..
Ajmer-Marwara	1,177	..
Kathiawar State	347	..
Bombay	914	..
Eastern Army	17,783	..
Assam	10,593	100,265
Bhawalpur State	2	..
West Indian States	1,202	..
Total ..	5,433,437	527,934

Alleged sale of foodstuffs to the black market by the controlled shops.

227. Mr. K. C. ROY CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if it is a fact that those who are found to sell foodstuffs from controlled shops to the black market are prosecuted and their sellers' licence are cancelled forthwith?

(*b*) Is it a fact that the control shops at Naldi bazar, Mitapur *hat*, Brahmandanga *hat* and bazar, poilce-station Lahagara, district Jessore, sell foodstuffs to the black market without selling them at the controlled rate to the poor villagers?

(*c*) Is it a fact that the villagers of the said localities reported those facts to the supply officers of the Narail subdivision, district Jessore, who have so far failed to take any step to give relief to the poor villagers or to take steps to enforce the law?

(*d*) If the answer to parts (*a*) to (*c*) are in the affirmative, is the Hon'ble Minister going to take any steps in the matter? If so, what are they? If not, what are the reasons therefor?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) and (*c*) No. Only one such case at Naldi bazar was reported and the licence of the offender was cancelled.

(*d*) Does not arise.

Liabilities of Subdivisional Officer, Bongaon.

228. Mr. AMULYADHONE ROY: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether the Government in the Department of Civil Supplies received any representation regarding heavy liabilities of the Subdivisional Officer, Bongaon, to the local merchants?

(*b*) Is it a fact that the liabilities of the Subdivisional Officer as they stood on the 9th May, 1943, to Messrs. Hajarilal Sinha, Bongaon rice mil and other local merchants amounted to Rs. 2,926-15?

(*c*) What was the extent of his liabilities up to the 9th May, 1943?

(*d*) How long did the liabilities remain outstanding?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes; in regard t Mr. J. C. Chakravarty, the former Subdivisional Officer of Bongaon.

(*b*) to (*d*) The officer had some liabilities which are reported to have been paid off; no further complaints of non-payment have been received since. I am not prepared to disclose any further details as the matter i purely of a personal nature.

Return of licences issued to Muslims and Hindus for sale of edibles at controlled prices.

229. Khan Sahib NURUL AMIN: Will the Hon'ble Minister i charge of the Civil Supplies Department be pleased to state—

(*a*) whether there is any arrangement for submission of periodica returns by the supply officers, including District Supply Officers, showing the number of licences for sale of edibles a controlled prices issued to Muslims and Hindus;

(*b*) if not, whether he proposes to call for such returns;

(*c*) if he is aware that the Muslim interest is greatly suffering at th hands of non-Muslim supply officers in the matter of granting licences, and allotment of quotas, etc.;

(*d*) if he is aware that Muslim claims for licences are rejected o flimsy grounds by non-Muslim supply officers; and

(*e*) if he intends to appoint equal number of supply officers fro Muslim and Hindu communities?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No.

(*b*) Returns were called and the number of licences issued to Muslim and non-Muslims in Calcutta and the districts (excluding Noakhali an Darjeeling) up to 13th August, 1943, are as follows:—

Number of non-Muslim—29,712.

Number of Muslim—16,308.

(*c*) and (*d*) I have received complaints to that effect.

(*e*) I do not consider this to be necessary. The present position i that out of 119 posts of District Licensing and Returns Officers an Subdivisional Licensing Returns Officers 52 posts are held by Muslims 65 by Hindus and two posts are vacant.

Shortage of fuel in Calcutta.

230. Mr. W. B. C. LAIDLAW: Will the Hon'ble Minister i charge of the Civil Supplies Department be pleased to state—

(*a*) if he is aware that there is a grave shortage of fuel in the Calcutt area for industrial and domestic purposes;

(*b*) if he is aware that large quantities of wood fuel are lying at th Bengal-Nagpur Railway stations in the Midnapore distric awaiting despatch;

(*c*) if it is a fact that there are more wagons at the coalfields than th collieries can fill with coal and that the stations where th majority of the wood fuel is lying are on the Midnapore-Jhari extension of the Bengal-Nagpur Railway;

(*d*) what steps have been taken by Government—

(*i*) to secure wagons from the railway authorities for the transport of this wood fuel into the Calcutta area, and

(*ii*) to organise alternative means of transport of this wood fuel into the Calcutta area; and

(*e*) if no steps have been taken, will the Hon'ble Minister please state the reasons therefor?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) There is shortage of coal for domestic and industrial purposes in Calcutta at times.

(*b*) Yes.

(*c*) I have no information.

(*d*) An arrangement has been made with the Bengal-Nagpur Railway under which large quantities of wood fuel are being brought into Calcutta for distribution under the supervision of my department.

(*e*) Does not arise.

Supply of boiled rice.

231. Mr. NARESH NATH MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state what steps are being taken to supply boiled rice to the Government stores and ration shops?

(*b*) Is he aware that mostly unboiled rice is now obtainable in such shops and that hardly 10 per cent. of the people of this Province take unboiled rice?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Every effort is being made to supply some boiled rice to all the Government stores and ration shops but the rice coming from outside Bengal is mostly unboiled and it is not possible to guarantee a supply of boiled rice to all shops at all times.

(*b*) A considerable portion of the rice obtainable in such shops is unboiled.

The percentage of the people of the Province who take boiled rice is not known.

Supply of rice to Barrackpore.

232. Mr. LATAFAT HOSSAIN: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if it is a fact that only 7,000 maunds of rice were recently allotted to the Subdivisional Officer, Barrackpore, for distribution at controlled prices among approximately 6 lakhs of people residing within the subdivision?

(*b*) Is it a fact that the quantity allotted (7,000 maunds) is only sufficient for 1 day's consumption at the rate of ½ seer per head per day for only 4 lakhs of people?

(*c*) Is it a fact that the foodstuffs (rice, *dal atta* and sugar) allotted to the food committee of Bhatpara works at only ½ seer per month or more than a month?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No. Nearly 90,000 maunds of rice were allotted. Apart from the foregoing, industrial labour which forms the major part of the population of the subdivision receives supplies from employers who are given block allotments in addition to the above quantities.

(*b*) Does not arise.

(*c*) Rationing has been introduced in this area.

Ration for factory workers.

233. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if he is aware that the Rationing Authorities of Bombay have sanctioned 50 per cent. more rations for factory workers per head than that allowed to other individuals?

(*b*) Is he aware that industrial workers consume not less than three-fourth seer of foodgrains per capita?

(*c*) Does he propose to follow the Bombay practice regarding rations to industrial and manual workers?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) There is no accurate information on this point.

(*c*) It is not proposed to follow the Bombay practice, but alternative arrangements are already in force in Calcutta: supplementary rations are available for all industrial workers under the cooked-food canteen scheme. Moreover, the basic ration of foodgrains in Calcutta is in excess of the ration granted in Bombay whilst millets which form part of the ration in Bombay are unrationed in Calcutta, and can be purchased without any limit as to quantity from the Government stores.

Mr. K. C. ROY CHOWDHURY: Arising out of (*c*), will the Hon'ble Minister be pleased to state if he is aware of the existence of any canteen in jute mill area where cooked-food is supplied? Has the cooked-food canteen scheme materialised?

The Hon'ble Mr. H. S. SUHRAWARDY: I am aware that there is a number of employers who have adopted the cooked-food canteen scheme. I think Mr. K. C. Roy Chowdhury who represents labour is probably aware of them himself.

Ration for the manual workers.

234. Mr. K. C. ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state if he is aware that manual workers who earn monthly wages are unable to purchase ration every week?

(*b*) Does he propose to pass orders to allow them to purchase four weeks' ration once a month?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No.

(*b*) No. Arrangements have however been made in certain factories to allow purchases to be made for two weeks' ration at a time.

Alleged hoarding of rice by Government during scarcity.

235. Mr. RANAJIT PAL CHOUDHURI: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) whether it is a fact that in certain districts, quantities of *rice* were kept hoarded by or on behalf of the Government while there was acute scarcity of rice prevailing in those areas;

(*b*) if so—

(*i*) the names of those districts,

(*ii*) the approximate quantities stocked in each (to be specified by name), and

(*iii*) whether the stocks kept were for civil or military purposes;

(*c*) when the Hon'ble Minister first came to know of those reserved stocks;

(*d*) what steps were adopted then to release those hoarded stocks to the starving people; and

(*e*) what has become of those stocks since then?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No.

(*b*) to (*e*) Do not arise.

Disposal of Government stock of grains and pulses.

236. Mr. RANAJIT PAL CHOUDHURI: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the approximate quantities of grains and pulses, split and unsplit, respectively, in custody of the Civil Supplies Department for the disposal of which tenders have recently been invited;

(*b*) the specific kinds of grains sought to be disposed of;

(*c*) the specific kinds of pulses sought to be disposed of.

(*d*) when such grains and pulses were procured by the Department last year;

(*e*) whether they were purchased;

(*f*) if so, the cost price at which the different varieties were procured;

(*g*) the reason or reasons for which it has now become necessary to dispose them of; and

(*h*) the amount that is expected from the transaction?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) *Jowar* approximately—60,000 maunds.

(*ii*) *Bajra* approximately—73,000 maunds.

(*iii*) Maize approximately—27,000 maunds.

(*iv*) Gram and *dal* approximately—800,000 maunds.

(*b*) Details as at (*a*).

(*c*) Gram, split and unsplit, and other varieties of split and unsplit *dal*.

(*d*) These grains and pulses were procured by the Department between November, 1943, and January, 1944.

(*e*) Yes.

(*f*) (*i*) *Jowar*—Rs. 9 per maund.

(*ii*) *Bajra*—Rs. 10-4 per maund.

(*iii*) Maize—Rs. 7-10 per maund.

(*iv*) Gram and *dal* as under—

Arhar—Rs. 16-8 per maund.

Khesari—Rs. 10 per maund.

Mung—Rs. 15-8 per maund.

Musur—Rs. 20 per maund.

Gram *dal*—Rs. 15 per maund.

Gram, whole grain—Rs. 11-2-8 per maund.

Other *dals*—Rs. 13-8 per maund.

These prices are the average prices of the various lots of *dal* procured during the period.

(*g*) The offtake has been poor; due to scarcity of godown accommodation, substantial quantities had to be kept in the Botanical Gardens. These have to be disposed of before the rains.

(*h*) It is not yet possible to give an estimate with any degree of accuracy, but the amount is likely to be Rs. 1,20,00,000.

Mr. RANAJIT PAL CHOWDHURY: Arising out of (*g*), will the Hon'ble Minister please state if the grains are kept under any shed or were just kept under a cover?

The Hon'ble Mr. H. S. SUHRAWARDY: The grains in the Botanical Gardens? They were kept under tarpaulins.

Mr. BANKIM CHANDRA MUKHERJEE: With reference to (*h*), will the Hon'ble Minister please state if he has been able to dispose of the stock by this time?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, part of the stock has been disposed of in the way that it has been sold.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister please state the price fetched for the same.

The Hon'ble Mr H. S. SUHRAWARDY: Well, there have been varying prices, tenders were called for and various tenderers tendered for various kinds of pulses in various godowns at various prices: it is impossible to give one answer for them.

Mr. BANKIM CHANDRA MUKHERJEE: I mean the total price at which the entire stock was sold, the stock which cost Government Rs. 1,20,00,000.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know: I would like to have notice.

Mr. BANKIM CHANDRA MUKHERJEE: With reference to (*h*), will the Hon'ble Minister please take steps to supply the information later on, namely, the total price that the sale of the stock has fetched?

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice.

Khan Bahadur NAZIRUDDIN AHMAD: With reference to (*h*), will the Hon'ble Minister please state if the transaction has resulted in a loss or profit?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, if I had the total figure with me, then I could have by means of subtraction informed the honourable members as to whether there has been a loss or a profit out of this transaction. But not having the full figure at which the thing was sold with me, I cannot say off hand.

Khan Bahadur NAZIRUDDIN AHMAD: Well, Sir, that is only a truism; we want definite facts.

Mr. SHRISH CHANDRA CHAKRAVERTI: Have the goods which could not be kept in the godowns been already sold?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, the goods have been sold: not only those which were outside the Botanical Gardens but also those which were in the godowns. Such goods have been sold, as we thought that it might deteriorate; therefore, we got rid of them rather than having to sell them off subsequently at a loss.

Mr. SHRISH CHANDRA CHAKRAVERTI: How much has been realised therefrom?

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice.

Scarcity of soft coke.

237. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if his attention has been drawn to a statement made by Mr. H. D. Mazumdar, President, Hindu Chamber of Commerce, regarding the soft coke situation in Bengal;

(*b*) if it is a fact that many thousand tons of soft coke are lying idle at Mugma and Jharia coalfields for want of adequate arrangements for transport, mainly Railway wagons;

(*c*) if so, what steps the Government have taken to secure more wagon-supply from the Centre to cope with the serious situation that has arisen due to severe scarcity of soft coke in Bengal, particularly in Greater Calcutta;

(*d*) if not, what steps the Government propose to take to relieve the distress of the people of Bengal particularly of Greater Calcutta by an adequate supply of the said commodity without further loss of time; and

(*e*) if the Government propose to lay on the Table of the House the correspondence that passed between them and the Centre in this regard, to convince the people that they have left no stone unturned to tackle the situation properly?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) Yes. There are certain quantities of soft coke held by the collieries in the Jharia and Mugma fields. Sactions to clear these stocks are issued by the Controller of Coal Distribution (who is a Government of India Officer) according to allocation to the provinces made by the War Resources Committee of the Viceroy's Executive Council, and wagons are allocated by the Controller of Coal Distribution as the day-to-day wagons position permits according to the priorities of industries.

(*c*) The Provincial Government have made representation to the Central Government several times in this matter.

(*d*) Does not arise.

(*e*) I cannot agree to the correspondence between the two Governments being placed on the Table of the House.

Mr. HARIDAS MAZUMDAR: On a point of order, Sir. Cannot the members of the House call for the papers—correspondence—as a matter of right?

Mr. PRESIDENT: I do not think so. They may be confidential.

Mr. HARIDAS MAZUMDAR: Arising out of (*e*) may I enquire from the Hon'ble Minister if this correspondence is confidential?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, Sir, yes. I think correspondence between two Governments should always be considered confidential: otherwise no Government official can write to any other Government official.

Rural water-supply.

238. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) if he is aware that in reply to question No. 1 of the 16th February, 1940, the then Hon'ble Minister in charge of the Department concerned said that a detailed programme of work with a view to

solving the problem of rural water-supply effectively within a reasonable period, was being drawn up for the whole Province with the aid of the District Boards and in consultation with the Local Water-supply Committees which have been set up for the purpose;

(*b*) if so, what steps the Government have taken since then to formulate a comprehensive scheme for the purpose; and

(*c*) if the scheme is ready, what steps the Government have taken to implement the same?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes.

(*b*) In December, 1941, a revised comprehensive programme of rural water-supply for the Province was drawn up by the Chief Engineer at an estimated cost of Rs. 5,23,61,940 according to rates of materials and labour current at the time.

(*c*) The programme was not finally approved by Government. Even if it were approved, it would not be possible to give effect to it owing to war conditions. Adequate provisions were, however, made during the last 3 years to give effect to the usual scheme of rural water-supply in the Province. The statement below will show the provisions made and the actual expenditures incurred during the three years:—

	Provision.	Actual expenditure.
	Rs.	Rs.
1941-42 ..	10 lakhs	6,05,808
1942-43 ..	10 lakhs	3,32,257
1943-44 ..	19 lakhs	12,66,433

Health Report of Chittagong.

239. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if it is fact that the Government of Bengal is preparing a health report of Bengal, especially of Dacca and Calcutta?

(*b*) If so, do the Government propose to incorporate in the said health report a special report of Chittagong like that of Dacca and Calcutta? If not, why not?

(*c*) Is it a fact that the death roll in the Chittagong district in 1943 is highest in Bengal?

(*d*) What was the total number of deaths in the districts of (*i*) Chittagong, (*ii*) Tippera, (*iii*) Dacca, (*iv*) Mymensingh, (*v*) Faridpur and (*vi*) Barisal and what was the percentage of increase in the number of deaths in 1943 as compared with that of 1942, 1941 and 1940 in these districts and what was the population of these districts in 1943?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: (*a*) and (*b*) The usual Annual Public Health Report for the year 1943 is under preparation which will contain necessary information about Chittagong also. It is not intended to prepare a special report in respect of Dacca, Calcutta or any other local area.

(*c*) Yes.

(*d*) A statement is laid in the Library.

Mr. NUR AHMED: Arising out of (*c*), will the Hon'ble Minister be pleased to state what was the increased percentage in 1943 as compared with 1942 and 1941 in Chittagong?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I want notice. But I can tell you the highest mortality figure which is 43.

Mr. LALIT CHANDRA DAS: Arising out of (*d*), a statement is laid on the Library Table. Sir, I do not see it placed on the Table here.

Mr. PRESIDENT: It is going to be placed.

Mr. LALIT CHANDRA DAS: But we could not look into it.

Mr. PRESIDENT: I understand that it was not done by mistake.

Adjournment Motion.

Mr. PRESIDENT: Now we shall take up the adjournment motion of Mr. Nagendra Nath Moholanabish.

Mr. HARIDAS MAZUMDAR: Sir, there was an adjournment motion in my name.

Mr. PRESIDENT: We cannot discuss other adjournment motions today.

Mr. HARIDAS MAZUMDAR: This will be considered tomorrow then?

Mr. PRESIDENT: Yes, if you like. The time-limit for the speeches on the adjournment motion to be discussed today is 20 minutes for the mover and 20 minutes for the Hon'ble Minister's reply and 10 minutes for other speakers.

Mr. HARIDAS MAZUMDAR: And for the reply of the mover?

Mr. PRESIDENT: 10 minutes.

Mr. HARIDAS MAZUMDAR: What is time-limit for the right of reply?

Mr. PRESIDENT: 10 minutes. Yes, Mr. Moholanabish.

Mr. NAGENDRA NATH MOHOLANABISH: Mr. President, Sir, I beg to move: That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the attempt that is being made by Government to deliberately suppress the publication of correct information in the *Calcutta Gazette* of the current and prevailing market prices of rice in the various places of the different districts in Bengal and to secure untrue and incorrect reports regarding the same by issuing a circular on or about the 19th June, 1944, to all District Officers under the signature of the Secretary to the Government of Bengal in the Agriculture Department to the following effect:—

> "The Government feels embarrassed by the publication of the price of rice in Supplement to the *Calcutta Gazette* and District Officers are informed that where the prices are higher than the controlled price, instead of actual price being given, District Officers should show the controlled prive, but add that rice cannot be had at the controlled price",

which is causing or likely to cause alarm and panic in the country, and demoralise the District Officers.

The text of the motion will show that attempt is actually *being made to* suppress the correct price of rice which obtains in the *different districts* and that there is also a request to District Officers to *make untrue reports*

saying that rice is not available practicaly adding that it is not available at the controlled price. This publication of the market price of rice, as is well-known, has been in vogue from about 1885 when the Bengal Tenancy Act was passed. Under section 39 of the Bengal Tenancy Act, it is a statutory duty imposed upon the District Officers to report monthly or as frequently as he may be directed by the Provincial Government the price of staple food crops including rice. This has been going on without any hindrance so long but all on a sudden we find that Government took it into their head to issue a circular of this nature at a time when the market price of rice or paddy is required to be known widely by the people of the country. Having regard to the famine of last year, the price of rice is a very important matter for the public at large. We find that instead of giving the correct information through the *Gazette* as we had been getting up to this time, Government wants to suppress that news. Now, Sir, what is the cause for this sudden attempt on the part of Government to suppress this news? In order to ascertain that I would ask the honourable members to recall the incidents that happened a week or so before the 19th of June. You will remember, Sir, that an adjournment motion was tabled by an honourable member in this House and it was alleged that rice was selling at Chittagong at Rs. 60 per maund in spite of the fact that the control price was much less than Rs. 20. That statement of the honourable member of this House was at once contradicted on behalf of the Government and in the absence of better proof that adjournment motion was not consented to by you, Sir. A day or two after, you will remember, Sir, another motion in a different form alleging that rice was selling at Chittagong at Rs. 60 per maund was brought and this time the honourable member was armed with a copy of the *Calcutta Gazette* and the Treasury Bench in view of the production of the *Calcutta Gezette* could not actually oppose that motion.

I do really think that that incident in this House was responsible for this circular which was issued only a week later, and if you read, Sir, this circular, you will find it stated there that the Government feels embarrassed. What is the embarrassment save and except the embarrassment in being detected in making an untrue statement? When the honourable member asserted that rice was selling at Chittagong at Rs. 60 per maund, I am sure, the Treasury Benches knew that it was so. Because the honourable member had not with him the relevant copy of the *Gazette* at that time, the statement was contradicted; but the next day or the day after when it was proved from the *Calcutta Gazette*, it could not be contradicted, and that I think is the cause of the embarrassment. That embarrassment, I feel, was not the embarrassment of the Agriculture Department but it was the embarrassment of the Civil Supplies Department, and I think that in this matter the Civil Supplies Department has got hold of the Agriculture Department to issue this circular to save the face of the Civil Supplies Department and to avoid the embarrassment of the Hon'ble Minister in charge of the Civil Supplies Department. Now, Sir, this sort of embarrassment the Hon'ble Ministers are feeling for some time past. A short while ago the Hon'ble Ministers found it very embarrassing to carry on the business in the Lower House, and they had to advise that the Lower House should be prorogued and it was prorogued. We find, Sir, that there was another embarrassment owing to the continuance of the Howrah Municipality and the Hon'ble Ministers had to advise the supersession of that municipality and accordingly it was sought to be superseded. Now, we find that another Hon'ble Minister finds himself embarrassed by the publication of the price of rice in the *Calcutta Gazette* and this circular has been issued. Now, it is necessary for us in this House to consider whether the Hon'ble Ministers are really at liberty to issue these circulars for the purpose of avoiding their personal embarrassment. This shows that they are acting or trying to cover up

their incapacity, their inability by gagging the Press, by prohibiting publication of true news. Sir, I would like to point out that the duty of publication of the market prices of rice being a statutory duty, the Minister in charge of Agriculture or for the matter of that the Minister of Civil Supplies had absolutely no right to issue any circular which can militate against the statutory provision of the Bengal Tenancy Act. If you turn to the provisions of this Act, you will find that the report of the market price in the *Calcutta Gazette* is to be used as evidence whenever it is necessary to ascertain the market price in any court of law. Therefore, you cannot prevent its publication, nor can you ask the District Officers to publish it in any other way than is required by the provision of the law. You can certainly make rules under the provision of section 39(7), you can make rules under sections 189 and 190 of the Bengal Tenancy Act, but those rules should be rules conducive to the attainment of the object, viz., the obtaining of the market price. It was suggested the other day that they were considering whether they should allow the publication of the prices of the black market or whether it was really permissible to get black market prices published in the *Calcutta Gazette*. Now, it is well-known, Sir, that market prices mean prices which obtain in the market which a willing buyer pays to a willing seller for a certain commodity. It depends on the question of demand and supply and by merely issuing this control order you cannot, unless you can supply the commodities, keep the prices down. Control price is not the market price; that should be known and realised by the Honourable Minister in charge who should not say that the black market price,—the price at which people had to buy commodities in the market,—should not be published because, forsooth, it does not conform to the artificial price which Government has chosen to fix. There is not the least doubt that the control price is not the market price; on the other hand, the price that is really obtaining in the market at which people have to purchase commodities should be regarded as the market price. You can make any comment in the *Calcutta Gazette* you like about that price; you may say that it is black market price, but if you have at all to publish any price, you have to publish it as the market price and you cannot certainly ask your district officers not to publish market prices but falsely to add "that rice cannot be had at the controlled price". I submit that I do in all seriousness charge those responsible for the issue of this circular with deliberately trying to fabricate false evidence, that they are deliberately trying to abuse their powers in inducing the District Officer, all responsible gentlemen, who have received the highest degree of education, and some of whom are members of the Indian Civil Service, and possess the greatest regard for truth—you ask them to make false reports in the *Gazette*. If it were necessary, I could prove in a court of law that the circular amounts to an attempt to fabricate false evidence. The gentlemen who are the authors of this circular are under the protective wall of the provision of section 197 of the Criminal Procedure Code; they know fully well that they cannot be prosecuted because their prosecution cannot be had without the sanction of the Government and they themselves forming the Government will surely withhold that sanction. But if you can give me that sanction, I would prove to the hilt in a court of law that this amounts to an attempt to fabricate false evidence and also that responsible Ministers in this country are unfortunately prepared to go to that length to avoid embarrassment later on. And why should there be this embarrassment in this respect, Sir? It may be remembered that even after the last year's famine the Civil Supplies Minister boasted that there would be no famine this year. "We have planned *aman* procurement policy, we have arranged for procurement of *aman* paddy and rice from surplus districts and to transport them to deficit districts, so that there cannot be any want of rice in any of the districts of Bengal." Seven months of the year have already passed by and we find that in many districts, particularly in

Chittagong and other nighbouring districts, rice is not to be had. And the price at which rice is available there is about Rs. 60 per maund. It means that you cannot have rice at all, which again amounts to famine. If that be the position, where is your much-vaunted procurement policy in spite of the Civil Supplies Department with hundreds and thousands of clerks, with hundreds of Bengal Service men and scores of Indian Civil Service men? If, with all these men you cannot supply even the needs of one district which is in want of rice and paddy from the surplus districts, then you are absolutely a failure in your office.

It is said, and we have been treated *ad nauseum* with the story, that the Hon'ble Minister in charge of Civil Supplies Department is the most over-worked man in the Government of Bengal. He does not have time to answer questions in this House: he does not have time to attend the Council in order to make statements on important motions and excuses are always put forward that that Hon'ble Minister is so very busy that he cannot find time to do so many things. I know, Sir, there is no man who can say that he is busy, that he cannot attend to his normal duties and if he is so lazy that he cannot do his legitimate business—not extra business—he is not fit for his job. That apart, it is clear that this circular has been issued with a view to save the face of the Civil Supplies Department and I am afraid the Hon'ble Minister in charge of the Agriculture Department has been made a scapegoat in this matter. Any how, I cannot absolve him from the liability in this matter. The circular has been issued from his department and he has taken the liability on himself. I do not know how the Agriculture Department should have gone out of its way to instruct the District Officers to make a false statement—I submit the step taken by the department is most mischievous and unworthy of the department and it should have been recalled long ago. If I understood the Leader of the House on the last occasion, he said that they were consulting their lawyers whether the black-market prices could or could not be published. But if that had been a true plea, an honest plea, a *bona fide* plea, that step should have been taken before the issue of the circular. I do not suppose that that gentleman with grey hair, with advancing years, having experience of life did not at all foresee that the effect of this circular would have the effect of nullifying the law—that it was merely for hoodwinking the people. Is it not suppressing the inefficiency of the Civil Supplies Department? The answer is obvious. I should think that this circular is a piece of document for which the department has been put to shame; they should have long before withdrawn it and should have at once directed their subordinates to act according to law. Under section 39 of the Bengal Tenancy Act, the duty is cast upon the District Officer and that duty cannot in any way be infringed by any circular letter or private correspondence by anybody. If they wanted to modify the rules, there are provisions for making rules they should have taken recourse to that; but they knew whatever change they can make in the rules they cannot alter the statute. The rules provide for publishing the market price; but they say control price is the market price which is absolutely nonsense. So I submit, Sir, without taking any further time of the House that this circular is most inexpedient, illegal, improper and deserves the severest condemnation of the honourable members of this House. With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the attempt that is being made by Government to deliverately suppress the publication of correct information in the *Calcutta Gazette* of the current and prevailing market prices of rice in the various places of the different districts in Bengal and to secure untrue and incorrect reports regarding the same by issuing a circular on or about the 19th June, 1944, to all District

Officers under the signature of the Secretary to the Government of Bengal in the Agriculture Department to the following effect:—

> "The Government feels embarrassed by the publication of the price of rice in Supplement to the *Calcutta Gazette* and District Officers are informed that where the prices are higher than the controlled price, instead of actual price being given, District Officers should show the controlled price, but add that rice cannot be had at the controlled price",

which is causing or likely to cause alarm and panic in the country, and demoralise the District Officers.

Mr. HARIDAS MAZUMDAR: Sir, I rise to support the motion. Months ago when I had the privilege of raising in this Council the matter of high prices as published in the *Calcutta Gazette*, I had a suspicion that Government would in future stop the publication of these inconvenient figures. In private conversation with respectable friends I gave expression to the fear which has now come to be true. The great British statesman Lord Palmerston said that even gods have no power over figures. But here a puppet Ministry of Sir Samuel Hoare-brand autonomy in one of the many provinces in Britain's dependancy, resembling very much the cockroach in the Bengali proverb claiming to be a bird, seems to be more powerful than gods and wants to kill figures lest they should provide grounds for complaint now and documentary evidence for the future historian. Truth and publicity are like the wind blowing freely and cleansing an unhealthy atmosphere. Mr. Churchill soon after becoming the Premier said in Parliament that he would never suppress truth as such suppression defeats its own object and gives rise to wild rumours. In the darkest days he kept aloof from giving rosy pictures. On the 13th May, 1940, he said: "I have nothing to offer but blood, toil, tears and sweat." On the 8th October next he said: "Not only great dangers, but many more misfortunes, many shott-comings, many mistakes, many disappointments will surely be our lot. Death and sorrow will be the companions of our journey, hardship our garment; constancy and valour our only shield." On the 17th January, 1941, he said: "Do not suppose that we are at the end of the road." I make no apology for quoting more passages of the British Premier who has brought his country within a measurable distance of victory if only to show how a national calamity has to be fought not with falsehood but with truth. Our misfortune is not less serious than that of Britain in the early days of the war. 35 lakhs died in last year's famine, which is actually more than the casualties of the whole British Empire in this war. Here our Ministers for the sake of the spoils of office underrated the severity of the situation as evidenced in Mr. Suhrawardy's now notorious "sufficiency of foodgrains" speech of the 8th May, 1943. On the 18th June, 1940, Mr. Churchill said: "I do not at all underrate the severity of the ordeal which lies before us. . . Every man and every woman will have the chance to show the finest qualities of their race and render the highest service to their cause. For all of us, at this time, whatever our station, our occupation or our duties, it will be a help to remember the famous lines:

> "He nothing common did or mean,
> Upon that memorable scene."

On the 14th July, 1940, when America had not joined the war and Britain was fighting single-handed, he said: "And now it has come to us to stand alone in the breach, and face the worst that the tyrant's might and enmity can do.....We are fighting by ourselves alone; but we are not fighting for ourselves alone." It is this spirit of facing facts, however unpleasant and not a mean attitude of putting them away from public view and snarling at anyone who wants to ventilate public suffering which should impel our Government in this hour of peril. While rice is selling at Rs. 40

per maund at Chittagong and has been selling generally at Rs. 32 all these months in areas like Noapara, the birthplace of the poet Nabinchandra Sen, touching for a short period but never going below the level of Rs. 22 and while malnutrition due to people's inability to get full meal at four times the normal price of rice is carrying away thousands, the Press cannot use the word famine as if simply by shutting out that word composed of six letters the Government can keep away people's suffering denoted by that term. If famine do not prevail here now, it never existed on earth. An increasing number of destitutes is coming into Calcutta and their number in that part of Rashbehari Avenue alone which is between Russa Road and Deshapriya Park will be not less than 50. If death and starvation come in their grim reality, what earthly purpose is served by merely stopping the publication of high prices in the *Calcutta Gazette*? The time-honoured practice of publishing this information has been for the good of the people and in compliance with the requirements of the law of the land. It helped in the past the normal flow of trade and enabled merchants on the basis of authentic information to buy where the price was cheap and despatch where it was high—a task which the present Government has tried but failed to perform in this crisis. The utility of this publication at this moment is all the greater, as charity which after last year's famine must, of course, be limited can choose the plague spots. If all places where rice is selling from Rs. 17 to Rs. 60 are classified together under the common remark "Rice not available at controlled rates", philanthropic bodies like the Ramkrishna Mission, Hindu Mahasabha, Bharat Sevasram Sangha, Servants of India Society, Marwari Relief Society and American Christian Missions which did splendid work last year will have to rely on newspaper reports for selecting their fields of work. But such reports in the nature of things cannot be as accurate as those of responsible officials who are paid handsomely for their work. In the past a hundred per cent. British rule which was far better than this make-believe democracy evolved these excellent methods of administration of a poor country. Bengal was visited by many local famines in the past and the famine at Barisal which Aswini Kumar Dutta fought is still fresh in my memory. On none of those occasions did the Government feel the necessity of stopping this publication. This Government has a fatal genius for doing exactly those things which will have the effect of hastening people's ruin. While it will not do its duty, as for example, by starting free kitchens again all over the country, it will place obstacles in the path of those who want to do charity on a well-conceived plan. Last year while Srijut Shyama Prasad Mookerjee moved about at Bombay with the Beggar's bowl, Mr. Suhrawardy's and Sir Azizul Huque's speeches about Bengal at that time not being deficit in respect of rice delayed the arrival of charity and killed thousands of lives which might otherwise have been saved. The guiding principle of the present Government cannot be better described than with the Bengali proverb: "I cannot do good. I can do mischief. Just tell me what you will pay me for this." Truth has never been a favourite virtue with our present Ministers. Indeed, with regard to one of them a court of law pronounced that he had not told the truth. The highest court of law in the land has now declared that the supersession of the Howrah Municipality on the plea of enemy raid first upon the mediaeval town of Howrah and, if possible, then on Calcutta humming with gun and shell factories and a ceaseless stream of military lorries rashly driven at a safe distance from a receding firing line in distant Manipur is a travesty of truth and—I am now quoting the words of the judgment—"the maintenance of the vital services of the Howrah Municipality in the event of hostile attack had nothing to do with the making of this order". The present circular of the Government to District Officers not to show the prevailing high prices is of a piece with the career of crucifying truth at every stage. The fact of making profits in Punjab wheat was denied by our Food Minister till Sardar Baldeb Singh, Punjab Minister, and Sir Colin Garbett's statements disclosed the truth. The question is—how long

will this state of things continue? The present circular has for its object nothing better than what is characterised by criminal lawyers as destruction of evidence——

Mr. PRESIDENT: Mr. Mazumdar, you must resume your seat now.

Khan Bahadur NAZIRUDDIN AHMAD: A very severe remark has been made against the Hon'ble Minister for Agriculture whose department is responsible for this circular. I however believe that the Hon'ble Minister did not know the obvious implication of the circular The thing may have gone out in due course without his knowledge or without his examination of it in a critical manner. Sir, the Hon'ble Minister is honest and holds a unique position in this House in this respect. However, be that as it may, I feel that the language used in the circular is really embarrassing to the Government. The publication of the price in the *Gazette* is less embarrassing to Government than the publication of this circular. The question should be looked at from a legal point of view, because the price list is published to serve a legal purpose. It should not be linked up with politics. There is a section, section 39 in the Bengal Tenancy Act, which provides for enhancement of rent if there is a rise of prices during a certain period of time and section 39 provides for publication of the market prices by the Collector of the district: Collectors are to supply these particulars to the Board of Revenue and that department has to publish them in the *Calcutta Gazette*. The importance of this publication cannot be exaggerated. This price-list is published in the *Calcutta Gazette* and is very carefully collected in all annotated editions of the Bengal Tenancy Act. It has been held by the High Court that courts must look to this price list in the *Gazette* in order to arrive at a correct decision as to whether there has been a rise in the prices of food-crops. In these circumstances, if the court is bound to look at the prices published in the *Gazette*, the prices should be safe and reliable. No question of embarrassment should come in in a legal publication. Embarrassment may arise when one is entangled in an irregular love affair. In the matter of the publication of prices which have to do with legal proceedings, no question of embarrassment at all arises. So, I submit that the expression used in the circular is most unhappy. The circular says that "Government feels embarrassed by the publication of the price of rice in the Supplement to the *Calcutta Gazette*". (Khan Sahib FARIDUDDIN AHMAD: No, no.) Well, Sir, the circular states that, and no amount of "No, no" will do. That is what the circular exactly says and I am quoting from the circular. (Khan Sahib FARIDUDDIN AHMAD: They said that out of modesty.) Sir, Government cannot be compared to a "modest lady"; I think the Hon'ble Minister himself will refuse to accept the imputation, shyness. The circular says that "Government feels embarrassed by the publication of the price of rice in the Supplement to the *Caclutta Gazette*, etc." The whole burden of the circular is embarrassment and I have already submitted that embarrassment should not enter into the picture at all. The figures do not concern the Government. They concern only courts and the figures that are published should supply reliable data to the parties and the courts in the matter of enhancement of rent. Then, under section 39 the Collector is required to prepare periodical lists of market prices that is, the actual market prices of commodities. That is the thing which the Collector must accept and not the controlled or black-market rates or any other rates. The actual prices should be stated, because the Tenancy Act requires the actual ruling prices. For example, where the controlled price of rice is 10 seers per rupee but it is actually sold at 2 seers per rupee, the controlled rate in such a case dwindles into mere wishful thinking. Market price is the price which is actually prevailing in the market. It has nothing to do with any theoretical prices. The price is the actual money which has to be paid for the rice. If the controlled rate is a certain thing and market rate is another: and if the actual rate at which rice is sold is higher or lower than

the controlled price, then the actual price and not the notional price should be incorporated in the report. The circular goes on—"* * * where the prices are higher than the controlled price, instead of actual price being given, District Officers should show the controlled price, but add that rice cannot be had at the controlled price * * * *" This policy encourages suppression of facts and does not leave the Collector option to show the actual prices. But the matter has got to be considered from the legal point of view alone and I submit that the circular should be withdrawn. Later on the circular may be a subject of severe comment in the Civil Courts and in the High Court. This is too serious a matter to be dealt with from the political point of view. With these words, I submit that the Hon'ble Minister with his long experience of life should look into the matter properly and withdraw the circular. Things should be allowed to go in their usual course. The subject really concerns the Revenue Department but unfortunately the Revenue Minister, who was seen somewhere in the House earlier this afternoon, and must have taken notice of the debate, has gone away. He is concerned with this subject but is now absent from the House. The Hon'ble Minister in charge of Agriculture should not have been the author of this circular, the Hon'ble Minister in charge of the Revenue Department should have been a far more appropriate Minister for dealing with the question. The Revenue Minister should have told us what he thinks about the publication of the actual prices or prices made to order. I submit that in the circumstance the circular should be withdrawn: that is the remedy that I suggest to the Hon'ble Minister. With these words, I support the adjournment motion. I would further request the Minister to correct any imaginary prices which may have been published meanwhile.

Mr. HAMIDUL HUQ CHOWDHURY: Mr. President, Sir, I have not been able to understand the underlying purpose for which this motion has been moved by my friend opposite. Every action has or should have got a certain definite purpose behind it. Certainly he is trying to help somebody but I cannot understand whom he was going to help. By section 39 of the Bengal Tenancy Act a statutory obligation is imposed upon the Provincial Government and this section has a definite purpose that whenever a question of increase or decrease of rent is in issue, a certain data shall have to be looked after and these price lists are published by the District Officers with the approval of the Board of Revenue. Whenever a landlord applies for enhancement of rent, the average price of the last ten years is taken into consideration and these figures are collected by the District Officers in that connection. Now, in execution of that obligation upon the District Officers Government have to publish these price lists. There is a law in this country that rice or pulses shall not be sold at more than a certain price and anybody who pays more than that does an illegal act. My friend Mr. Haridas Mazumdar has referred to a decision in the King's Bench in his speech which has been written for him by somebody (Mr. HARIDAS MAZUMDAR: It was published in the paper). Sir, the first principle of law is: that evidence which is obtained in an illegal manner is not taken into cognisance in a court of law. For example, if a person goes to commit a burglary and while there he sees another person committing a crime is that man's evidence admissible? (Mr. NAGENDRA NATH MOHOLANABISH: Certainly admissible).....but the highest authority on the subject says that that evidence is not admissible. Therefore, when the Government have to publish the prices, they have to publish the prices in the locality and that price is of the open market; no illegal prices can be recorded in the official record which only prevail in black or hidden market. Now the question is: whether under section 39, Government is to publish a price which is not restricted, price which is demanded in the black-market. Certainly Government cannot allow the entry of such price in the legal document, because it is something which law does not recognise. This is from the legal point of view.

With regard to the utility point of view, on the basis of this black-market prices the rate of enhancement of rent cannot be fixed. Some people are utilising the condition of scarcity and demanding higher abnormal price. Government are unable to trace them and run them to earth, because of the protection given by my learned friends opposite in the shape of discussions of motion like this, and if these people are allowed to have their transactions recorded in the official documents, then when the poor people will come to look for evidence against the claim for enhancement of rent, what evidence they will find? The Government record will show an abnormally high rate. Therefore, my learned friend is seeking to help the gentlemen who will claim enhancement of rent on the plea of abnormally high price of rice, and not helping those people on whose behalf he pretends to talk, namely, the poor peasantry and the rent-paying cultivators, because this official document will be a powerful evidence against these cultivators.

Secondly, Sir, in the Settlement operations there is a standing rule that prices of abnormal years, i.e., years of famine or scarcity shall not be taken into consideration at all, and therefore, here by omitting to record the black market price Government is only depriving the courts of the evidence which would be relied upon by the courts in assessing rent against the tenant on claims for enhancement of rent based on prices prevailing in an abnormal period My learned friend, when he is trying to have the black market price recorded in the official document, he is certainly trying to help a few landlords who will take advantage of this record. This is quite understandable. So, as a practical proposition, my friend is not trying to help the poor and suffering people.

Then, Sir, from another point of view, it is nothing but a political stunt. Let them examine it carefully. They should know that publication of abnormally high prices in the official document will produce adverse effect; and even where in a particular area the price of rice has gone down to the normal level, the people there will say "Now in this district rice is selling at the rate of Rs. 8 a maund, but look at the neighbouring district where it is selling at Rs. 20 per maund. So let us hold back the rice, and he who will hold back will get the benefit in a short time." In this way, a vicious circle will be created. Therefore, from that point of view also my learned friend will benefit a class of people who have so long benefitted by the existecne of the black-market, namely, the hoarders. So, the underlying purpose of this adjournment motion is quite obvious.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, a strong Government is never afraid of retracing a wrong step but a tottering Government is afraid of its own shadow, and I believe it is for this reason that the Leader of the House had not the courage to withdraw the circular which has been issued by his department. Sir, I could not understand and follow the argument of my friend Mr. Hamidul Huq Chowdhury. For what he said was that the price that was fixed by the Government—that is the controlled price, only would appear in the Government *Gazette* and any other price appearing in that *Gazette* would amount to illegality. Sir, this argument I cannot follow at all. The circular states that where the prices are higher than the controlled price, the actual price is not to be recorded, but that something else is to be recorded, and what that something is—that also is stated in the circular, and it is this: instead of actual price being given, they should show the controlled price, but add that rice cannot be had at the controlled price, etc." Well, Sir, if that much can be written—that rice is not available at the controlled rate, etc., where then is the harm in quoting the price at which rice is actually available *and sold? The* argument advanced by Mr. Hamidul Huq Chowdhury *is absolutely* without reason, and groundless. A statutory *obligation has been laid upon* the Collectors by section 39 of the Bengal Tenancy Act. *So long as that* section stands, it is the bounden duty of the Government to see that the

Collectors submit to the Board of Revenue price lists every month or even for shorter periods. In fact, in sub-clause (*6*) of clause 39 of the Act it is stated—

> "in any proceedings under this chapter for an enhancement or reduction of rent on the ground of a rise or fall in price the court shall refer to the lists published under this section and shall presume that the prices shown in the lists prepared for any year subsequent to the passing of this Act are correct, and may presume that the prices shown in the lists prepared for any year prior to the passing of this Act are correct unless and until it is proved that they are incorrect".

and then again under sub-clause (*3*) of clause 39 it is laid down—that it is also the right of the tenant as well as the landlord to object to the price that is published by the Collector. Sub-clause (*3*) of section 39 runs: "the Collector shall one month before submitting a price list to the Board of Revenue under this section publish in the prescribed manner within the local area to which it relates, and if any landlord or tenant of land within the local area within the said period of one month present to him in writing any objection to the lists he shall submit the same to the Board of Revenue with the list."

So it appears that it is the right not only of the landlord but also of the tenant to know the price at which food crops are actually sold. Therefore, I submit that the circular that has been issued by Government is really perpetrating a wrong which no strong Government would be afraid to right.

Then, Sir, there is another very important matter in connection with this and it is that the public should know the actual prices prevailing in the different districts of Bengal at a particular time. The other day I tabled an adjournment motion regarding the price of rice in Chittagong, but I had the misfortune of not being able to impress upon you the fact that rice was selling there at about Rs. 60 a maund, inasmuch as you wanted documentary evidence from me as to how it was that the price was so much, and I could not satisfy you on that point. Then, subsequently, I again came before you, Sir, with an adjournment motion regarding the high price of rice not only in Chittagong but also in the eastern riparian districts; and at that time I was fortunately able to produce a copy of the *Calcutta Gazette* on the point, by looking into which you were pleased to admit by adjournment motion.

Now, Sir, that adjournment motion was admitted here and it was also admitted in the Assembly and discussed. And it produced the desired effect. The result was that the Hon'ble Minister in charge of Civil Supplies had to run to Chittagong and the Hon'ble Minister in charge of Local Self-Government Department had to run to Chittagong to see for themselves the actual situation. It is now, Sir, the most critical period of the season. This time last year there was a regular famine in Bengal and we passed through a very serious time. So it is absolutely essential that the public should be informed and the public should know at what price rice is selling now in the deficit areas of Bengal. It may be to the interest of Government to hide the fact, it may be to the interest of Government not to allow facts to come out. But the public is willing and has a right to know the actual price that is prevailing in the different districts—whether it is being sold at Rs. 40 or Rs. 50 as in the last year. If it is selling at Rs. 40 per maund, is it possible for middle-class *bhadralogs* and poor people to purchase rice at such an exorbitant price? For this reason, the public has a right to know the actual price prevailing in the market and the members of the Council has to discharge their functions and to move the Government to do the right thing. Now, Sir, if these things are suppressed, it means that you will have to leave the affair entirely to Government to do things in whatever way they like. Well, Sir, things

are not going on well, there is something wrong. If things were going on well, the Government would not have been so anxious to hide facts and would have reported the actual price of rice. It is a very serious thing. There is statutory obligation to do a certain thing and that is prohibited by Government. Last year there was a famine and this year there is a great apprehension about it, as there is scarcity in various parts of Bengal. At such a time the District Officers were told that market prices must not be published. Possibly it is known to all that quite recently an attempt was being made by the Food Member of the Government of India to import sufficient quantity of rice to India by shipment and regular tussel is going on between the Government of India and the British Government. Mr. Leopold Amery said as a matter of fact that shippings are being provided for and every facility will be given for shipping rice to India. How can the general public come to the rescue of the destitutes unless they know facts? There is something wrong in many parts of India, particularly in Bengal. I think it is something for which Government will not get any credit and Government should not put up any defence for their action in publishing the circular. They should withdraw it which must be admitted to have been issued in a hurry and without foresight. With these words, I support the motion.

Mr. BANKIM CHANDRA MUKHERJI: Sir, in rising to support the adjournment motion moved by my friend, Mr. Nagendra Nath Moholanobish, I would like to point out that the circular that has been issued by the Government of Bengal prohibiting the publication of the actual price at which rice is selling is a serious thing and possibly the present Government is not aware of the legislative enactment under which this price list is published in the *Calcutta Gazette*. Attention has been drawn to the rules by different members of the House and I am not going to refer to it again. I would like to point out a misapprehension which is passing through the mind of some members of the House and specially of my friend Mr. Hamidul Huq Chowdhury who spoke a few minutes ago.

I think, Sir, there is a confusion in his mind as to the controlled rate of rice which the Government is declaring and the price list which is published in the *Calcutta Gazette* under the statutory provision of section 39 of the Bengal Tenancy Act. I think my honourable friend Mr. Hamidul Huq Chowdhury knows it fully well that the controlled rate is being published under the Defence of India Rules for the purpose of controlling the price of rice in the province owing to the abnormal situation that has taken place on account of the prevalence of war in Bengal. Now, the ordinary purpose of that is to enable the Government to provide rice in the market at the market rate. The Hon'ble Mr. H. S. Suhrawardy made a statement the other day that rice was being sold in the market at a higher rate than the controlled rate and that people were not willing to purchase from Government stocks as the rice or other articles which are stored by Government in their stores are sometimes unfit for human consumption. As a matter of fact, the Hon'ble Minister himself admitted that people in Bengal would like to pay a rupee or two more for buying the Barisal rice instead of eating Sind rice which Government were supplying at controlled price. Therefore, black-market is not an under current. Rice is being sold by the black-marketeers in the face of the Government officers and to the knowledge of Government officers and Government dare not launch prosecutions against these persons. And what is the reason? The reason is apparent and clear and I would like the honourable members to consider the position seriously. A circular has been issued by the Agriculture Minister. I do not know how he comes in, he has been made a scapegoat, I think. I think the circular ought to have been signed by the Supply Minister or the Revenue Minister. The Revenue Minister ought to have signed that circular because it is the Board of Revenue with whose approval

the price lists would be published in the *Calcutta Gazette*. There is no question that this does not appertain to his department.

Let us now turn to the controlled rate of price and the policy of the Government hitherto pursued in this province. We all know that acute distress prevailed here last year. The circular that has been published is in line with other circulars that are being published and have been published by the present Government ever since it assumed office. The first circular that we find was issued by the Civil Supplies Minister last year after his assumption of office saying that there was no shortage of rice in Bengal. His exact Bengali words were "বাংলায় চালের অভাব নাই, নিশ্চয় নাই" Then there were circulars intimating that Government was going to bring down the price of rice and the prices were going down by leaps and bounds. But we found that as soon as a circular was published, the effect was that there was no rice to be had in the open market. Then what happened during the harvesting of the *Aman* crop? We all know that we had a very rich and successful *Aman* crop. Then again, *Aus* crop was also fairly good last year. The Government pursued a policy of monopoly in the rice trade and all the normal trade channels were abolished. We know that the deficit in the Budget was due to the launching of this purchase of food-stuffs by the Civil Supplies Department during the last year and also in the present year. Now, let us consider the effect of the policy which Government is pursuing in the matter of purchasing rice. Government has appointed its own agents who could purchase rice from different districts. We know, and it is also admitted on all hands that the *aman* crop was a bumper crop this year. But where has that rice gone? Where the Bengal rice—that bumper crop—which the tenants harvested has gone? Surely it is not with the poor cultivators, because they had to sell it for the purpose of purchasing their other necessities. Transport from one district to another has been prohibited so far as the normal trade channel is concerned. We do not know what policy Government is pursuing in the matter of transport in the case of Government agents who are purchasing rice in different districts; but we know that while in one district the Government agents are purchasing rice, in deficit districts like Chittagong, Dacca and Noakhali rice is not available even at the rate of 40, 45 or 55 rupees.

Now, Sir, we have heard that Government have purchased rice from Sind. We do not understand why Government should purchase rice from Sind when Bengal has a bumper rice crop? The suspicion is very great, and we demand a statement from the Minister of Civil Supplies as to where has the purchased rice from Bengal cultivators gone. The suspicion is great that the Government agents who have purchased rice from the cultivators of Bengal are selling it in the black-market at the high rate of Rs. 30, Rs. 40 and sometimes even at the rate of Rs. 60 per maund. We charge the Government agents with——.

Mr. PRESIDENT: Mr. Mukherjee, you are not speaking on the adjournment motion. You must confine your observation to the point at issue.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, the point that I was developing was a point which directly comes under the adjournment motion. I would like to point out——

Mr. PRESIDENT: But your time is up.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, I fully agree with the remarks of Mr. Hamidul Huq Chowdhury on this subject. I agree that Government officials should not publish illegal prices as that would mean recognition of the black market. Then, I would follow up Mr. Chowdhury's remark by stating that this black market price wherever published seems

to suggest little attempt to control the prices and to control the black market; and I would only suggest this that Government ought to follow up their circular with a direction to re-double the efforts of Government officers to enforce price-control, wherever it comes to the notice of these officers that prices are in excess of the Government figures.

Mr. K. C. ROY CHOWDHURY: Sir, I will not take more than a few minutes, because I will not repeat the old, old story that has been told already. I will confine my remarks to a certain village in Chittagong with which I am in close touch, i.e., Noapara which has not only given birth to the great Poet Nabinchandra Sen, but it is also the birth place of a holy Saint, Sadhu Tara Charan. I visited the village myself and I am in close touch with the village people who came to Calcutta last week. What they told me has some connection with the present discussion. I would ask Government to make a note of it, as they might wish to make an enquiry about it. Noapara and Guzran are about 20 miles from the town of Chittagong. For the last six months the people of these villages have been buying rice at Rs. 22 per maund and for the last three weeks at Rs. 32 per maund. I fully believe what a village man told me and it was also confirmed by other Chittagong people. Now a days many consumers have to buy in the black market and there are profiteers and black marketeers. One of them who happened to be a patient of my doctor friend in Chittagong is a rice dealer and he confessed that he was also charging the black-market price of Rs. 32 a maund and only 7 days back he charged my friend that rate. He said that he had to purchase this rice from a surplus district at Rs. 20 per maund and had to pay besides a large sum to this man and that man to cross the boundary of the district and so on. Therefore, my point is that the whole thing shows extreme corruption and bribery. And the strangest part of the thing is that in the Chittagong district of all districts, which is in the closest vicinity of the base of War in Burma front, the strangest thing is that in this district Government is not making any serious effort to see that rice is supplied from the surplus districts or from any where at any cost. I say at any cost advisedly, let it be by aeroplane even if hundreds of rupees are incurred for transport. Sir, every responsible man in Bengal is saying how is it that Government cannot maintain supply or control the prices in Chittagong although it is controlling the price of rice in the 24-Parganas, Burdwan, etc. The logical conclusion is that there must be something wrong about the administration in the district of Chittagong.

Mr. PRESIDENT: Mr. Roy Chowdhury, it is far away from the *Calcutta Gazette*.

Mr. K. C. ROY CHOWDHURY: Sir, I am sorry. But my point is that it is not merely a question of black-market. People are obliged to pay black-market prices to keep themselves alive in any way; whether the price is legal or not, it does not matter at all; a man when he is starving is apt to pay any price to save himself. If Government interferes and says that such price is illegal, that won't hold water. And it is curious that Mr. Hamidul Huq Chowdhury should come here and stand up to defend the circular and not ask for its withdrawal. As I have said, it is not a question of black-market or illegal prices. Mr. Hamidul Huq Chowdhury and the Hon'ble Minister for Agriculture both of them know that from top to bottom there is corruption and bribery and that black-marketing is thriving only on account of the prevalence of corruption and bribery. Therefore, I suggest that that military officers be sent to Chittagong on special duty for checking this corruption and bribery. I could have *understood* the attitude of Government if they acted in that spirit and *did their duty* by the people. But on the contrary, I find that *some Hon'ble Minister* goes and pays a flying visit to Chittagong, makes an enquiry and comes back and says that the people there have got plenty of money on account

of the war and that inflation is the main cause of black markets. Well, Sir, what will they do with this money, if there is not enough foodstuff to buy with it? Are they going to eat the currency notes to satisfy their hunger, or are they to buy in the black market? Let the Minister say that the Government is unable to stop this corruption; we will then know what to do. If corruption cannot be checked, let section 93 of the Government of India Act be applied to Bengal; that alone can save Bengal from the very serious effects of malnutrition, desease and debility. I again repeat that it is section 93 that has saved Bihar. Sir, I have been to Simultola and Jhajha in Bihar and have seen how prices have been reduced there with my own eyes by the ceaseless vigilance of the I.C.S. and other officers unhampered by Ministry.

Mr. PRESIDENT: Order, order: that is not the point at issue.

Mr. K. C. ROY CHOWDHURY: All right, Sir, I have finished.

(At this stage the Deputy President occupied the Chair.)

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. Deputy President, Sir, I think there has been a great deal of confusion regarding this matter. In the first place, some of the honourable members of the Opposition want to know how the Agriculture Department could be held responsible for the publication of agricultural statistics. The publication of weekly figures of staple crops is done under an executive order (and not under the Bengal Tenancy Act) under Chapter IX regarding preparation of crop statistics, Agricultural Statistics Manual. There is a separate Chapter for preparation of price list under the Bengal Tenancy Act and it is Chapter X of the same manual. It deals with preparation of price list under the Bengal Tenancy Act, section 39. Under section 39 quarterly and annual figures of current prices are published in the *Calcutta Gazette*. The basis of these figures is the weekly return which is published under the executive order of Government. In view of that, the Agriculture Department is connected with it. Of course, when this circular was issued the legal aspect of the question was not at all considered. On the face of it, it appeared absurd that Government would fix a ceiling price and again publish current prices which were higher than ceiling price and so the circular was issued. But the circular was issued without taking any legal opinion. When I came to know of the circular, I made it clear to the House that if after taking legal opinion we found that we could publish the actual prices legally, I would certainly withdraw the circular. We have taken legal opinion. The legal opinion says that we cannot publish prices which are illegal. Dr. S. C. Basak, senior Government Pleader of the High Court, says in his note—"In my opinion it is not possible to regard the price in excess of ceiling price as the open market price. There may be a black-market where rice may be sold at a price in excess of the ceiling price; but such a market cannot be regarded as an open market or mart as contemplated by rule 6. Moreover, it is quite clear that although the price actually paid be higher than the ceiling price, neither the seller nor the purchaser will admit it, nor it will appear from books of account that the price was higher than the ceiling price. The black-market price is an illegal price and the Government cannot recognise it. The price list is prepared under section 39(*d*), read with section 30(*b*) and section 32(*a*) of the Bengal Tenancy Act. The price contemplated in these sections is lawful price and not illegal price. I am, therefore, of opinion that it would not be legal to publish the black-market prices in the official *Gazette*. In my opinion, Government having fixed a ceiling price, it would not be legal or proper for Government to publish a record of transaction made in contravention of the legal ceiling price".

This is the opinion of Dr. Basak. We have other example. Under section 102 of the Bengal Tenancy Act, we are to record the existing rent—in the course of preparation of record-of-right,—but in recording such rents,

we cannot record rents which are illegal being in contravention of section 29 of the Bengal Tenancy Act. In thousands of cases we had to reject illegal rents though actually paid for many years. In such cases the entire enhancements had to be cut down and the original unenhanced rent recorded. We could not record illegally enhanced rents because the law contemplates that nothing illegal should be recorded. That is commonsense and I do not think anything can be said against it. One word more—and about it Mr. Hamidul Huq Chowdhury has already spoken—to the Opposition. May I enquire, by tabling this adjournment motion whom the Opposition is going to help? I believe they are going to kill the poor tenants.

For, if on the basis of the black-market prices rents were enhanced as contemplated under sections 32(*a*) and (*b*), the rents would increase by 200 or 300 per cent. Sir, the Opposition say that they are championing the cause of the poor tenantry but I find they are championing the cause of the landlords. However, Sir, we have been advised that in the price column no price higher than the ceiling price could be published; in such cases the column of current prices should be left blank and in the remarks column it should be shown that rice is not available in those places within the controlled price. I want to be very clear on this point. We do not want to conceal facts. We have to get black-market prices through the agency of the Civil Supplies Department, so that the department might rush in supplies to the poor people in the areas where rice is selling at rates above the ceiling rate. The Director of Civil Supplies has agreed that if any of the members of the Legislature wants to know the black-market price, he will be glad to supply the information. The honourable members may get the information, only for the asking even when the Council is not sitting. I do not think, being members of the Legislature they can ask the Government to do something which is absolutely illegal.

Mr. NAGENDRA NATH MOHOLANABISH: Mr. Deputy President, Sir, I am taken aback by the speech of the Hon'ble Minister for Agriculture. I was surprised to hear the great advocate Mr. Hamidul Huq Chowdhury speaking on the admissibility or inadmissibility of evidence and saying that it was absolutely illegal and therefore it was not evidence. I had never had the fortune of meeting him in a forensic battle. I wish I would have him some day but I must tell him that that proposition of law is absolutely bad. Evidence that is collected, even if illegally, is evidence in a court of law. If it is fabricated, then it is not evidence. I am here trying to show that what the Hon'ble Minister is doing is tantamount to fabricating evidence and I think Mr. Hamidul Huq Chowdhury would certainly recall to his memory certain well-known cases in which evidences collected by illegal searches were admitted by the High Court in spite of his . . (Mr. HAMIDUL HUQ CHOWDHURY: That is bad law) you ought to go to the Privy Council to set aside the decision of the High Court. I do not find any trouble over the arguments which have been advanced by Mr. Hamidul Huq Chowdhury and the Hon'ble Minister save and except the common remarks made by them enquiring whom we are going to help by raising this question in the Council. My first answer is: to benefit the Hon'ble Ministers themselves so that they may not stray out from the path of truth. Secondly, I am going to show that we are here in this Council not to allow this sort of trickery to go on on the plea of illegality of price to put on record for all time to come what is not true.

Therefore, Sir, it is not the question of benefiting the landlords. It is not the question of benefiting the tenants. It is the question of truth and truth alone. There is absolutely no justification on any ground whatsoever to keep your record in this way, which even after 100 years will be evidence of these matters, so that we may have to look into this record and find out what was the condition in Bengal in the year 1943-44. What would the people at that time think of us if we say that rice is not available at controlled price, and they would say that these gentlemen had some

ulterior motive in concealing the actual price. I would ask my learned friend Mr. Hamidul Huq Chowdhury to revise his commercial law once again to find out what is the meaning of "market price". You actually control price when the market price goes higher up. When you think that the market price should not go so much, you want to control it. But what do you control? You control the market price. But in order to control the market price you should make sufficient supplies available. If you cannot supply in sufficient quantities, then the black market comes into play and the market price goes up. This is your embarrassment and for that embarrassment you have taken recourse to fabricating the price list in the *Calcutta Gazette*. Of course, our friends sitting on my left have supported my honourable friend Mr. Hamidul Huq Chowdhury. In this connection, may I have the permission of the House to narrate a short story? There was a young boy who was supported from the very beginning of his life by his aunt who used to encourage him in every vice like telling lies, theft and so on and so forth. When the boy grew old he was caught red-handed in an act of theft and he was being taken by the police to jail. At that time his aunt wanted to see the boy before he was taken to jail, and the boy said that he would like to speak to the ears of his aunt. The aunt was taken there and the boy without saying a single word bit her ears and said that if she had corrected him from the very beginning, he would not have been taken to jail. So my honourable friends on the left have been encouraging the Hon'ble Ministers in every work they are doing but a time will come when they (the Ministers) will say that they should have corrected them earlier.

Now, Sir, my contention is that it is not what is wanted under the Bengal Tenancy Act. You are controlling the price for the time being owing to the prevalence of the war; but having regard to the fact that rice is being sold in the market and the District Officers being aware of the fact that rice is being sold at higher prices, they are bound under the statutory provision to report correctly and they are not to obey your order or your circular to report falsely or to suppress facts. Therefore, Sir, if you think that this publication of true price might hurt the tenants, then you may make legislation, but you are not entitled to publish false reports. I say that in spite of the forensic ability of my learned friend Mr. Hamidul Huq Chowdhury, let this case of fabricating evidence go to any court of law and let him defend it.

Sir, my friend asks "what about Dr. Basak's opinion"? Well, Sir, we know how legal opinion can be obtained in somebody's favour; it depends upon the manner of putting a case; by putting up a matter in a certain manner they can have an opinion in their own favour. That is why I am sure that the other party having heard the Hon'ble Minister, and the mouthpiece of the Ministerial party, Mr. Hamidul Huq Chowdhury, gave the opinion in the favour of Government. The Government had absolutely no case at all and I have no doubt that this plea of illegal price is an afterthought.

Mr. DEPUTY PRESIDENT: Does the Hon'ble the Leader of the House want to reply to this speech?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, Sir. I do not think that it needs a reply.

Mr. DEPUTY PRESIDENT: The question before the House is that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the attempt that is being made by Government to deliberately suppress the publication of correct information in the *Calcutta Gazette* of the current and prevailing market prices of rice in the various places of the different districts in Bengal and to secure untrue and incorrect reports regarding the same by issuing a circular on or about the

19th June, 1944 to all District Officers under the signature of the Secretary to the Government of Bengal in the Agriculture Department to the following effect:—

> "The Government feels embarrassed by the publication of the price of rice in supplement to the *Calcutta Gazette* and District Officers are informed that where the prices are higher than the controlled price, instead of actual price being given, District Officers should show the controlled price, but add that rice cannot be had at the controlled price."

which is causing or likely to cause alarm and panic in the country, and demoralise the District Officers.

(The motion was negatived.)

Mr. DEPUTY PRESIDENT: The House now stands adjourned till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Tuesday, the 25th July, 1944.

Members Absent.

The following members were absent from the meeting held on the 24th July, 1944:—

(1) Mr. Kader Baksh.
(2) Rai Bahadur K. C. Banerjee.
(3) Mr. H. R. Chowdhury.
(4) Mr. K. K. Dutta.
(5) Khan Bahadur A. Gofran.
(6) Mr. M. R. Jaipuria.
(7) Mr. H. Kabir.
(8) Maulana Mohd. Akrum Khan.
(9) Mr. A. Latiff.
(10) Rai Bahadur B. M. Maitra.
(11) Mr. N. N. Mookerjee.
(12) Mr. R. S. Purssell.
(13) Dr. K. S. Ray.
(14) Dr. K. Talukdar.

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BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 64.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 25th July, 1944, at 3 p.m., being the sixty-fourth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Mr. PRESIDENT: Questions standing in the name of the Hon'ble Minister for Civil Supplies will stand over till tomorrow, as he is not present in the House.

Mr. MESBAHUDDIN AHMAD: Sir, he is expected any moment.

Mr. PRESIDENT: But the House cannot wait for him.

Mr. LALIT CHANDRA DAS: On a matter of information, Sir. Are you going to fix up the date with regard to my motion——

Mr. PRESIDENT: Not now, Mr. Das. I shall take up the matter after the questions are over.

Orient Press of India.

243. Maulvi MOHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister in charge of the Publicity Department be pleased to state—

(*a*) the names of the news agencies subscribed by the Government with the amount paid to each of them;

(*b*) whether he is aware that there is a news agency, named Orient Press of India;

(*c*) whether the Government are considering the desirability of subscribing the services of this news agency also; and

(*d*) if the reply to paragraph (*c*) is in the negative, what are the reasons therefor?

MINISTER in charge of the PUBLICITY DEPARTMENT (the Hon'ble Mr. Pulin Behary Mullick): (*a*) (1) Indian News Agency Telegrams—Rs. 480 per month.

(2) United Press of India News Service—Rs. 520 per month.

(3) Orient Press of India News Service—Rs. 400 per month.

(*b*) to (*d*) Do not arise.

Adjournment Motions.

Mr. HARIDAS MAZUMDAR: I have an adjournment motion which says——

Mr. PRESIDENT: Mr. Mazumdar, your adjournment motion raises an issue identical to what had already been discussed in connection with another adjournment motion moved in this House on the 9th February by Mr. Lalit Chandra Das which ran as follows:—"This Council do adjourn

its business to discuss a definite matter of urgent public importance, namely, the failure of the Government of Bengal to meet, by the adoption of proper, timely and adequate remedial measures, the very serious situation which, arising out of the outbreak of preventible diseases following the famine, has taken and is taking a huge toll of human lives from all the districts of the province." Perhaps you have forgotten about it. So, this adjournment motion cannot be discussed.

Mr. HARIDAS MAZUMDAR: Sir, it is a continuing necessity.

Mr. PRESIDENT: No, it is not a continuing necessity.

Mr. HUMAYUN KABIR: Supposing there is a riot in the town of Howrah on a particular day and there is an adjournment motion and after 25 days or a month another riot takes place——

Mr. PRESIDENT: That is something hypothetical.

Mr. HUMAYUN KABIR: I will in a moment show that——

Mr. PRESIDENT: Mr. Kabir, let us not suppose something and come to a decision. Rule 99 (3) says that a motion must not revive discussion on a matter which has already been discussed in the same session and this matter was, I remember definitely, discussed.

Mr. HUMAYUN KABIR: If the situation has aggravated since then, that is, if the position of malaria today, towards the end of July, has become far more serious than the situation arising out of the malaria epidemic on the 9th February, would it not be a new matter?

Mr. PRESIDENT: It has not become far more serious.

Mr. HARIDAS MAZUMDAR: From the report, Sir, you will find that on the 18th the *Amrita Bazar Patrika* stated that the scourge of malaria is creating havoc——

Mr. PRESIDENT: In any case, this is substantially the same question and I cannot admit your motion.

Mr. HARIDAS MAZUMDAR: Sir, the Hon'ble the Leader of the House made a statement——

Mr. PRESIDENT: You may move this matter in some other form, not by an adjournment motion and the Hon'ble the Leader of the House, if he likes, may make a statement. You cannot move this motion. I am bound by the Rules.

Mr. HARIDAS MAZUMDAR: Sir, there is another adjournment motion standing in my name which runs as follows: That this Council do adjourn its business to discuss a definite matter of urgent public importance——

Mr. PRESIDENT: It is not necessary to read it.

Mr. HARIDAS MAZUMDAR:....., namely, the situation arising out of the judgment of the Special Bench of the Hon'ble the Calcutta High Court regarding the Howrah Municipal affairs and Mr. B. P. Pain, Chairman of the Howrah Municipality.

Mr. PRESIDENT: You need not read it. I have got your motion before me. One point on which I would like to be satisfied is this: what do you mean by "the situation arising out of the judgment of the Special Bench.....?" What is the situation?

Mr. HARIDAS MAZUMDAR: The situation is this: From the judgment it appears that the facts or allegations made against Mr. Barada Prasanna Pain were true. No counter-affidavit was filed in the court to meet those allegations and the Bench held that the supersession order was

not valid and the very gentleman who was the Chairman of that municipality is still an Hon'ble Minister of the Bengal Government. He is one of the members of the Cabinet. So, when these allegations are proved against the Hon'ble Minister, when the supersession order has been held not to be *bona fide*, then how can he continue to be a Minister of the Bengal Government. When it is clearly an abuse of power, this Ministry also is to be blamed and we want to discuss this matter. It is a very urgent and important matter from the point of view of the public and we want to discuss it.

Mr. PRESIDENT: May I hear Government on the point?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMED: Mr. President, under the rule, an adjournment motion can be brought on a definite matter of urgent public importance for which Government is responsible. The question of supersession of the Howrah Municipality has been on the tapis for a long time and it is a very old question. It is not a matter of recent occurrence. The order of supersession was given by the Government. The matter was taken to the High Court and the High Court has given its decision. I do not understand what situation has arisen out of the High Court decision. On the other hand, over the question there is a difference of opinion between the Executive and the Judiciary, and therefore, we have applied for permission to the Federal Court, and permission has been given by the High Court for this appeal to the Federal Court. Although it may not be technically *sub judice*, it may be said to be *sub judice* in the sense that we intend to file an appeal to the Federal Court. Therefore, suppose we discuss this matter and come to a decision today and then the judgment of the High Court is dissented from by the Federal Court tomorrow, what will happen? Under these circumstances, my submission to you as the President is that this does not come within the purview of an adjournment motion and so far as the judgment of the High Court is concerned, Government can only take action by filing an appeal.

Mr. PRESIDENT: The matter cannot be regarded as *sub judice*, as you have not filed the appeal at yet.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I have already submitted that in the technical sense the matter is not *sub judice*, but as Government has got the permission of the High Court to file an appeal to the Federal Court, it may be said to be *sub judice*.

Mr. PRESIDENT: Is the Howrah Municipality functioning?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: The Municipality is functioning.

Mr. PRESIDENT: How? Government passed the supersession order under the Defence of India Rules, and the High Court issued an injunction against the officer who was appointed by Government to run the municipality. So how can the Municipality function at all?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Sir, the municipality is functioning. The question is this up to this time, under the High Court's Single Bench order, the municipality has been functioning, so far as I know.

Mr. PRESIDENT: The Hon'ble Minister admits that no appeal has yet been filed. So the matter is not at present *sub judice*. I do not think there is any substantial objection to that point. I am not satisfied from the Hon'ble Minister's reply that the municipality is functioning. I do not understand how the municipality can function. Government passed orders superseding the municipality and the High Court judgment prevents the officer appointed to run the municipality from functioning. So, evidently there is a stalemate and that is the situation, in my opinion. Therefore, I give my consent to this motion being moved and I fix tomorrow, immediately after the questions, for the discussion of the adjournment motion.

Special Motion.

Mr. PRESIDENT: Yes, Mr. Das, what is your point?

Mr. LALIT CHANDRA DAS: Sir, my motion was admitted on Wednesday last as a special motion by arrangement and the Deputy President left the date to be fixed by you when we wanted a date——

Mr. PRESIDENT: Yes. But as no Special Motion was formally tabled——

Mr. LALIT CHANDRA DAS: That motion was itself to be treated as a Special Motion.

Mr. PRESIDENT: No, Mr. Das, I am afraid you have to table a Special Motion.

Mr. LALIT CHANDRA DAS: I am reading from the report, Sir; it is as follows: Khan Bahadur Abdul Hamid Chowdhury was in the Chair and said that there was a consensus of opinion in the House in favour of this motion being taken up as a Special Motion. He ruled that it should be so treated. As regards the date he would leave it to the President to be fixed.

Mr. PRESIDENT: Mr. Das, I hope you will realise that the Chair has no power to convert an Adjournment Motion into a Special Motion.

Mr. LALIT CHANDRA DAS: But what I have narrated was the opinion expressed from the Chair that day.

Mr. PRESIDENT: Perhaps that ruling was given out of deference to the wishes of the House; but I may tell you that a formal notice has to be given of such a motion. If any one wants to move a Special Motion under rule 96, he will have to take the consent of the Chair, then the motion has got to be sent to the Government and the Hon'ble Minister in charge has also to give his consent before it can be actually included in the agenda.

Mr. LALIT CHANDRA DAS: May I point out one thing, Sir? My point is that on the very day that the Adjournment Motion came up it was decided to be treated as a Special Motion.

Mr. PRESIDENT: I am afraid it could not be so treated. You are a lawyer, Mr. Das, and you should realise the technical difficulty about it. Evidently, there would be no objection if you send in a notice of the motion. And I hope you will do so if you really want to have the matter discussed as a Special Motion.

Mr. SHRISH CHANDRA CHAKRAVERTI: If that is your direction, then he will certainly comply with it; but we are referring to the matter as it actually happened on that day when Sir Nazimuddin was prepared to have the matter moved as a Special Motion.

Mr. PRESIDENT: These are very technical matters and I have got to follow the rules very strictly. Unless there is a formal motion under rule 96, and I admit it and the consent of the Minister in charge is received, no motion can be discussed as a Special Motion. The Chair has no right to convert an Adjournment Motion into a Special Motion.

Mr. BANKIM CHANDRA MUKHERJEE: May I refer to what happened on that day, Sir? All the procedure laid down in rule 96 was followed on that day. As a matter of fact, after the Adjournment Motion was admitted, the Honourable Home Minister stated that it should be discussed as a Special Motion and it was moved as a Special Motion and the Deputy President who was acting as President accepted the motion as a Special Motion and only the fixing of the date remained and that was left to you, Sir.

Mr. HARIDAS MAZUMDAR: Because we did not want to have it discussed on a non-official day, which was the suggestion of the Home Minister.

Mr. PRESIDENT: Whatever might have happened, first of all a formal notice should be given——

Mr. LALIT CHANDRA DAS: The Deputy President did not say any such thing, Sir.

Mr. PRESIDENT: "There was a consensus of opinion" that is what the Deputy President observed, "that this motion would be treated as a Special Motion". As regards the date on which the discussion would take place, that was left to the Chair to fix.

Mr. LALIT CHANDRA DAS: Sir Nazimuddin said that it would be taken as a Special Motion——

Mr. PRESIDENT: I think it is better that you should give a formal notice of this Special Motion.

Mr. LALIT CHANDRA DAS: Permit me to say, Sir,——

Mr. PRESIDENT: But, Mr. Das, what is the difficulty in giving notice of this motion?

Mr. LALIT CHANDRA DAS: I may point out that when I wanted to move it, it was treated as if I had given notice of this motion. And Sir Nazimuddin accepted this view also. So there was the consent of the Chair, there was also the consent of the Minister in charge concerned, and it was therefore treated as a Special Motion; only the date was not fixed.

Mr. PRESIDENT: Mr. Das, you forget the language of your own motion. Your motion was that the House do now adjourn. Certainly you cannot adjourn the House and move a Special Motion on the same terms at the same time! So I rule that you will kindly give notice of your Special Motion. I will admit it and I presume that Government would not object to it.

Mr. LALIT CHANDRA DAS: Sir, in that case I do not know when the date will be fixed.

Mr. PRESIDENT: The date will be fixed as soon as possible. But let the motion be submitted first.

Mr. LALIT CHANDRA DAS: But, Sir, the ruling that was given the other day with regard to my motion by the Chair, that ruling has been ruled out by you.

Mr. PRESIDENT: I must be guided by rules. The Chair has no right to convert one kind of motion into another.

Mr. LALIT CHANDRA DAS: But, Sir, the motion was accepted as a Special Motion and Sir Nazimuddin agreed to it.

Mr. PRESIDENT: I have given my ruling. I do not understand what is your difficulty in sending in a formal notice of your motion now.

Mr. LALIT CHANDRA DAS: It means throwing back an urgent matter.

Mr. PRESIDENT: Why? You send notice of the motion to me and it will be admitted tomorrow.

Mr. LALIT CHANDRA DAS: Then, Sir, you will fix another date——

Mr. PRESIDENT: Yes, I can fix it tomorrow.

Longer sitting of the Council.

Khan Bahadur M. A. MOMIN: May I mention one thing, Sir, before you take up the discussion of the Agricultural Income-tax Bill? You have seen during the last month how little progress we have made with the Government business, namely, the Agricultural Income-tax Bill. This week and several days in the last week have all been taken up in discussing adjournment

motions and other motions and I think this state of things will continue for some time more. Under the circumstances, if you follow the ordinary rule of carrying on the meeting of the House only for two hours a day, I do not think we shall be able to make any progress with regard to the Bill. Moreover, if I am allowed to say so, in discussing the Bill we are not going on in a business-like manner.....(Mr. SHRISH CHANDRA CHAKRAVERTI: This is a reflection on the House). No, I said "We are not going.....". But if the cap fits him, I can't help. Now, Sir, are we to go on in this way indefinitely or are we going to finish the Bill in a reasonable time? If that is your wish and the wish of the House, the only alternative is to give more time and we should henceforth sit for longer hours. Two-hour-sittings every day will not make any effect on the progress of the Bill if things go on like this. Even though the adjournment motions are defeated, still they have to be brought in and so they are taking up the time of the House. I suggest that from the next week or from tomorrow or whenever it suits the pleasure of the House the time of the sitting should be fixed at 4 hours and if necessary we may sit for whole night. After all, it is no use coming here for two hours. As a matter of fact, this House has in the past not even sat for two hours daily. There were holidays and other things. So, we have done very little progress. I suggest that the hours of sitting should be doubled and if that does not also lead to fair progress, we must sit all night.

There is another point to be considered in this connection. Sir, *Ramzan* begins, I believe, from the 21st of the next month and it will be very difficult for the mofussil members to stay on at Calcutta at that time. I hope all these things should be taken into consideration.

Mr. HARIDAS MAZUMDAR: Sir, practically the time for the consideration of the Bill has been doubled, as the first hour reserved for questions and answers are now being utilised, there being no questions practically. As regards the adjournment motions, when there are urgent matters of public importance, we are entitled to move for adjournment of the House. As regards the extension of time of daily sittings, we have every objection, as after sitting for a long period from February, we do not want to sit for longer hours.

Mr. LALIT CHANDRA DAS: Sir, I object to longer hours than usual. From 1937 till now, the practice has always been uniform. I remember on one occasion when the Leader of the House was the Leader of the Opposition, at the time of the consideration of the Bengal Primary Education (Amendment) Bill, the then Education Minister, Khan Bahadur Abdul Karim, thought that he could finish the Bill in two days but the Opposition took 30 days and never sat for more than two hours. At that time not a single objection was raised by the Government. Here is a very important taxation Bill which is going to affect the people of Bengal as a whole, and we have tabled as many as 500 amendments. Now, at the very beginning of the consideration the Hon'ble Minister stood up and issued a *fatwa* to the members on the opposite side that this Bill should be passed without change of a comma as if we are so many *automatons*; they forget the fact that this House is a revising body.

Then there is another point. We have in our midst businessmen and lawyers who cannot be away from their place of business for a long time. Some of them come only at the time of voting on a particular important amendment. It is not possible to keep them engaged here day in and day out. If they have to sit for more than two hours, they will be restive because they have to attend to their other business also. You will, Sir, also take into consideration the health of the members of this House because sitting for more than two hours will affect their health. So, upon all these grounds I object to the extension of time of sitting.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, I hear Mr. Das referring to the businessmen who find it difficult to keep themselves away from their

businesses. We would also welcome any extension of hours so that we might finish the Bill and get back to our businesses. One further point Mr. Das referred to and that is the procedure of this House in the past. He went back to 1937, but I distinctly remember and I am corroborated by one of my colleagues that on occasions we sat for more than two hours. On one occasion, I remember we sat from 2 p.m. to 6 p.m. in the evening. Two hours is not sacrosanct that we shall stick to it always. Finally, it seems to me that when the House has accepted the principle of the Bill, we might deal with the details as quickly as possible in a businesslike manner.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, may I point out that it would not cause very great inconvenience to honourable members who are alleged to be very busy men. If, for instance, we sit beyond five o'clock, it would be very convenient, because I do not think that even busy men who do very much business do anything between five and six. On the other hand, it might help these busy men if we go through the Bill and finish it in the course of two or three weeks, because it would give them more leisure and make them more free to attend to their business. I entirely agree with the Leader of the European Group that we should sit longer hours to economise time for ourselves ultimately, and I think the House will be well-advised to sit longer hours. Therefore, I would request the Opposition to agree to an extension of time.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, out of 11 provinces in India there are Second Chambers in six of the provinces, and nowhere do the Second Chambers sit for more than two hours ordinarily. It is very true that in the past we sat for a little more than two hours, but such occasions were very rare. This is a very important Bill, and although we have accepted the principle of this Bill, we are now going through the details. The provisions of the Bill are so very important and are so fraught with far-reaching consequences that we should give our best thoughts on the question in this House. Therefore, Sir, I think we should proceed very slowly so that it may not be necessary after a short while to bring in another amending Bill that will be passed in this House. Mr. Das has already said that this House is the House of the Elders where there are elderly people who can hardly afford to devote more than two hours at a time. It will impair their efficiency. With these few words, I object to the proposal for an extension of time.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I endorse the views of all my friends who opposed the proposal for an extension of time. It has already been shown that the time of meeting has been practically doubled. Due to shortage of questions in the agenda, practically the whole of the two hours is being utilised for consideration of this Bill. The other point is that the Opposition is interested in the amendments and they think it their duty to scrutinize them and pay sufficient attention to them so that the defects in the Bill may be remedied. But if Government want to gag us, then it is a different question altogether. If Government is so anxious to finish the Bill hurriedly, then the best course for them would be to apply to the Governor for an Ordinance on the subject as they are doing in other matters. If the Government want to stifle the Opposition in this way, then all that we can do is to appeal to you as the custodian of the rights and privileges of the House and request you to look to the interests of us, who constitute the minority party in this House.

I do not know why Khan Bahadur Momin should all on a sudden raise this question, although we find that he comes very rarely in this House——

Mr. PRESIDENT: Order, order, that is not relevant, Mr. Chakraverti. I think we have heard all sections of the House now and——

Khan Bahadur NAZIRUDDIN AHMAD: .....except one section, Sir, which is also deeply interested in the matter. May I have a word, Sir?

Mr. PRESIDENT: Yes, certainly.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, somehow or other, I seem to be the guilty man. (Khan Sahib FARIDUDDIN AHMAD: Whom do you represent?) Well, I represent, may be, only myself, but I also represent good and constructive work in the House. The position is this, Sir: the House is sought to be punished for the delay in the progress of this Bill; no doubt, there has been some delay, but for this who is guilty? Are they those members who have carefully gone through the Bill and have proposed amendments or does the fault lie with bad draftsmanship? I submit the fault lies with bad draftsmanship. Sir, there is another aspect of the matter. We are doing some amount of intellectual work, however unappreciative or inattentive some members of the House may be to it. (Khan Sahib FARIDUDDIN AHMAD: Most members do not agree with you.) Well, that shows that those members are not attending to the business of the House. That is an admission which hardly does credit to the honourable members on that side of the House. The position is: that we are doing some amount of intellectual work, and I think everybody in this House should be disposed to agree with this view. It is fairly obvious that intellectual work of this type requires some amount of preparation. We cannot speak off-hand and do two hours' work here on an important Bill like this unless we have also made some more hours' work before or unless we make some hours' work after. We have got to work both before and after we meet here. As to the cheerful suggestion of some honourable members including one from the European group that we should sit whole nights, if accepted, it will turn this august assembly into a night club.

Mr. PRESIDENT: Order, order, Khan Bahadur, that is hardly relevant. Please resume your seat.

I have listened very carefully to the views of the different sections of the House. There is no doubt that we are making rather slow progress; there is no doubt that for various reasons we are not making much headway with the main business before the House, and it is desirable that we should speed up. Either we should do so within the time, that is, the usual time of two hours, or by sitting longer hours. These are the two alternatives left. Now, as regards the argument of intellectual work or that the Council cannot sit for more than two hours, or again the argument advanced by Rai Bahadur Keshab Chandra Banerjee that throughout India the Upper House sits ordinarily for two hours only—although I do not know where he gets this information from—I may say that the Honourable Judges of the High Court may be supposed to be doing some amount of intellectual work and they do not do their work for two hours only; then there are the Advocates of the High Court who too may be supposed to be doing some intellectual work, and Khan Bahadur Naziruddin Ahmad himself as Public Prosecutor of Burdwan has to do some intellectual work, where there is no time-limit and where he has to be on his legs for 5 or 6 hours at a stretch perhaps,—to that argument, therefore, I attach not much importance. But it is the question of convenience, provided that consideration does not militate against the disposal of the business of the House. I propose to give my decision after duly considering this matter, tomorrow. One fact mentioned by Khan Bahadur Abdul Momin Sahib is that *Ramjan* is approaching and many members hailing from the mofussil will be put to great inconvenience if they have to remain in Calcutta and cannot go home. That is a point which the Chair must take into consideration in coming to a decision. We have got to proceed with the business of the House. It is certainly the privilege of the Opposition to criticise the Bill by moving amendments and it is the duty of the Chair to see that the privileges of the Opposition are fully maintained and they are given every facility in expressing their views; but at the same time the business of the House must proceed. I propose to give my decision on the matter tomorrow and I hope the House will accept that decision.

The House will now resume further discussion on the Bengal Agricultural Income-tax Bill.

The Bengal Agricultural Income-tax Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I was speaking on amendment No. 67 which was moved by my friend Mr. Nagendra Nath Moholanabish the other day when the House was adjourned. I was referring to the question that the addition of the words "or in the case of Muslim Trusts commonly known as *Wakf-al-al-aulad*" was not only unnecessary but that it really introduced confusion which ought to be removed in order that the clause itself as a whole might not lead to a construction which was not intended, viz., that *Wakf* estates under the Muslim trusts may be excluded from the operation of the clause. When I was referring to amendments 62A and 63 intended to be moved by my friend Mr. Nur Ahmed, he wanted to rise on a point of order saying that an amendment which was not moved could not be referred to. My friend Mr. Nur Ahmed ought to have realised that I was quite within my rights in referring to the amendments proposed. What I was going to say was that the proposed amendment of Mr. Nur Ahmed really supported my argument and it was clear that the Government realised the force of the objection which I am now raising with regard to the interpretation of clause 4 of the Bill. If, as is contended by the Hon'ble the Finance Minister, the first four lines of the clause include all trusts: Hindu, Christian, Anglo-Indian, European, Buddhist, Muslim and the Brahmo religious trusts, why is it then that in the last two lines Muslim trusts commonly known as *Wakf-al-al-aulads* are again mentioned? It means that really the Muslim trusts are not included in the first four lines of the clause. I hope the Hon'ble Minister will realise that in order to construe a Statute there must be a harmonious construction of all parts of it and every part of it should be given effect to. I also think the Finance Minister knows that in the case of construction of a Statute it is not permissible to refer to his assurances given on the floor of the House which cannot in any way be brought in in a court of law for the purpose of construction of the Statute or to the speeches of the honourable members of the House. There is also the principle of construing a Statute, namely, that where there are general words followed by particular words, the general words should yield to the specific words. Now, if this construction is taken into account, then it would be clear that so far as Muslim Trusts are concerned, the last two lines refer to them and therefore the first four lines are excluded and in that view it may be suggested that ordinary *wakfs* are not included in the exemption. Although it is clear that that is not the intention of the Legislature, it is necessary to consider seriously whether these two lines should be retained if Muslim trusts commonly known as *Wakf-al-al-aulads* are included in the first four lines as I hold they are, if the construction which the Hon'ble the Finance Minister seeks to put upon them is correct. Then, it is clearly redundant and may lead to the difficulty I had pointed out before. It is sought to be supported on the ground that Muslim trusts known as *Wakf-al-al-aulads* are of a particular and peculiar nature and therefore they have been mentioned.

I am sorry the supporters of this argument have not really appreciated what *Wakf-al-al-aulads* really mean. If we look to the Muslim law and the principle on which Muslim *Wakf-al-al-aulads* are supported, we find that the real reason is not the maintenance of the descendants of the *wakeef;* when a man intends to constitute a *wakf* of his properties, he dedicates the property in the name of God and absolves himself from all interest in it. God becomes the real owner of the property. If a man makes a *wakf* of all his properties, then he really places himself and his family along with others at the mercy of God and is entitled to His protection. If in such case a provision is made for himself and his family, it is not to be treated as uncharitable or unreligious, that is the original idea of Muslim *Wakf-al-al-aulads.* It is therefore nothing unusual and should not be looked upon as a special idea. The property really vests in God. I, therefore, submit that

Wakf-al-al-aulads really do not stand on a footing different from ordinary *wakfs*. I submit that this amendment should be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, my honourable friend Mr. Bankim Chandra Mukherjee spoke more as a lawyer engaged in a case than as a legislator. *Wakf-al-al-aulad* is a particular kind of *wakf*, mainly for the benefit of descendants. This, I believe is the translation of the word. Here is a case of charity beginning at home and therefore we are entitled to tax those beneficiaries who enjoy portion of the income of the property for their ownselves. It is only a portion of the income which is actually employed for charitable purposes that is sought to be exempted. Charitable objects and *Debattars* have been exempted by sub-clause (*b*) of clause 4. Therefore, I think there is very good reason why *Wakf-al-al-aulads* should be mentioned specially saying that that portion of the income of such *wakfs* as are devoted to charitable objects may be exempted only to that extent.

Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: That in paragraph (*b*) of clause 4 of the Bill, the words "or in the case of Muslim trusts commonly known as *Wakf-al-al-aulads*" in lines 5 and 6 be deleted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move: That in paragraph (*b*) of clause 4 of the Bill, after the words "*Wakf-al-al-aulads*" the following be inserted, namely:—

> "and in the case of persons producing evidence satisfactory to the Agricultural Income-tax Officer in the manner prescribed of their having undertaken to contribute regularly to the funds of any public institutions for religious or charitable purposes out of the income derived from agriculture."

Sir, the meaning and purpose of my amendment is clear from the wording. It does not require amplification. I would only try to explain my viewpoint by some examples or illustrations. Suppose the Maharaja of Cossimbazar undertakes to contribute regularly to the funds of the Calcutta University or to the Jadavpore College of Engineering or suppose the Maharajadhiraj Bahadur of Burdwan decides to contribute regularly to a fund either for religious or for charitable purposes, should not their income derived from their lands be excluded from assessment? That is the point. Now, I should think that it has a very laudable object, and as it is, the amendment if accepted will also encourage people to come to the rescue and advancement of public institutions. With these few words, I move my amendment.

Mr. PRESIDENT: Order, order. Amendment moved that in paragraph (*b*) of clause 4 of the Bill, after the words "*Wakf-al-al-aulads*" the following be inserted, namely:—

> "and in the case of persons producing evidence satisfactory to the Agricultural Income-tax Officer in the manner prescribed of their having undertaken to contribute regularly to the funds of any public institutions for religious or charitable purposes out of the income derived from Agriculture."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, I oppose this amendment, because a provision like the one which is being proposed by my honourable friend Mr. Lalit Chandra Das would leave a lot of loopholes. I can understand a gift in respect of a property being created by way of trust and allowance being made for that. That is the practice of the Indian Income-tax Department. But where an assessee is in full ownership of the property, there is no reason for counting reduction in respect of sums spent on charity and when that expenditure is not necessary for earning the income. Sir, I would oppose this amendment conscientiously.

Mr. PRESIDENT: Order, order. The question before the House is that in paragraph (*b*) of clause 4 of the Bill, after the words "*Wakf-al-al aulads*" the following be inserted, namely:—

"and in the case of persons producing evidence satisfactory to the Agricultural Income-tax Officer in the manner prescribed of their having undertaken to contribute regularly to the funds of any public institutions for religious or charitable purposes out of the income derived from Agriculture."

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 4 of the Bill, in paragraph (*b*), for the word "applied" in line 6, the word "applicable" be substituted.

Sir, this is merely a drafting amendment. The Bill-clause exempts from taxation those incomes which are actually "*applied*" during the year for purposes of all classes of trust. The amendment would exempt "all incomes which are really *applicable* for such purposes". If there is a trust which provides that the whole of the income should be applied for charitable or religious purposes, then according to the amendment, the whole income should be exempted if it is spent partly in the same year and partly in the next. The Bill-clause provides that to be exempted, the whole must be spent in the year. Suppose, a trust property has a net income of Rs. 50,000 and also suppose that the trust provides that the whole income of Rs. 50,000 should be applied for charitable purposes, and supposing that, for some accidental reasons, the amount could not be so applied before the year closes but only Rs. 40,000 is applied during the year and the balance is applied in the beginning of the next year. So far as the Bill-clause stands, the whole of the unspent amount shall be taxable, whereas the principle of the amendment is that if certain profit or income is reserved, for purposes of charity, then it should be excluded. The test is: whether the whole is reserved for charitable or religious purposes or whether it should be the actual expenditure. The amendment has reference to the terms of the *wakf* or charity or *debattar* and other things; the Bill-clause depends upon the pure accident of actual expenditure. The principle which is incorporated in the Bill really supports the amendment. This is the purpose behind the amendment. With these few words, I move my amendment and hope it will be accepted.

Mr. PRESIDENT: Amendment moved: That in clause 4 of the Bill, in paragraph (*b*), for the word "applied" in line 6, the word "applicable" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, on a first reading of the notice of this amendment, I myself thought that it was just a drafting amendment but from the speech of the mover I find that there is serious objection to accepting such an amendment. The mover would like to protect the misapplication of portions of the fund allotted to charity for personal use. I cannot be a party to this. Sums actually applied to charitable objects will certainly be considered for the purposes of exemption; but if we are to exempt all sums which are applicable to charitable objects but not actually spent on them, then we should be encouraging dishonesty. On these grounds, I oppose the amendment.

Mr. PRESIDENT: The question before the House—

Khan Bahadur NAZIRUDDIN AHMAD: May I rise on a personal explanation?

Mr. PRESIDENT: I do not think you can make a second speech, Khan Bahadur.

Khan Bahadur NAZIRUDDIN AHMAD: Not a second speech, but I would like to make a personal explanation.

Mr. PRESIDENT: All right.

Khan Bahadur NAZIRUDDIN AHMAD: The Hon'ble Minister assumes that my point was that whatever money was not spent for charity would be spent for personal purposes. That was not my object, Sir. It may be that this unspent money would be spent next year. Any income, reserved for charity, and unspent during the year should not go to the pocket of the trustee. That is not my point, for that would constitute a breach of trust——

Mr. PRESIDENT: I think that will do.

Khan Bahadur NAZIRUDDIN AHMAD: May I have any observations from the Hon'ble Minister on this explanation of mine?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I am not convinced, Sir.

Mr. PRESIDENT: Order, order. The question before the House is that in clause 4 of the Bill, in paragraph (*b*), for the word "applied" in line 6, the word "applicable" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 4 of the Bill, in paragraph (*b*), for the word "thereto", in line 6, the words and comma "to such trust, legal obligations or religious or charitable purposes" be substituted.

The word "thereto" has a clear reference to some of the matters which are detailed in the amendment. The way in which the clause has been drafted would make the purpose of the word "thereto" doubtful, and this has been already adverted to by some speakers. The scope of the word "thereto" in the text is doubtful and might lead to trouble hereafter. So, in order to be very explicit and to remove all possible doubts, I have sought to incorporate the words which would make the meaning absolutely clear. This is a purely drafting amendment and is intended to make the thing absolutely clear, and should be accepted by the Hon'ble Minister.

Mr. PRESIDENT: Amendment moved: That in clause 4 of the Bill, in paragraph (*b*), for the word "thereto", in line 6, the words and comma "to such trust, legal obligation or religious or charitable purposes" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: This amendment unlike the previous amendment is really a drafting amendment; but I do not think that it is necessary, because the word "thereto" is quite clear. Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 4 of the Bill, in paragraph (*b*), for the word "thereto" in line 6, the words and comma "to such trust, legal obligation or religious or charitable purposes" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 4 of the Bill, in the Explanation, for the word "Charitable" in line 1, the word "charitable" be substituted.

Sir, the amendment is purely of a drafting nature and it attempts to substitute only a small letter for a capital letter with which the word begins. The expression "charitable purposes", which appears in the body of clause 4, has been defined in the *Explanation*. In the *Explanation*, the passage means this: In this section "Charitable purpose includes.....". The word "charitable" in clause 4 begins with a small letter, but in the definition it begins with a capital letter. The invariable rule is that in the definition clause the word defined begins with a capital letter only when it is so used in the body of the Bill itself. There are many examples in clause 2. There is no earthly reason why the word should begin with a capital letter. The

use of the capital letter is a mistake. In the circumstances, I submit that this is a drafting mistake and should be corrected.

Mr. PRESIDENT: Amendment moved that in clause 4 of the Bill, in the Explanation, for the word "Charitable" in line 1, the word "charitable" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, this amendment seeks to amend a printing error which I think could well be taken into account when we bring in an amending Bill. It is unnecessary now. So I oppose the amendment.

Mr. PRESIDENT: The question before the House is: That in clause 4 of the Bill, in the Explanation, for the word "Charitable" in line 1, the word "charitable" be substituted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move: That in clause 4 of the Bill, after paragraph (*b*), the following new paragraphs be added, namely:—

"(*c*) any agricultural income devoted to charitable purposes for which proper audited accounts are kept,

(*d*) receipts accruing from agricultural land in Bengal which are of a casual and non-recurring nature."

Sir, charitable purposes have been defined in the Explanation given to section 4 of the Bill. It includes relief to the poor, education, medical relief and the advancement of any other object of general public utility. This being so, if agricultural income is spent for furtherance of this object, —and audited accounts would be able to show it to the satisfaction of the Agricultural Income-tax Officer,—then I think it should be considered as a fit expenditure for which no assessment should be made. Secondly, the receipts accruing from agriculture which are of a non-recurring character, being of a casual nature, should also be excluded.

With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in clause 4 of the Bill, after paragraph (*b*), the following new paragraphs be added, namely:—

"(*c*) any agricultural income devoted to charitable purposes for which proper audited accounts are kept,

(*d*) receipts accruing from agricultural land in Bengal which are of casual and non-recurring nature."

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to support the amendment which has been moved by my honourable friend Mr. Lalit Chandra Das. There is also a similar amendment standing in my name. Now, if we look to the meaning of the word income, it means something which comes regularly and every year and therefore I say that receipts which are of a casual nature and which are not annually accruing from the land should be excluded from the operation of the Act. Now under subsection (*3*) of section 4 of the Indian Income-tax Act of 1922, there is a special reference to incomes which are of a casual or non-recurring nature and provision is made that they should be excluded from being taxed under the Indian Income-tax Act. I do not understand why that exclusion has not been provided for in the Agricultural Income-tax Act, when we find that in most instances the framers of this Bill have been punctilious in following the provisions of the Indian Income-tax Act. Now, it may be suggested as to what are casual gains. This has also been considered and provided for by rules made under the Indian Income-tax Act. The two conditions laid down in the Income-tax Act in order that the exemption on the ground of casual profits may be taken advantage of are the following:— They must not be the profits of a profession, vocation or employment or arise from business that is from any venture or concern in the nature of trade, commerce or manufacture; and they must not be annual. I would

only refer the honourable members to the words "they must not be annual". There are many such casual receipts in case of agricultural lands which people do not annually receive but are only casual and I would submit that these should be excluded from the operation of the Act. Another-way of considering as to whether it is a casual gain or an annual income is to see whether the gain was made in connection with any operation of carrying out a scheme for making profits within agricultural land. I hope the Hon'ble the Finance Minister will realise that there are many items which come to an agriculturist casually and are not annual and therefore a provision ought to be made as in the Indian Income-tax Act, so that these casual receipts are excluded from operation of the Act.

I may refer the illustrations given in the Indian Income-tax Act Manual as examples of casual receipts—

(*i*) *A* purchases a house with a view to re-selling it at a profit; his profits from the transaction are liable to income-tax even although it be an isolated transaction. *B* purchases a house for his own residence and later on sells it at a profit; his profit is not liable to be taxed.

The Hon'ble the Finance Minister and the honourable members of the House will kindly note the distinction between the two classes of cases.

(*ii*) *A* wins a prize in a lottery or a bet on the race course; his receipts therefrom are not assessed.

I need not repeat other instances. On the other hand, the yields from Treasury Bills are taxed under the Indian Income-tax Act.

With these words, I support the amendment which has been moved by my friend Mr. Lalit Chandra Das.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the House has already given its verdict on both parts of this amendment. As to the first part, I need not repeat what I said a few minutes ago in connection with an amendment of Mr. Lalit Chandra Das; and as regards the second part, I spoke at some length on a previous occasion on an amendment moved by Mr. Haridas Majumdar——

Mr. LALIT CHANDRA DAS: What is the number of that amendment, please?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is amendment No. 62.

I do not propose to make two separate speeches. I oppose the amendment.

Mr. PRESIDENT: Order, order. The question before the House is that in clause 4 of the Bill, after paragraph (*b*), the following new paragraphs be added, namely:—

"(*c*) any agricultural income devoted to charitable purposes for which proper audited accounts are kept,

(*d*) receipts accruing from agricultural land in Bengal which are of a casual and non-recurring nature."

(The amendment was negatived.)

Clause 4.

Mr. PRESIDENT: The question before the House is that clause 4 stand part of the Bill.

(The motion was agreed to.)

Clause 5.

Mr. PRESIDENT: Clause 5 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in clause 5 of the Bill, in paragraph (*i*), the words "or revenue" in line 3 be deleted.

Sir, I need not repeat the arguments which I made in connection with another amendment of mine of a similar nature, but there an objection was taken that the definition of agricultural income as given in the Income-tax Act or in the Government of India Act should not be altered. I do not think that objection applies to the amendment which I am now proposing, and therefore the defect in the drafting——

Mr. PRESIDENT: Mr. Mukherjee, I am sorry. There is one late amendment by Khan Bahadur Naziruddin Ahmad which is not on the printed list but which was admitted. It is amendment No. 73B. Now, Khan Bahadur Sahib, do you propose to move it?

Khan Bahadur NAZIRUDDIN AHMAD: Yes, Sir.

I beg to move that in clause 5 of the Bill, after the words "heads of agricultural income" in line 2, the words "and no other" be inserted.

Sir, it has already been given out by the Hon'ble Minister in charge that it is not proposed to tax anybody for income arising out of buildings: that is to say that paragraph (*c*) of sub-clause (*1*) of clause 2 of the Bill would not be actually put into operation; but during the debate on paragraph (*c*) of the definition of agricultural income, it was shown that there are certain clauses in the Bill which in spite of the absence of reference to that paragraph in clause 5 would make agricultural income from buildings taxable. In order to remove all doubts this amendment is proposed. If this amendment is accepted, then paragraph (*c*) in the definition of "agricultural income" can never be brought into operation; otherwise there may be a tax realised on this head, although the Hon'ble Minister says that he does not wish to tax anybody on this ground. But clauses 6 and 7, the charging clauses, are rather too wide to allow this kind of income to escape taxation in spite of the assurance of the Hon'ble Minister. I think this amendment will give effect to the real desire of the pilot of the Bill and also to the real desire of the House. If, for certain technical reasons, paragraph (*c*) in the definition of "agricultural income" has to be retained, it can be effectively excluded from taxation by the addition of the three words in the amendment. The amendment will, therefore, remove all possible doubts and should be accepted.

Mr. PRESIDENT: Amendment moved: That in clause 5 of the Bill, after the words "heads of agricultural income" in line 2, the words "and no other" be inserted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to support the amendment moved by my friend, Khan Bahadur Naziruddin Ahmad. As I pointed out while I was moving that sub-clause (*c*) which referred to buildings in the definition clause of agricultural income in clause 2 should be deleted, it was not only redundant but also mischievous. You will find that so far as the principle is concerned, it was intended to impose a tax on buildings in the original Bill; but the two sections which provided for taxing the income from buildings were omitted in the Lower House, after the report of the select committee. Here, the Hon'ble Minister has made it quite clear that income from buildings will not be taxed. If that be so, then I would submit, as I submitted before, that the retention of paragraph (*c*) in the definition clause was rather mischievous and it is also ambiguous. It may be that the assessing authorities, in the absence of any express provision anywhere in the Bill with regard to express exclusion of the income from buildings, would be perplexed by seeing a reference to the income from buildings in the definition clause and they may be inclined to include the income from the buildings; in order to avoid that difficulty and in order to make the administration of the Act and the task of the assessors easy this amendment has been proposed. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I think the misapprehension in the mind of the mover is quite unnecessary and unjustified.

We have excluded the portion of income from buildings, etc., from the purview of the Bill and there is absolutely no danger of that class of income being taxed. So I do not see any purpose in changing the marginal note to clause 5.

Mr. PRESIDENT: The question before the House is that in clause 5 of the Bill after the words "agricultural income" in line 2 the words "and no other means" be inserted.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in clause 5 of the Bill, in paragraph (*i*), the words "or revenue" in line 3 be deleted.

Sir, I need not repeat the argument which I advanced in support of a similar amendment in connection with the definition clause itself. The objection in connection with the definition clause is not applicable to the amendment which I am now proposing for consideration of the House. If that objection is removed, I think the House will accept the amendment because the language seems to be rather not only vague but is quite inappropriate. Agricultural income, as defined in sub-clause (*a*) of clause 1, would not have been referred to as "agricultural income" or revenue. No agricultural income is derived from revenue which is paid from the provincial revenue. Therefore, the words "or revenue" is inappropriate there. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved that in clause 5 of the Bill, in paragraph (*i*), the words "or revenue" in line 3 be deleted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. The House would be pleased to remember that in the discussion of paragraph (*c*) relating to the definition of agricultural income, the words "or revenue" were objected to and attempted to be removed from the clause. The reason of the Hon'ble Minister's opposition then was that this definition was an exact copy of the definition of the "agricultural income" as given in the Indian Income-tax Act. Another argument was that the Government of India Act, by section 311, had sanctioned the definition of "agricultural income" as it is given in the Indian Income-tax Act. On the ground of sanctity, it was held by the Hon'ble Minister that the removal of the words from the definition would so far impair the definition that it would be rendered wholly void. In the Bihar Act, these very words were actually omitted but it was held by the Federal Court that the Act was not, on that ground, illegal. Whatever reason there appeared for the retention of these words in the definition clause on the ground of sanctity, there is no reason why they should be introduced in clause 5 which is the operative clause. The ground of sanctity under which the Hon'ble Minister took shelter does not really apply in clause 5. Here, the taxing section includes the words "or revenue". As has been already clearly shown, the words "or revenue" will not only be unnecessary but thoroughly unmeaning. You will be pleased to remember, Sir, that the word "revenue" in Bengal has a peculiar meaning. Revenue is not rent but it is any payment which a subject has got to pay to Government. This distinction between rent and revenue is unique in Bengal and Bihar.

As this House does not consist of so many experts on the Revenue law of Bengal and Bihar as you are, a word or two by way of further explanation seems necessary. Revenue is payable by zemindars and other proprietors to Government. Can you tax that revenue? That will be rather taxing the income of Revenue Department by another department—the Finance Department. That is meaningless and illogical. The objections which were raised by the Hon'ble Minister against the omission of the words "or revenue" from the definition clause, do not apply here. Here, the question of sanctity does not arise. The Government of India Act

does not sanctify it. Therefore, the words "or revenue" are not only superfluous but mischievous. It is for this reason that I particularly support this amendment. This amendment is extremely important and I must confess that it had escaped my attention. With these few words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, if it was sanctity on the last occasion, it is consistency on this occasion. Everywhere in Bengal, revenue means land revenue. That meaning is confined to that particular provision of a particular legislative enactment. We propose to retain the words.

Mr. PRESIDENT: The question before the House is: That in clause 5 of the Bill, in paragraph (*i*), the words "or revenue" in line 3 be deleted.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move: That in clause 5 of the Bill, in paragraph (*ii*), the word "agricultural" in line 3 be deleted.

Now, Sir, I would request the honourable members to look to the wording as they appear in the original Bill itself and then they would find the reason for this amendment. The clause reads thus: agricultural income as defined in sub-clause (*b*) of clause 1 of section 2 hereinafter referred to as agricultural income from agriculture. I think, Sir, no further words would be necessary to support my amendment. What I want to say is that the word "agricultural" should be deleted and the clause should stand "Hereinafter referred to as income from agriculture". As a matter of fact, if you look to the subsequent clauses and the earlier clauses of the Bill, we do not find anywhere any reference to the sentence—agricultural income from agriculture. Everywhere we find either reference to agricultural income or reference to income from agriculture.

I therefore submit that the word "agricultural" in line 3 should be deleted in order that the clause may be understandable. With these few words, I commend my amendment to the acceptance of the House.

Mr. PRESIDENT: Order, order. Amendment moved: that in clause 5 of the Bill, in paragraph (*ii*), the word "agricultural" in line 3 be deleted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. The expression in the Bill, namely, "agricultural income from agriculture" amounts to gross tautology and is so much jarring to the ear that any one not having the nerves of my honourable friend Khan Sahib Fariduddin Ahmad would be thoroughly shaken by this. Would you tolerate the use of such expressions as "horse's flesh from the horse" or "human milk from a woman"? Is this over-accuracy necessary? I submit that the doubling of the expression "agricultural" and "agriculture" is grossly insulting to the intelligence of this House. If the expression is "income from agriculture" as in the amendment, then the meaning will be quite clear. But "agricultural income from agriculture" is not only a superfluity but bad draftsmanship. So on these grounds, I submit that the amendment should be accepted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I wish to say a few words in this connection. Sir, there is a clear distinction made between the two kinds of agricultural income—*one is* agricultural income from rents and another is agricultural *income from* agriculture, i.e., from ploughing and cultivation. One is *raiyat's income* and the other is zemindari income. These are two distinct *things.* That is why the expression is put within inverted commas. I *am very sorry that* my two learned friends who are eminent lawyers could not understand this.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I have nothing to say after what has been said by my honourable friend, the Leader of the House.

Mr. PRESIDENT: The question before the House is that in clause 5 of the Bill, in paragraph (*ii*), the word "agricultural" in line 3 be deleated.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 5 of the Bill, for the word "appearing" at the end of the clause, the word "provided" be substituted.

Sir, this is a drafting amendment. On a careful examination of similar passages in the living and dead Acts, it has been found that the use of the word "appearing" is really connected with a purpose, but anything which is already there does not find expression in the word "appearing". We always say "purposes appearing" but "things provided". In the circumstances, the word "provided" would be a better substitute and would fit in with the established practice of draftsmanship. With these few words, I offer my amendment for the consideration of the members.

Mr. PRESIDENT: Order, order. Amendment moved that in clause 5 of the Bill, for the word "appearing" at the end of the clause, the word "provided" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment. In my opinion, the word "appearing" sounds nicer than the word "provided". My honourable friend has referred to section 6 of the Indian Income-tax Act. It runs as follows:—

> "Save as otherwise provided by this Act, the following heads of income, profits and gains, shall be charageable to income-tax in the manner hereinafter appearing, etc."

Sir, I think both the Government of Bengal and the Government of India are agreed that "appearing" is a better word in this context.

Mr. PRESIDENT: The question before the House is: that in clause 5 of the Bill, for the word "appearing" at the end of the clause, the word "provided" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 5 stand part of the Bill.

(The motion was agreed to.)

Clause 6.

Mr. PRESIDENT: The question is that clause 6 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 6 of the Bill, for the word "Agricultural" in line 2, the word "agricultural" be substituted.

Sir, this is also a drafting amendment. The House will be pleased to consider that the word "Agricultural" does not require to begin with a capital "A". It should not begin with a capital letter unless it be in accordance with the rules of grammar; that is, unless it is placed at the beginning of a sentence or forms the first word in a line in poetry. In the circumstances, the letter "a" of "Agriculture" should begin with a small letter. That is a very simple position. In fact, it is a pity that this small thing should have escaped the attention of the draftsman or of those who are responsible for drafting of the Bill. I wish, therefore, to substitute a small "a" for the capital "A". Such use of capital "A" is not to be found anywhere else. This amendment is calculated to improve the text and

to avoid the grammatical error. There is, after all, the question of usage and the question of grammatical accuracy which is to be respected although there are some of us here who are ready to laugh away all ideas of grammatical propriety.

Mr. PRESIDENT: Amendment moved: That in clause 6 of the Bill, for the word "Agricultural" in line 2, the word "agricultural" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: As on the previous occasion, here capital "A" is necessary, and that is what we have been advised by our drafting experts. I must, therefore, oppose the amendment.

Mr. PRESIDENT: The question before the House is that in clause 6 of the Bill, for the word "Agricultural" in line 2, the word "agricultural" be substituted.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in clause 6 of the Bill, the words "or revenue" in lines 2 and 3 be deleted.

It may be asked why I am again moving this amendment after a similar amendment in respect of this very clause has been negatived earlier. The reason is apparent. I find here that this is the direct clause where we are going to make provision for assessing this tax on agricultural income. Therefore, no ambiguity should be allowed to remain——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On a point of order, Sir. A previous amendment in respect of this very section and in respect of this very matter also having been negatived, this amendment cannot arise. This amendment raises the very question that the earlier amendment raised. There it appeared in inverted comma and here again also it does so; namely, "agricultural income hereinafter referred to as 'agricultural income from rent or revenue', etc.", in clause 5(*i*), and the very thing appears also here in clause 6, lines 2 and 3. So he cannot move the deletion of an expression which has been retained by the consent of the House.

Mr. PRESIDENT: That will do, Khan Bahadur. I think he is right Mr. Mukherjee.

Mr. BANKIM CHANDRA MUKHERJEE: I do not think, Sir, he is right, because in clause 5——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I may remind the honourable member that amendment No. 78 is being moved and not 79.

Mr. BANKIM CHANDRA MUKHERJEE: Or, I am sorry. Sir, I agree with the Hon'ble Leader of the House and I don't move 78. I will move amendment No. 79.

I beg to move that in clause 6 of the Bill the words "and revenue" in line 3 after the word "rent" be deleted.

Sir, the reason why I move this amendment is this——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On a point of order, Sir. This amendment is also not in order. After having said "rent or revenue" in clause 5, it becomes consequential—"in respect of all rent and revenue". So I do not think it can be moved.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, the point is this: that Government in their Bill have always inserted the word "revenue" after the word "rent". That is the definition I think——

Mr. PRESIDENT: But I think it is consequential.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, it is consequential.

Mr. BANKIM CHANDRA MUKHERJEE: But, Sir, "in respect of all rent and revenue" will be inconsistent——

Mr. PRESIDENT: It seems to me that it is consequential. So you don't move it.

Mr. HARIDAS MAZUMDAR: I beg to move that in clause 6 of the Bill, in paragraph (*ii*) of sub-clause (*1*), after the words "local rate" in line 1, the words "or tax" be inserted.

Sir, I want to make it clear—any local rate or cess includes tax. If there is any fresh tax that should be included—that is what I mean in this amendment and that is the reason why I have moved it and hope that it will be accepted.

Mr. PRESIDENT: Amendment moved that in clause 6 of the Bill, in paragraph (*ii*) of sub-clause (*1*), after the words "local rate" in line 1, the words "or tax" be inserted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the words "local rate" are appropriate; but if by the addition of the words "or tax" the honourable mover means taxes like sales tax, etc., sales of the crop, then such tax would be allowed and we have already provided for that in sub-clause (*10*) of clause 6.

Mr. PRESIDENT: The question before the House is: That in clause 6 of the Bill, in paragraph (*ii*) of sub-clause (*1*), after the words "local rate" in line 1, the words "or tax" be inserted.

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: Sir, I beg to move: That in clause 6 of the Bill, in paragraph (*ii*) of sub-clause (*1*), after the words "Education cess" in line 1, the words "and including the tenant's share of any such rate or cess" be inserted.

Sir, landlords are generally required to pay all sorts of cesses and therefore they are entitled to this relief. They should be allowed to realise the cesses from the tenants and this should be included.

Mr. PRESIDENT: Amendment moved: That in clause 6 of the Bill, in paragraph (*ii*) of sub-clause (*1*), after the words "Education cess" in line 1, the words "and including the tenant's share of any such rate or cess" be inserted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, this amendment is not only unnecessary but is misleading. The Education cess which the landlords pay is generally realised from the tenants, though in law the payment is not conditional upon the tenant's paying the cess. I oppose the amendment.

Mr. PRESIDENT: The question before the House is: That in clause 6 of the Bill, in paragraph (*ii*) of sub-clause (*1*), after the words "Education cess" in line 1, the words "and including the tenant's share of any such rate or cess" be inserted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move: That in sub-clause (*1*) of clause 6 of the Bill, in paragraph (*ii*), after the words "in respect of such land" in line 2, the following be added, namely:—

> "Payable under the Cess Act, 1880, the Bengal (Rural) Primary Education Act, 1930, or under any other Act which may come into force hereafter."

Sir, I move this amendment to make the definition expressly definite and clear.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*1*) of clause 6 of the Bill, in paragraph (*ii*) after the words "in respect of such land" in line 2, the following be added, namely:—

"Payable under the Cess Act, 1880, the Bengal (Rural) Primary Education Act, 1930, or under any other Act which may come into force hereafter."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I think this drafting amendment is unnecessary. I oppose it.

Mr. PRESIDENT: The question before the House is: That in sub-clause (*1*) of clause 6 of the Bill, in paragraph (*ii*), after the words "in respect of such land" in line 2, the following be added, namely:—

"Payable under the Cess Act, 1880, the Bengal (Rural) Primary Education Act, 1930, or under any other Act which may come into force hereafter."

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in sub-clause (*2*) of clause 6 of the Bill, the word "borrowed" in line 6 be deleted.

Sir, I would refer the honourable members of this House to the clause itself for the purpose of understanding the amendment which I am moving. Clause 6 refers to agricultural income subject to the following allowances, and in the case of the allowances under sub-clause (*2*) a provision is made: "where his interest in such land is subject to a mortgage or other capital charge, the amount of any interest paid by him in the previous year in respect of such mortgage or charge, and where such land has been acquired, reclaimed or improved by him by the use of borrowed capital . . ." I propose that the word "borrowed" should be deleted, because I think that it would be admitted on all hands that it is necessary to improve the lands and funds are necessary for that. He may not use it from the borrowed capital. He may use it from the income which he has derived from the land itself. That amount ought to be given to him by way of allowances. With regard to allowances, I say that the capital amount that is employed, even if it is not borrowed, should be excluded. If it is spent from the agricultural income, it is for the improvement of that very land. I do not know why the Hon'ble the Leader of the House is astonished at this? It is not a question of interest, it is a question of a capital amount that has been spent for improving the land and if the capital amount has been taken up from the income of the land itself, I say that ought to be excluded from the operation of the tax that year. If it is not excluded, then people will not be inclined to improve their lands, because they would have to pay the income-tax on that capital amount that may be spent, and it may be that he would not be in a position to pay the income-tax if he has spent the capital amount which he had to use for the purpose of improving the land itself. I would like to hear the Hon'ble the Leader of the House with regard to this amendment.

With these words, I support the amendment.

Mr. PRESIDENT: Amendment moved that in sub-clause (*2*) of clause 6 of the Bill, the word "borrowed" in line 6 be deleted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, my honourable friend wants that the entire capital that is spent on improvement or reclamation of the land should be excluded from the operation of the tax. If that is the object of his amendment, then he should

have asked for that in his next amendment. But he has not done so. So his amendment becomes meaningless, and therefore I oppose this amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I think that the amendments Nos. 84 and 85 should go together, for independently they are meaningless.

Mr. BANKIM CHANDRA MUKHERJEE: If that is so, then I move both of my amendments together. Therefore I ask the leave of the Chair to move both the amendments together.

Mr. PRESIDENT: There is no objection to your moving them together.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in sub-clause (*2*) of clause 6 of the Bill, the word "borrowed" in line 6 be deleted.

I also beg to move that in sub-clause (*2*) of clause 6 of the Bill, for the words "the amount of any interest paid by him in the previous year in respect of such capital" in lines 6, 7 and 8, the words "the capital so used" be substituted.

I do not think I need make any speech.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: My honourable friend wants that even money spent on the acquisition of land should be excluded from this tax; if a man purchases land for further improvement of his existing land, even that purchase money is to be left untaxed. I do not think that is at all fair: Therefore, I would oppose the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I support the amendment.

Mr. PRESIDENT: Which amendment? Or do you support both the amendments?

Khan Bahadur NAZIRUDDIN AHMAD: I support both the amendments. They are consistent and are linked up together, even though they are separate. The first amendment without the second would be illogical, as has been pointed out by the Leader of the House; but taken together, they assume a symmetrical shape. Sir, the position briefly is this: Money spent for improving the land will increase the income from the land, and that will yield increased taxation. This increase in income from land will be taxed; but you are in addition going to tax the capital itself which will bring about this increased income. Once you are taxing the income and then again you are taxing the capital; that amounts to double taxation. So if you exclude this sum from the tax, then there will be no harm because it would encourage the people to improve their land. Some encouragement should be given to the people to spend on improvement of agriculture which is one of the objects of the Bill and which is laid down in the Floud Commission's Report, although nowadays that report meets but with scant respect from this House. Still, Sir, that should be the main object of the Bill. If encouragement is given to the people for improving their agriculture, then Government would be gaining in improved receipts, and the *raiyats* would be encouraged in practising frugality and prudence. But instead of doing that, you are going to tax their capital with which they are to bring about the improvements. That is not fair or prudent. With these words, I support the two amendments.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I take it that we are discussing amendments Nos. 84 and 85 together. The purpose of these amendments is partly to restrict the scope of the sub-clause and partly to

enlarge it. The sub-clause at present provides for allowances in regard to interest paid on capital borrowed for improving land but the amendments suggest that interest should not be allowed as a deduction but that the whole of the capital should be allowed as deduction, irrespective of whether such capital has been borrowed or not. First of all, there is no reason why interest should not be allowed as deduction when the capital has been borrowed for the purpose; secondly, expenditure of capital cannot be allowed as deduction from income: this cuts across the principle of the Bill itself. Therefore, I oppose both the amendments.

Mr. PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 6 of the Bill, the word "borrowed" in line 6 be deleted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 6 of the Bill, for the words "the amount of any interest paid by him in the previous year in respect of such capital" in lines 6, 7 and 8, the words "the capital so used" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The House now stands adjourned till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Wednesday, the 26th July, 1944.

Members Absent.

The following members were absent from the meeting held on the 25th July, 1944:—

(1) Mr. Kader Baksh.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. K. K. Dutta.
(4) Khan Bahadur Abdul Gofran.
(5) Maulana Mohd. Akrum Khan.
(6) Mr. Abdul Latiff.
(7) Mr. N. N. Mookerjee.
(8) Mr. T. B. Nimmo.
(9) Mr. R. S. Purssell.
(10) Dr. K. S. Ray.
(11) Rai Bahadur R. B. Roy.
(12) Mr. S. N. Sanyal.
(13) Dr. Kasiruddin Talukdar.
(14) Khan Sahib Maulvi Wahiduzzaman.

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BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 65.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 26th July, 1944, at 3 p.m., being the sixty-fifth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, Mr. Suhrawardy has left for Dacca. With your permission, I would like to answer the questions standing in his name tomorrow.

Mr. PRESIDENT: Very well, Mr. Suhrawardy's questions will be taken up tomorrow.

Detenus Sj. Profulla Ranjan Chakravarty and Sj. Sudhir Kumar Aich.

244. Mr. HARIDAS MAZUMDAR: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if the Government contemplate the desirability of releasing Professors Profulla Ranjan Chakravarty and Sudhir Kumar Aich of the Brojo Mohan College, Barisal, who are still in detention?

(*b*) Do the Government consider the advisability of providing them with suitable allowances for their maintenance?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) No.

(*b*) No. The honourable member may refer to Bengal Security Prisoners Rules 8 and 14.

Sir, I would like to add to the answer and it is to the effect that question (*b*) was a bit vague. It is not clear whether the honourable member meant maintenance for the prisoners themselves or for their families. As far as maintenance of the family is concerned, the families of both the security prisoners are in receipt of maintenance allowance. As far as the security prisoners themselves are concerned, the honourable member no doubt is aware that the policy of the Government is not to grant any personal allowance.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state what allowances are allowed to the families of the detenus for maintenance?

The Hon'ble Khwaja Sir NAZIMUDDIN: Security prisoner Profulla Ranjan Chakraverty was at first granted a family allowance of Rs. 50. But that allowance has been increased to Rs. 75 per month by Government letter No. so and so, dated 30th June, 1944. Security prisoner Sudhir Kumar Aich was originally granted an allowance of Rs. 40 per month with effect from 12th May, 1943; but this was enhanced to Rs. 60 per month from 15th September, 1943.

Mr. LALIT CHANDRA DAS: Were these security prisoners informed of the reasons for which they were taken into custody and, if so, did they reply to those charges?

The Hon'ble Khwaja Sir NAZIMUDDIN: Before the new Ordinance was promulgated, it was not customary to inform the security prisoners the reason why they were taken into custody; but under the new Ordinance, the provisions of which are strictly being followed, I assume that these security prisoners are being informed in the manner suggested therein.

Mr. LALIT CHANDRA DAS: As the question refers to their release, did the Hon'ble Minister take into consideration the reply that was given by those security prisoners to the charges made against them?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already said, the provisions of the new Ordinance have been complied with and Government think that they cannot be released at the present time.

Mr. LALIT CHANDRA DAS: May I ask the Hon'ble Minister whether he personally examined these cases and took into account the explanation that they gave in reply to the charges?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have nothing further to add to what I have already stated.

Longer hours of sitting.

Mr. PRESIDENT: Yesterday there was a suggestion about longer sitting. I have very carefully considered this question. Now, in view of the fact that up till now we have not been able to make sufficient progress with the principal business before the House and in view also of the fact that *Ramzan* is approaching and it would be inconvenient for a large number of honourable members of this House to attend the sittings of the House during *Ramzan*, I think it is desirable that we expedite the business of the House and this can be done in two ways as I mentioned yesterday. Firstly, by expediting or speeding up the business and, secondly, by sitting longer hours. I think both are necessary to some extent. Now, as regards the first procedure, of course, the Opposition, I fully realise, should be given full facilities to press their points of view; but as regards sitting longer hours, I hope there will be no objection if I decide that we shall sit from 3 p.m. to 5-45 p.m. from Monday next, that is, three quarters of an hour more than our usual sitting. I only suggest three quarters of an hour because that, I think, would be least inconvenient and least irksome to the honourable members. I hope the House will accept the decision.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, with regard to the observations which you have just made that during the *Ramzan* it will be inconvenient for the Muslim members to attend the House, may I say that in previous years, the Council used to sit up to 4 p.m. during the *Ramzan* so that Muslim members might say their prayers and attend to other religious duties without interfering with the work of the Council? I think, Sir, you will kindly consider this——

Mr. PRESIDENT: Certainly I have considered all these points; but I am afraid my honourable friend forgets the point that was made out by Khan Bahadur M. A. Momin that many members hailing from mufassil would like to go back to their homes during the *Ramzan* if possible, because in the present circumstance it will not be convenient for them to remain in Calcutta and perform the religious duties during the *Ramzan*.

Mr. BIREN ROY: Sir, can't we sit earlier, say, at 2-30 p.m.?

Mr. PRESIDENT: I have not the least objection to sit earlier. I shall accept the majority view in this matter. If I find it suits the majority to sit earlier, I will certainly agree.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I suggest an earlier hour?

Mr. PRESIDENT: What time do you suggest?

Khan Bahadur NAZIRUDDIN AHMAD: Sir, it will be convenient if we sit at half-past one. As regards the speeding up of the debate, I think it is being speeded up from yesterday——

Mr. PRESIDENT: That is all right. Your suggestion is that we start at half-past one. Is it?

Khan Bahadur NAZIRUDDIN AHMAD: Yes, Sir.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir I suggest that time be increased only by half-an-hour.

Mr. PRESIDENT: Why? Do you think that forty-five minutes would be too long a time?

Mr. LALIT CHANDRA DAS: Sir, it will be convenient if you would allow us to sit from 2-15.

Mr. PRESIDENT: May I have the views of Mr. Laidlaw?

Mr. W. B. C. LAIDLAW: Sir, 2-15 would suit us very well.

Mr. PRESIDENT: So, if we sit at 2-15, let us sit up to five o'clock.

Mr. LALIT CHANDRA DAS and other members: Very well, Sir.

Mr. PRESIDENT: Therefore, from Monday next we shall start at 2-15 p.m. and continue up to five o'clock for the present. But we may have to increase the sitting hours still further, if necessary.

Special Motion.

Mr. PRESIDENT: As regards the special motion under 96 about which Mr. Lalit Chandra Das gave notice yesterday, I find the Chair has been asked to fix a date. The Chair can fix the date only with regard to non-official business; but where official business gets preference the date has to be fixed with the consent of the Government under Rule 20. So may I have the views of the Hon'ble the Chief Minister?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, may I speak?

Mr. PRESIDENT: Yes.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I think the date should be fixed on Friday, i.e., on the non-official day, because this is a non-official matter and so it should be treated as an ordinary private resolution. Government is not prepared to give one of its own business days for the discussion of a matter like this.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, the other day the Hon'ble the Chief Minister was present in the House, and as we objected to a date being fixed on a non-official day the matter was referred to you for a decision. Otherwise, the matter would have been disposed of that very day. The Chief Minister was almost willing to fix a date on a Government day, but as he could not fix upon a particular date, the matter was referred to you.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, all along I maintained that the discussion of a subject like this should take place on Friday, i.e., on the non-official day, and not on a Government business day. I never at any stage, as far as I remember, agreed with the suggestion that such a

discussion should be held on a Government day. I would ask the honourable members opposite to consider the fact that the Agricultural Income-tax Bill has got to go through; and as the month of *Ramzan* is approaching, it would be extremely inconvenient to protract the sittings of the House, as it would cause considerable hardships to the mofussil members. So we want to finish it, if possible, before the 20th of August and, therefore, I feel that every day is valuable and unless something exceptional happens we should go ahead with Government business which for the present consists of a financial or taxation measure and which has got to be put into effect this year.

Mr. HUMAYUN KABIR: Sir, may I say a few words, since in a way I am responsible for the present situation? It was at my suggestion the other day that this question of special resolution came up at all. My honourable friends on my right, specially the mover of the adjournment motion, was insistent that it should be moved as an adjournment motion. I made a suggestion that this subject was obviously in the interest of the House to discuss. It affected the rights of a very large number of officials in this province and through them also the fortunes of all the people of this province. This matter should, therefore, be discussed at all costs. Since Government did not seem disposed to agree to the adjournment motion just then, I though that a *via media* could be found if a special motion on the subject were tabled. When I made my suggestion, the Hon'ble the Home Minister accepted that suggestion and said that it was a proper matter to be discussed as a special resolution. He wanted to take up the special motion on a Friday to which the Opposition objected since we had already missed many Fridays. By agreement with Government and at the specific request of some members of the Government party, the Opposition forewent their right of having a private member's day last Friday. Another Friday should not, therefore, be taken up for a matter which was primarily the concern of the Government. The Hon'ble Deputy President said that so far as the question itself was concerned, there was agreement on both sides of the House that it should be discussed as a special motion. So far as the fixing of a date was concerned, Government wanted a private member's day and the members thought it would be an undue encroachment on the rights if a non-official day was allotted for the purpose. If a matter which was primarily the responsibility of the Government, which arose out of the action of Government and for which many members of the Opposition wanted to move an adjournment motion, if such a matter were to be taken up on a non-official day, it would be an undue encroachment on the rights of the private members. The Hon'ble the Deputy President who was in the Chair, therefore, decided that this question should be decided by you. It is now for you, Sir, to decide whether the matter is one for which a private member's day should be given up or not. I quite see the force of what the Hon'ble Sir Nazimuddin has said, namely, that a money bill is pending in this House and Government want to finish it by the 20th August, if possible; but at the same time, this is also a matter which has been created by the Provincial Government and it relates to an important matter of Government decision. Therefore, it is for you to decide whether a private member's day should be sacrificed for this purpose.

Mr. PRESIDENT: That will do. I have understood your point. But the difficulty is that in view of the statement of the Hon'ble the Chief Minister the Chair has no option in the matter. I would refer you to rule 20 regarding arrangement of business, which says that when Government business has precedence, the Governor may arrange the business in such order as he thinks fit. Therefore, the Chair can only fix a date for non-official business. So I fix Friday next for the consideration of this special motion.

Mr. LALIT CHANDRA DAS: Friday this week?

Mr. PRESIDENT: Yes, Friday this week, that is, the day after tomorrow.

Mr. LALIT CHANDRA DAS: Will there be no other business on that day?

Mr. PRESIDENT: Well, that will depend. Suppose we finish the special motion early, then other business also may be taken up.

Mr. LALIT CHANDRA DAS: Will the non-official business in that case be non-official resolutions?

Mr. PRESIDENT: No, I think it will be Addresses to the Governor.

Adjournment Motion.

Mr. PRESIDENT: Now we will take up the adjournment motion of Mr. Haridas Mazumdar.

Mr. HARIDAS MAZUMDAR: I beg to move that this Council do adjourn its business——

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Sir, before the honourable member moves the adjournment motion, may I say a few words in this connection? Sir, we have not yet seen the judgment of the High Court——

Mr. HARIDAS MAZUMDAR: On a point order, Sir. I am in possession of the House and was just moving my motion, how then can the Hon'ble Minister make a statement now?

Mr. PRESIDENT: Just a minute Mr. Mazumdar. What is it, Khan Bahadur Sahib?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: My submission to you is that I have not yet got a copy of the judgment of the High Court. So until we have a——

Mr. PRESIDENT: You cannot make a statement before the adjournment motion is moved. You may say what you have to say after the adjournment motion is moved.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: But, Sir, unless a copy of the judgment is in my possession, how can I know the position? Unless we go through the whole judgment which is lengthy and apply our mind to it in order to find out what is the position, it is not possible to reply to——

Mr. HARIDAS MAZUMDAR: On a point of order——

Mr. PRESIDENT: Please wait, Mr. Mazumdar.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: We have got no official copy of the judgment——

Mr. PRESIDENT: Khan Bahadur, the point is this: you find it difficult to reply to this debate on behalf of Government in view of the fact that you have not yet got a copy of the judgment nor have you been able to apply your mind to it. When was the judgment delivered?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: My information is that the judgment has not yet been signed.

The Hon'ble Khwaja Sir NAZIMUDDIN: The point that has been raised is for your consideration. The facts are that we have not yet been able to get a copy of the judgment which is very long, about 145 pages, and, what

is more, our information is that the judgment has not yet been signed—there is no guarantee that it has been signed. And, Sir, the honourable members—and this is a very important point—not one of them was present in the court. So not one of them knows what the text of the judgment is; so until the honourable member has a copy of the judgment, I submit it cannot be said what is the text of the judgment. Because it does not contain full judgment. The honourable mover has asked to consider the effect of the judgment of the High Court, but how can one see the implication of the judgment if that judgment is not obtainable. I, therefore, submit that if necessary this adjournment motion may be discussed a week hence when copies of the judgment would be obtainable to anybody. How can the Government reply to the debate in the absence of a copy of the judgment? The honourable mover has cited an extract of the judgment published in the newspaper. I am not saying that the motion should be disallowed. I say, let the motion be discussed as soon as a copy of the judgment is available.

Mr. PRESIDENT: These points which are now being raised by Government should have been raised when the question of admissibility of the adjournment motion was under consideration. They did not object then. Now they say that they were not in a position to reply to the debate. Usually it is the practice to fix the discussion of an adjournment motion as soon as possible. So, it was fixed today. No objection was taken by the Hon'ble Minister then. Now I am told that Government have not got a copy of the judgment, that they had no time to apply their mind to this motion, that they are not in a position to reply to this motion and so on and so forth. I quite appreciate the difficulty. Take for instance, the other adjournment motion regarding the publication of the price lists. As soon as the Chair realised the difficulty of Government that without legal advice the Government could not reply to the debate, the Chair fixed a date after a week. Now, as regards this motion, practically the Government was a consenting party to the decision and for Government to get up now and to say that they are not in a position to reply to the debate is an attitude for which there is no precedent. I cannot now ask the House to defer the discussion to a date convenient for Government. I fully sympathise with Government. I think this difficulty ought to have been foreseen by them.

Yes, Mr. Haridas Mazumdar.

Mr. HARIDAS MAZUMDAR: Sir, I beg to move: That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation arising out of the judgment of the Special Bench of the Hon'ble High Court regarding the Howrah municipal affairs and Mr. B. P. Pain, Chairman of the Howrah Municipality.

Sir, I should like to point out at the very outset that we do not treat this motion as a vote of no-confidence against the Ministry, but just as affording an opportunity for discussing a first-rate constitutional crisis where a High Court has found the action of a Provincial Government to be a colourable use of the Defence of India Rules designed to protect a Minister against an impending law suit relating to the illegal use of public funds.

This now-famous judgment which may, after all, prove to be the first nail in the coffin of the present Ministry was secured at considerable sacrifice and personal expenditure by a body of public-spirited men on the western bank of the Ganges, and the whole of Bengal owes a deep debt of gratitude to Babu Banwarilal Ray and others whose, names will live in history and who have served to lift, however partially, the screen that hides from public view a clandestine state of affairs carried on by this *purdah* Ministry which wants to live and flourish in a life of concealment.

Mr. PRESIDENT: Mr. Mazumdar, you must confine your observations to the situation that has arisen out of the judgment of the High Court.

Mr. HARIDAS MAZUMDAR: All right, Sir.

A number of Publicity Officers has recently been appointed, at a time when every rupee should be like a prisoner and looked at twice before being let off. His Excellency the Governor said some time ago that these appointments are not for any political purpose——

Mr. PRESIDENT: Order, order. Mr. Mazumdar, I cannot allow you to speak like that. If you cannot refer to the High Court judgment, then you let someone else to do so on your behalf. But it would be very unfair if you proceed like this.

Mr. HARIDAS MAZUMDAR: Sir, I am coming to the High Court judgment.

His Excellency the Governor said some time ago that these appointments are not for any political purpose——

Mr. PRESIDENT: I cannot allow that, Mr. Mazumdar, for that is a matter which cannot be discussed in this House. We cannot discuss His Excellency's conduct here.

Mr. Mazumdar, you must confine your observations strictly to the situation that has arisen out of the judgment of the High Court.

Mr. AMULYADHONE ROY: On a point of order, Sir. May I submit for your consideration as to whether the honourable member is or is not entitled to go into the situation which was prevailing in the Howrah Municipality just preceding the order of supersession?

Mr. PRESIDENT: Yes, he can, only if it is relevant to the motion before the House; otherwise not.

The Hon'ble Khwaja Sir NAZIMUDDIN: The only question relevant is the situation created by the judgment; but the mover cannot criticise the orders that have been passed.

Mr. HARIDAS MAZUMDAR: I think I am entitled to do so. But to resume. Now, Sir, who has been appointed to this post of Subdivisional Publicity Officer? He happens to be a nephew of Mr. Salim.

Mr. SULTANUDDIN AHMED: Sir, you have ruled that this matter is not in order.

Mr. HARIDAS MAZUMDAR: Well, Sir, I am coming to the point.

Mr. PRESIDENT: Mr. Mazumdar, you must come to the point at once. If you cannot speak on the relevant matter, leave it to your friends and supporters.

Mr. HARIDAS MAZUMDAR: Who do you think, Sir, was the rival candidate? This candidate had not the requisite or the minimum qualifications——

Mr. PRESIDENT: Which candidate?

Mr. HARIDAS MAZUMDAR: The candidate who has been appointed as the Subdivisional Publicity Officer.

Mr. PRESIDENT: Order, order. Mr. Mazumdar, you must come to the point. You cannot refer to these things.

Mr. HARIDAS MAZUMDAR: I may tell this House and through it the general public that I understand that a contract for supplying seeds to the value of half a lakh of rupees was given to a cousin of his, perhaps living under the same roof. The seeds were supplied, but they did not germinate. So money spent benefits not Bengal agriculture, but her Agriculture Minister. There is another point.

Mr. SULTANUDDIN AHMED: Sir, this has nothing to do with the High Court judgment.

Mr. PRESIDENT: Order, order. I must ask you to resume your seat, Mr. Mazumdar, if you go on in this way. I cannot allow you to continue.

Mr. HARIDAS MAZUMDAR: This *purdah* affair is of a piece with the "Barada" affair of the Howrah Municipality. Three days before the super-session, Mr. Pain, Chairman, appointed a son of the Vice-Chairman, who does not possess the requisite qualifications prescribed under Government rules framed under the Bengal Municipal Act, as Market Superintendent on a salary of Rs. 100 per month. There is no dearth of qualified and poor Muhammadan youths at Howrah who could fill this post. Some time ago in a suit, Birendra Nath Kar and others *versus* Rabindra Lal Sinha, the trying munsiff of Howrah, held that the proceedings of the meeting which elected Mr. Pain's nominee as the Chairman of Ward Committee No. 7 were illegal. On appeal the sub-judge upheld the decision of the munsiff. But in spite of the two judgments, Mr. Pain has not taken any steps to rectify the wrong and is flouting the court's orders——

Mr. LATAFAT HOSSAIN: Is all this relevant to the subject, Sir?

Mr. AMULYADHONE ROY: But at least it relates to the affairs of the Howrah Municipality.

Mr. SULTANUDDIN AHMAD: The member is speaking of the previous history of the Howrah Municipality.

Mr. AMULYADHONE ROY: Yes, certainly; he is doing so.

Mr. PRESIDENT: I believe, Mr. Mazumdar is now trying to make out his case and is giving the background of the affairs of the Howrah Municipality. And so long as he is referring to the affairs of the Howrah Municipality I will allow him to continue; but he must strictly confine himself to them and the moment he digresses I will stop him.

Mr. HARIDAS MAZUMDAR: All right, Sir. The wrong is continuing. The Chairman is flouting the court's orders and his nominee still flourishes as the Chairman of the Ward Committee. In regard to disappearance of land, the Government auditor's note referred in clear and unambiguous terms to erasures and new insertions in the record-of-rights and stated that they bore no attestation. When the audit note came up before a meeting of the Commissioners, they demanded an enquiry. The Chairman for two years had suppressed the enquiry and taken no steps in that direction. In the High Court Mr. Justice Das in his judgment said: "In view of these allegations and charges, which stood uncontradicted, it was impossible to hold that the appropriate authority had actually applied its mind to the facts or to the conditions precedent to the exercise of the power, or that the impugned order was made in good faith." His Lordship was satisfied that the petitioners had established that the "order was made for the collateral purpose of protecting Mr. Pain against the threatened litigation and the maintenance of the vital services of the Howrah Municipality in the event of an hostile attack had nothing whatsoever to do with the order".

In His Lordship's judgment the making of this order was clearly an abuse or, at any rate, a colourable use of the powers conferred by rule 51F of the Defence of India Rules and could not possibly be regarded or sustained as an order "made in exercise of those powers". The charges have been accepted as true. Let me now quote from the affidavit in the High Court some of the charges. On the 19th May, 1944, the majority of the Commissioners of the Municipality of Howrah acting under the advice of the Advocate-General of Bengal tabled a motion for a requisition meeting to institute a suit for enforcing the personal liability under section 104 of the

Bengal Municipal Act against the said Chairman for loss, waste and misapplication of public money and illegal payment of municipal funds. Particulars are given below:

Under the relevant statute and statutory rules and in particular under section 103 of the Bengal Municipal Act and rule 147 of the Municipal Account Rules framed by Government, every contract involving an expenditure over Rs. 500 must be sanctioned by the Commissioners at a meeting and shall be in writing and signed by at least two Commissioners. In order to circumvent the same, the said Mr. Pain split up estimates and got contracts each for less than Rs. 500. To cite one instance: a room was constructed for the said Chairman at the municipal premises. It involved an expenditure of over Rs. 3,000. Separate estimates were made for floor, roof and walls and separate contracts were given——

Mr. PRESIDENT: Mr. Mazumdar you may cut short your speech and come to the actual situation.

Mr. HARIDAS MAZUMDAR: All right, Sir. Such illegal estimates and contracts in respect of various public works were sanctioned by or under the authority of the Chairman to the extent of rupees one lakh without sanction of the Commissioners.

The Government auditor reported after enquiry that there was a shortage of land to the extent of 3 bighas and 19 cottahs belonging to the municipality, out of the total land of 41 bighas comprised in the municipal trenching ground which was converted into a park. Mr. Pain had his own land, about 8 bighas, adjacent to the same. Enquiry was sought to be instituted as to the said shortage or loss of land belonging to the said municipality.

Posts and appointments were made by the Chairman which were not legal and not confirmed by the Commissioners on the ground that men appointed were without the requisite qualifications as required by the Government rules. In spite of the same being pointed out, salaries were being paid to such persons. The said payments were illegal and the requisitionists wanted to stop such illegal payments.

The said Mr. Pain was apprehensive of the disclosures that would follow such a motion and the institution of the suit against him and he wilfully failed to call a meeting within the 30th May, 1944, the period of 15 days prescribed by statute. The Commissioners of the municipality on the 2nd day of June 1942, called a meeting under section 78(2) of the Bengal Municipal Act and the meeting was fixed for the 12th day of June, 1944, 5 p.m.

On the 7th day of June, 1944, the Hon'ble Mr. Pain, the said Chairman, requested the Commissioners to withdraw the motions and stated that he would stop the order of supersession of the municipality if the resolution was withdrawn. He offered to stay such supersession order, which he had apparently arranged and been apprised of, if the resolution tabled for the meeting of the 12th June, 1944, was withdrawn or even postponed.

On the 8th day of June, 1944, a meeting of the Commissioners who sent the requisition was held and they decided not to withdraw the said motion. Mr. Pain came to know the said decision. Supersession order mentioned as aforesaid followed on the 9th day of June, 1944.

The Provincial Government, if its action were *bona fide* could have passed an order under sub-rule (3) of rule 51F of the Defence of India Rules asking the Municipality of Howrah to take specific measure or measures which it deemed necessary for ensuring the maintenance of the vital services of the said municipality. No such order was ever made. At no time whatever the Government of Bengal had made any grievance or complaint on the ground that the municipality had failed to maintain the vital services or that there was any danger whatever to the maintenance of the vital services of the

municipality. As a matter of fact, complete civil defence scheme was prepared by the Howrah Municipality and the same was approved by the Government of Bengal and has been completely given effect to and the Government of Bengal has been regularly contributing a portion of the recurring expenditure for the execution of the said scheme without any complaint whatsoever.

The order for supersession has been passed not to defend or protect Howrah or its vital services but to shield a member of Government from the consequences of his own misdeeds.

Now, the question arises as to what should be done with regard to the two bodies, viz., the Howrah Municipality and the Bengal Ministry. Will the second municipality of Bengal taking its birth immediately after the grant of Local Self-Government by one of India's good Viceroys, Lord Ripon, be allowed to function normally as it is doing now? Mr. Justice Das observed that the order of supersession of the municipality was illegal and invalid. Therefore, any act designed to defeat the object of the order of the High Court will be considered as contempt of court. But this lawyer-Chairman has scant regard for law. Since Mr. Justice Edgley's judgment delivered by the middle of June allowing the municipality to function normally, he has not called one meeting of the Commissioners and wants to create a deadlock by committing statutory breaches under the protecting wings of the Ministry. He has not attended the Municipal Officer these two months. Can the affairs of Bengal's second municipality, for the breakdown of whose vital services the Government expressed an over-abundant measure of concern lately, be managed in this way? This gentleman does not dare to tread the soil or face the public of Howrah. Mr. Pain finds time for everything except for doing the duties of a Chairman of a municipality which he will not relinquish either. Recently in the Lower House he treated his audience to an oft-quoted passage of Edmund Burke. I should like to quote Grattan's remarks about Giffard: "When I observe the quarter whence the objection comes, I am not surprised at its being made. It proceeds from the hired traducer of his country, the ex-communicated of his fellow-citizens, the regal rebel, the unpunished, ruffian, the bigoted agitator. In the city a fire-brand, in the court a liar, in the streets a bully, in the field a coward. And so obnoxious is he to the very party he wishes to espouse that he is only supportable by doing those dirty acts the less vile refuse to do."

As regards the repercussions of the judgment on the Ministry let me cite the instance of His Excellency Mr. Glancy, the Governor of the Punjab, in dismissing one Minister on the ground of improper treatment meted out to a lady teacher. The facts here are proved and the Federal Court can go only into the points of law. Are these proved charges not grave enough to dismiss the Ministry here? Public money should no more be spent on a law suit in the higher court. The plea of enemy raid first on Howrah and then, if possible, on Calcutta is ludicrous, as stated recently by the *Statesman*. The proceedings of this meeting should be placed before His Excellency who should decide whether a Ministry like this can be entrusted with large sums of money.

I want to say a few words to my European friends. They have read the judgment in the *Statesman*. There it was said that it was a devastating judgment, not devastating from the point of view of the Chairman of the Howrah Municipality but devastating from the point of view of the public of Bengal, the ratepayers of Bengal. I should like to point out to them that they should think twice before they go to the *Ayes* lobby or to the *Noes* lobby. For them the only path of rectitude is to say that the judgment is passed against an act of Government and they should, if not by speech, at least by votes, support this motion. With these few words, I move the adjournment motion standing in my name.

Mr. PRESIDENT: Motion moved: That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation arising out of the judgment of the Special Bench of the Hon'ble High Court regarding the Howrah Municipality affairs and Mr. B. P. Pain, Chairman of the Howrah Municipality.

Mr. BANKIM CHANDRA DATTA: Mr. President, Sir, I propose to be very brief in view of the ruling you have given that we should not digress. I will only deal with the effect of the judgment on the order of supersession of the Howrah Municipality and the issue of *quo warranto* on Mr. Nomani. I am supporting my learned friend Mr. Haridas Mazumdar's motion.

Sir, no act of any Government has received the judicial indictment as sordid and discreditable as this *mala fide* invocation of the powers under the Defence of India Rules for helping a particular Minister of the Cabinet. The High Court's Special Bench has held that the order passed on the 9th of June, 1944, superseding the Howrah Municipality is illegal, invalid and unsustainable. The High Court has further held that the powers under the rules of the Defence of India Act were exercised *mala fide* and, if I may quote the words of his Lordship the Chief Justice "for a colourable purpose" and for the purpose of protecting the Hon'ble Mr. Pain, a member of the Cabinet, from a threatened litigation. According to the said orders, Mr. Nomani has been injuncted from acting under the order of supersession by the Government. He usurped the offices of the Chairman and Commissioners which, according to the learned Judges, Mr. Nomani had no legal right or warrant to do.

Sir, as regards the Province of Bengal, the writ of Certiorari and Prohibition was asked for; but the Court held that the order being an executive one and not a judicial order, it had no jurisdiction to issue those writs against the Province of Bengal. These writs failed on technical grounds, but the writ of *quo warranto* against Mr. Nomani succeeded. I think, there is some amount of confusion in the minds of some of us here as regards the point as to whether the Court by discharging the rule so far as it related to the issue of the writs of Certiorari and Prohibition and not expressly setting aside the order of supersession issued by the Government impliedly directed the Commissioners to function as before. But that is so, Sir. The Court in fact has held that this order of supersession and appointment of Mr. Nomani was invalid, illegal and unsustainable and that, therefore, Mr. Nomani was a usurper and had no right or warrant to be there. The Court had to go into the matter about the legality or illegality of the order of the Government to determine the question as to whether Mr. Nomani was there under a proper order or not, and it did come to the conclusion that the order appointing Mr. Nomani was illegal, invalid and could not be sustained. Therefore, the position is this: that Nomani as a usurper has had to vacate his seat, the seat of the Chairman and the Commissioners and the legal effect of that would be that the Chairman and the Commissioners would be restored to their previous status and they should be functioning as members of the Howrah Municipality as before and that, therefore, there was no deadlock. The Chairman should continue to function immediately and not let things go astray in the way they are doing just now.

Khan Bahadur NAZIRUDDIN AHMAD: On a point of order, Sir. I find that the Minister in charge of the department is absent. It has been held on a similar occasion before that it is necessary for the Hon'ble Minister concerned to be present and listen to the debate if he intends to reply to the debate in whatever way he can, as otherwise the debate will be absolutely meaningless: that is my point of order.

Mr. PRESIDENT: That is not strictly a point of order; but it is no doubt proper that the Hon'ble Minister should be present here.

Mr. BANKIM CHANDRA DUTT: I would submit that these few minutes which are being reduced from my quota will not be counted. As I was submitting, Sir, I understand that the Chairman now takes his stand on the view that he is now *functus officio* and, therefore, he cannot now act; but in view of the order of Their Lordships the Municipality of Howrah should be functioning immediately after or as soon as Mr. Nomani has vacated. I am afraid, he is entirely wrong in his views. The warrant under which (Mr. Nomani) ousted the Chairman and Commissioners of the Howrah Municipality and occupied the chair has been held by the High Court to be illegal, and, therefore, he must go. As soon as Mr. Nomani vacates his office, the old state of affairs, namely, the *status quo ante* of the municipality must be deemed to be restored. That is why I say there is no deadlock at present there as suggested by the Hon'ble Minister for Local Self-Government yesterday. As a matter of fact, the Chairman and Commissioners should be made to function and that immediately——

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I have not got the official report of my speech of yesterday, but so far as I remember I did not say so.

Mr. BANKIM CHANDRA DUTT: All right, Sir, I stand corrected to that extent. But as I was suggesting, the position now is, that there is in fact nobody in the municipality to function. I had received information from a very reliable officer of the municipality that a cheque for payment to the Calcutta Electric Supply Corporation either today or tomorrow was sent to the Imperial Bank, but that cheque was refused by the bank on the ground that they were not quite clear as to the effect of the order of the High Court and they, therefore, referred the matter to their legal advisers.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: May I say that late yesterday evening I got the information that the cheque of the municipality was dishonoured? This information may help my friend.

Mr. BANKIM CHANDRA DUTT: I am also told that there is a proposal by the Government to help the Howrah Municipality financially so that it might carry on. There is the question of payment to the conservancy that has got to be made. This may be done. But there is the day to day administration of which you are well aware from your previous experience, Sir, that the municipality has to do its daily routine business. That could not be done in the absence of a Chairman. There are breaches of sanitary rules, there are breaches of engineering rules, building rules. Prosecutions will have to be started against these infringements. But who is going to pass orders? There is nobody to do so. This mere financial help to the municipality cannot make it function without the Chairman actually resuming his work. I will not dilate on the various other points. But, Sir, you know that the Chairman has refused to work. It may be that he is under a misapprehension that he is *functus officio*. But it must be said that the effect of the order was to make him alive—very much alive—to his duties. In any way, the position is that the municipality is practically at a standstill. The salaried officers will have to be paid on the 1st or 2nd of the next month. But nothing has been done to solve that point. Their Lordships have given a sufficient hint that the Government should be well-advised to withdraw this order as early as possible and I would request the Government that the sooner they withdraw this order the better not only for them but for everybody concerned.

I would not dilate on the various points raised by Mr. Mazumdar..... (here the member reached time-limit). I hope you will give some time as some time has been taken up by the points of order raised while I was speaking.

Mr. PRESIDENT: Extra time has been included.

Mr. BANKIM CHANDRA DUTT: I am in your hands and I resume my seat.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, a point has been made by the Hon'ble Minister in charge of Local Self-Government that he has not yet received a copy of the judgment of the High Court and the House cannot, therefore, go into the matter fully. I shall, therefore, deal with the broader aspects of the case as reported in the *Statesman*. I think reports of High Court cases in the *Statesman* are accepted even by the High Court till certified copies are available. Certain broader and undeniable aspects of the judgment are very significant.

Some important aspects of the judgment have already been referred to. They are that this supersession order was supposed to have been passed by the Government for the purpose of maintenance of the vital services of the municipality in the event of a hostile attack. But although the order purported to serve this purpose, the High Court came to the conclusion that this was absolutely a colourable use of power: in fact, a misuse of power. I do not desire to include the Hon'ble Minister in this sinister business, but somebody or bodies somehow managed it; and according to the High Court, the real object of the supersession order was rather to serve indirect ends than to serve the purpose of the war. In view of the fact which cannot be gainsaid that the shadow of the war is gradually vanishing from the borders of Bengal and is receding more and more into the interior of Burma and is probably fading out or will fade out from the eastern theatre in a very short time, the order at this moment is unjustified. But that is not the point which I have in my mind. One finding of the judgment is absolutely decisive, namely, that the order of supersession was bad. The High Court felt that they could not pass an order against the Government of Bengal because the order was passed in the name of the Governor, but they gave an injunction upon the officer appointed by the Government restraining him from taking charge of the administration of the municipality. Now an impossible situation has been created by the judgment. Mr. Nomani, who was appointed by the Government to discharge the functions of the municipality, has been restrained, and unless the judgment is set aside, this order stands. Now, the effect of this order should be rather disastrous on the municipality unless something is done meanwhile. There is a gap in the municipal administration at Howrah and I have an authority before me which would show that the Howrah Municipality, instead of being Mr. Nomani's land, is now really in "No man's land". This supersession order was passed under rule 51F of the Defence of India Rules, sub-rule (6). The effect of this order is described in sub-rule (7). The sub-rule says "When an order of supersession has been made under sub-rule (6), all the members of the local authority shall, as from the date of supersession, vacate their offices as such members". The Municipal Commissioners, including the Chairman and the Vice-Chairman, having by virtue of the order vacated their offices, the Municipality is now under no master. The sub-rule further provides that all the powers and duties of the municipality shall be vested in the person appointed by Government, that is, in Mr. Nomani. The sub-rule further provides: "All property vested in the local authority shall, during the period of supersession, vest in the appropriate Government": that is, the Government of Bengal. Now the monies, properties, its carts and vehicles, its offices and furniture and all other things belong to the Provincial Government. The Municipal Commissioners have ceased to function; the Chairman and Vice-Chairman have no authority to act and, by a clear and unambiguous order the High Court has effectively restrained Mr. Nomani from functioning.

May I ask as to who is now the master of the Howrah Municipality? It is now a fatherless and motherless municipality. In fact, a situation has been created by the judgment which is unparalleled. I think, Sir, the point was suggested by you yesterday, and it should have been taken up

by the authorities in the meantime. Now the situation created is that the municipality cannot function. If the Hon'ble Minister is right in saying that the municipality is now functioning, it is an illegal functioning, and if money is spent by anybody in the municipality, he would be chargeable with a criminal offence. This grave situation should at once be remedied.

The High Court has held that the supersession order is illegal; it has, in consequence, restrained the officer appointed from acting at all. The High Court has also held that the supersession order is invalid and illegal and a colourable transaction or rather an underhand transaction to help a certain private individual. In the circumstances, should the supersession order be allowed to continue, first of all, when the High Court has condemned it as a collusive affair, and secondly, as the municipality cannot function? If it is functioning, it is functioning illegally and irregularly. In order that the municipality should function properly, the order of supersession should be vacated. I have got a very large precedent for this course. You will be pleased to remember, Sir, that the Special Court Criminal Ordinance, No. II of 1942, was promulgated by the Viceroy and an innumerable number of courts were created. These courts had tried innumerable number of accused persons and thousands were convicted by the courts. But the Federal Court held that these courts had been illegally constituted. As soon as the judgment was passed by the Federal Court, the Viceroy, without waiting for a copy of the judgment, at once repealed that Special Ordinance No. II of 1942 by another Ordinance, No. XIX of 1943. This was done on the day following the day of the judgment, and it is to be remembered that the Government of India had in their mind an intention of filing an appeal to the Privy Council. Now the situation that has arisen in Bengal is exactly on a par with this. I believe, Sir, that the supersession order itself should be superseded and the municipality should be allowed to function in the normal way. The High Court should be respected, and its decision should be treated with some courtesy. It is impossible to allow things to drift like this——

Mr. PRESIDENT: Your time is up.

Khan Bahadur NAZIRUDDIN AHMAD: All right, Sir, with these words, I support the motion.

Mr. J. W. R. STEVEN: Mr. President, Sir, as we understand the situation arising out of the High Court decision, the officer appointed by Government, Maulvi Hamid Hasan Nomani, to carry on the powers and duties of the superseded Chairman and Commissioners has been restrained by order of the High Court——

Mr. PRESIDENT: Mr. Steven, do you mind speaking through the microphone?

(The member went to the microphone.)

Mr. J. W. R. STEVEN: I would rather prefer to repeat what I have already said. As we of the European Group understand the situation arising out of the High Court decision, the officer appointed by Government, Maulvi Hamid Hassan Nomani, to carry on the powers and duties of the superseded Chairman and Commissioners has been restrained by order of the High Court from carrying out these duties. On the other hand, we understand that the order of supersession still subsists and, therefore, the Chairman and Commissioners are unable to carry on the work of the municipality. If we are correct, this is undoubtedly a serious situation and we think that the Opposition have been done well in bringing it before the House.

It is up to Government to satisfy the House that satisfactory arrangements have been made for carrying on the work of the municipality. We cannot acquiesce in the present situation which appears to us to mean that

there is no executive head in charge of the municipality. One solution would be to cancel the order of supersession, dissolve the municipality, and order a general election. We would like to be satisfied as to the objections to adopting this course which appears to be the fairest one in the circumstances. There was a general election very recently in the City of Calcutta, and it is difficult to see, in view of this, what reasonable objection can be taken to a general election in Howrah. If, however, Government do not propose to take this course, then we must know what arrangements Government propose to make to carry on the work of the municipality. It will not do to allow matters to stand as at present until a Federal Court decision is obtained as this would mean, in effect, allowing the present stalemate to continue for an indefinite period.

The other serious aspect of this matter is that doubts have been expressed by the High Court as to the validity of this exercise by Government of their powers under the Defence of India Rules to supersede Howrah Municipality, and in fact the good faith of the Government has been questioned. This, Sir, is a serious stigma which Government must take immediate steps to remove. We, Sir, in another place suported the order of supersession because we were satisfied that there were good grounds for supersession of the municipality. We are now, however, faced with a different situation in which the good faith of Government has been questioned by the highest Court in Bengal. Government must, in our opinion, satisfy the House that they have acted in good faith. We feel, however, that from the point of view of Government, it is essential that there should be a proper official enquiry into the working of the administration of the Howrah Municipality during the past few years and into the allegations against the Chairman.

Before we decide our attitude towards this adjournment motion we would like to hear from the Honourable Minister, in the first place, what arrangements he proposes to make for carrying on the work of the municipality; and in the second place, what action he proposes to take to remove the undoubted stigma which the High Court decision has attached to Government. We would like to know in particular that an official enquiry will be set on foot immediately.

Mr. BIREN ROY: Sir, as a representative in this House of the municipalities in the districts of Howrah, Hooghly and 24-Parganas, and also as one representing officially the recognised Association of Municipalities in Bengal, I would be failing in my duty if I did not associate myself with this note of protest against the manner in which the premier municipality of Howrah, administered under the Bengal Municipal Act, has been superseded.

Much has been said and written about this regrettable episode and I do not intend to dilate on it any further. But the way in which things are moving and facts as they stand now with regard to the number of municipalities superseded in Bengal show that if things are allowed to continue in this manner it would lead to a negation of self-government in this province. Sir, even with all its drawbacks I am in favour of allowing full freedom to a local self-governing institution and this, I suppose, is the general idea of the present members of the Cabinet whose chief has stated on various occasions that he would see that even the system of nomination in the case of municipal institutions is abolished. I consider that the local bodies of this province are the training centres for future administrators. Even our Chief Minister himself was for a long time Chairman of the Dacca Municipality and there are several members on the Cabinet today who some time or other also served in the municipalities or district boards in their respective areas. I think, Sir, that with all their party factions and electioneering contests no one could ever think of kicking out their Chairman or Chief while serving their fellow citizens in local self-governing institutions in such a manner as has recently fallen to the lot of the

municipal administrators of the second city of Bengal and of bringing about a deadlock, as noted by the learned Judges of the High Court, by a colourable use of the Defence of India Rules. May I know, Sir, for whose benefit and to protect whom this was done? Mr. Pain had once been one of the leaders of the local self-governing institutions in this province and was also associated with the All-Bengal Municipal Association and his name has appeared in connection with this supersession. It is very sad to find that today Mr. Pain will be instrumental in bringing down the institution of Local Self-Government in Bengal. Mr. Pain would not like to be hounded out of the district, as he publicly announced, where he has served for the last two decades; but he can take a hand in getting his colleagues out from the administrative positions which they hold as representatives of the electors of the place, because they could not see eye to eye with him. Mr. Pain is not now a resident of Howrah. He is now a resident of the metropolis of Calcutta and has chosen to be under the protective wings of Sir Nazimuddin.

Now, Sir, there may be private factions in a municipality; there may be party factions as we have also various parties in this House fighting and agreeing again with each other. That is a recognised principle of the democratic system of government. If such differences are taken into account, then there will be ample scope for superseding the whole legislature and for that no such invocation of Defence of India Rules will be necessary. Section 93 of the Government of India Act already provides for it. But would Mr. Pain or his other colleagues like such supersession? I for myself or members who are connected with the local self-governing institutitions would never think of supersession or the abuse of powers in any form. We are here for running democratic institutions in spite of all our differences and are anxious to fight evil inside and outside.

Somehow or other, the Government has been ill-advised and being ill-advised it has gone to such an extent that this atrocious order of supersession has been made in respect of the largest municipality in Bengal. The Hon'ble Minister in charge of the Local Self-Government in reply to a question in this Council last session stated that he was considering the proposal of the Bengal Municipal Association for the formation of a Local Self-Government Advisory Committee, a committee which was proposed at the open session of the conference of the municipal administrators of Bengal year after year with a view to strengthen the ties between the Government and the local bodies and also to secure a general improvement in the tone of administration of such local bodies in this province and also to offer advice to the Government before actually such cases of supersession of municipalities take place. Nothing has since happened to this announcement. We fully endorse the views expressed by the European Party here, that there should be an end of this state of affairs in Howrah and, if necessary, there ought to be an immediate order for general election, so that real representatives of the people may again be elected to take charge of the administration of this local self-governing institution.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I am in a very difficult position so far as this party is concerned. I had something to do with the course of litigation elsewhere and, therefore, I have to be very careful in what I say about that aspect of the matter which was dealt with in the judgment itself. The Acting Chief Justice in his judgment has said that the anxiety that has brought this matter to the High Court is not the welfare of the ratepayers, but it was something different. It has also been said that this municipality was possibly one of the worst municipalities in the province right from the year 1932 onwards but suddenly in the year 1942 certain incidents occurred over the A.R.P. organisations when some of the Commissioners of the municipality woke up and when in 1943 the Chairman of the municipality accepted the position of a Minister in the Provincial Cabinet against the wishes of some of his co-religionists, this desire became very keen and it was then that he was persecuted

at every available opportunity. But that is not a new thing even. Mr. Parnell, the Irish leader, had to suffer such indignities. Forged letters were manufactured to run him down. For a few days he was the most obnoxious man in the British Empire. His crime consisted in the fact that he was fighting for the freedom of his people. Recently, we all know, how a letter was forged and made use of immediately before a General Election in England with the deliberate purpose of driving from office a Labour ministry in England. Having the advantage of the Press, and with the judiciary sympathetic towards the point of view represented by friends opposite, the Opposition are in a better position to create a show of a case out of nothing. The persecutors of Mr. Pain are cognisant of all these advantages and they are proceeding step by step.

So far as the High Court is concerned, it had not the advantage of a Government affidavit. Government did not place before the High Court the facts which were in their possession—the facts on the basis of which they were justified in taking the action. Whether it was the proper and right step to be taken was for the Government and their legal adviser to say. The legal adviser was satisfied that in view of the legal position as they understood it, a demurrer's attitude was the best attitude in this case.

Mr. BANKIM CHANDRA MUKHERJEE: On a point of order, Sir. Does this arise out of the judgment of the High Court? The judgment of the High Court has in unmistakable terms pointed out that as the Government——

Mr. PRESIDENT: But what is the point of order?

Mr. BANKIM CHANDRA MUKHERJEE: The point of order is that he was going behind the judgment of the High Court.

Mr. PRESIDENT: As the Opposition tried to give us their background, so Mr. Hamidul Huq Chowdhury is also giving us the background.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, my learned friend is a successful lawyer and as such he knows the advantage of interruption.

Sir, as I was saying, the legal adviser of Government was of the opinion that it was a perfect case for demurrer's attitude. In other words, it was asserted that the High Court, as constituted under the law, had no jurisdiction to interfere——

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, is he entitled to criticise the High Court judgment?

Mr. PRESIDENT: He is not criticising.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, from that point of view the Government did not file an affidavit which the High Court subsequently thought was necessary for the Government to place before them. The High Court said that the procedure which is followed by the High Court is: that one side came up with the facts whereas the other side for some reason or other did not place the facts and, therefore, the Court resuming the facts to be true proceeded at once on that basis. Now, the position that has arisen immediately on the basis of the High Court judgment is not whether the judgment is correct or the supersession order is good or bad. It is an ancient history. The subject before the House is that a stalemate has been created so far as the Howrah Municipality is concerned, and so far as the stalemate is concerned, it is for the Government to find out ways and means. I should make myself clear that it will be the duty of the Government to arrange things in such a way that so far as the rate-payers are concerned, they do not have to suffer in the least on account of this difficulty that has been created. Sir, further I should say that it is well-known and the House also should know that the financial position of the municipality is anything but good. I am told,

Sir, that annual revenue or income of the municipality is 21 lakhs of rupees, but the arrears stand at 29 lakhs of rupees—a thing which is not to be heard of in any of the local bodies in the province. Therefore, if the municipality is allowed to function, it cannot function without financial assistance. In fact, as early as 1939 or thereabout there was a definite proposal by the then Collector of the district to supersede the municipality, because it was incompetent to run its own organisation. Any one who had the misfortune to pass through the roads of Howrah knows the condition of the Howrah Municipality and how they maintain their roads. That is the financial position and the supersession order is a reflection on all concerned; the whole group or gang of them who are now posing as patriots. Any one who knows the condition of the Howrah municipal roads will at once be able to say how the administration of the municipality is carried on. As late as 1939-40, and also as late as 1941, the municipality applied for a subvention from Government saying that they were not capable of carrying on the work of the municipality and along with that I understand there was a recommendation of the Additional District Magistrate for the supersession at least of the Assessment Department, because it was not only incompetent but also corrupt and this corruption had crept in not because the Chairman did not exercise his responsibility but because members of the committee were such that they saw to it that well-to-do people did not pay their assessment, or that assessments whenever made were such successfully challenged by the defaulter. And thus such a condition of affairs arose in the municipality that the Commissioners were unable to——

(At this stage the member reached the time-limit and resumed his seat.)

Mr. LATAFAT HOSSAIN: (Spoke in Urdu.)

The Hon'ble Mr. BARADA PRASANNA PAIN: Sir, as one of the persons most directly affected by this adjournment motion, I desire to say a few words on this occasion. For the last fifteen months, and for the last three months in particular, a perfervid propaganda has been carried on against me, because I recognised the fact that the Hindus in Bengal, as elsewhere, must agree to work hand in hand with the Muslim League for the welfare of the province, and I had the courage to act according to my convictions. Mahatma Gandhi has today made it clear in no uncertain manner that the Hindus must not merely co-operate with the League but must make in their favour concessions of a far-reaching character, in order to earn their goodwill. To do my humble bit, I left a profession which had always treated me well and in which I had made thousands of friends within the province and outside. I endeavoured, in my humble way, to serve my province. For more than 20 years I have been actively associated with the Howrah Municipality and in July, 1942, I had the unprecedented honour of being elected Chairman of that municipality for the fourth term. I was connected with numerous public institutions and my assistance and co-operation were eagerly sought on all hands. All these changed in a day immediately I joined the present Ministry, and the most abominable lies have been and are being propagated against me. I can do no better than quote the following passages from my speech in the Bengal Legislative Assembly on the 21st June last on the no-confidence motion against me:

"Ill-informed and mendacious criticisms have been made about my administration of the Howrah Municipality, and allegations have been made that I deliberately absorbed 4 bighas of municipal land into my own land and that I have been guilty of unauthorised expenditure of large sums of money which have resulted in loss and waste of municipal money and that illegal payments were made under my orders. After these charges were made, as Chairman of the municipality I asked the Hon'ble Chief Minister to cause an immediate enquiry to be made into these allegations by an officer not below the rank of a District Judge. Even then, I consider that I owe it to the House today to give them an idea of the position, so

that it might know the kind of mischievous propaganda which is being carried on against me. The allegations about the land is that the municipality had in 1878 taken lease of 45 bighas of land, that the present measurement of the land is found to be 41 bighas and that as I have land on the north of the municipal land, I must have absorbed 4 bighas of municipal land into my own land. I cannot conceive of anything more fantastic than this.

Firstly, there was Government survey of the land in 1916-17 when it was found to be 41 bighas 3 cottahs 6 chittacks and 15 square feet and not 45 bighas.

Secondly, the survey record-of-rights made in 1916-17 also shows 41 bighas 3 cottahs 6 chittacks and not 45 bighas.

Thirdly, in 1929 the municipal Survey Superintendent surveyed this land and he also found it to be 41 bighas 3 cottahs 6 chittacks and 15 square feet and not 45 bighas.

Fourthly, in 1940 the municipal *bustee* alignment overseer verified the land and he also found the same measurement.

Fifthly, in 1941 a sub-committee of the Municipal Commissioners examining a scheme for development of the area accepted the plan drawn up by showing the total quantity of land to be 41 bighas 3 cottahs 6 chittacks and 15 square feet and remarked: "We have examined the plan and approve generally of it."

Sixthly, the Report of the Sub-Committee was approved and confirmed by the Commissioners at a meeting held on May 16, 1941.

Seventhly, there existed a ten-feet wide drain between the municipal land and my land and absorption of municipal land into my land was a physical impossibility.

Eighthly, the land which I purchased in March, 1940, was 6 bighas, and today, on measurement, it is found to be a little less than 6 bighas and not ten bighas which should have been the case, if I had absorbed 4 bighas of municipal land.

Ninthly, the party from whom I purchased, bought it in July, 1939, from Lalit Mohan Roy and others and his document also shows that the area conveyed was 6 bighas.

Tenthly, Lalit Mohan Roy's father purchased it from Panchuram Maiti previously in 1919 and his document also shows the area of the land conveyed to be 6 bighas only.

Eleventhly, Panchuram Maiti purchased it from one Mr. Fairweather on September 22, 1919, and his document also shows that the area conveyed was 6 bighas.

Twelfthly, two suits were instituted agains Mr. Fairweather in 1911 and 1912 in respect of this land by one Mr. Khitindra Nath Tagore and the plaints, judgments and decrees all show the area of the land to be 6 bighas. Mr. Fairweather won the suits which were No. 866 of 1911 and No. 977 of 1912 in the court of the Second Munsif of Howrah.

Thirteenthly, Mrs. Fairweather to whom the land originally belonged had bequeathed it by will to Mr. Fairweather years before. This will also show the total quantity of the land to be 6 bighas.

Another false statement made is that I incurred unauthorised expenditure to the extent of about a lakh of rupees. I had only ordered expenditure which I was competent to order of 24 items of work of less than Rs. 500 each which were emergent and which in the agregate was below Rs. 12,000. Revised rates for twenty-one of these items were later sanctioned by the Commissioners in meeting and they cannot, therefore, by any stretch of imagination be said to be unauthorised. Revised rates for only three, aggregating in value less than Rs. 1,200, have not yet been before the

Commissioners for confirmation. Fearing how very reckless they have been in their allegations, the Opposition in the Howrah municipality only day before yesterday have sent in a requisition for rescinding the resolution confirming the 21 items, so that they might at least show alleged unauthorised expenditure of about Rs. 11,000. That is how charges of maladministration are being bolstered up against me and are being circulated through a definitely unfriendly press.

It has been said that Government passed orders superseding the municipality in order to protect me from a threatened law-suit. If these facts furnish materials for a law-suit against me, I do not, I fancy, need much protection. It has also been said that the Commissioners were prevented from passing a resolution at the requisition meeting notified to be held on the 12th of June last sanctioning a law-suit against me. A reference to the requisition itself will show that the requisitionists did not know whom to sue, me or, in their own language, some other person who may be found to be liable. They did not know or state what to sue him or me for. They did not know or state what the misconduct or illegal payment or loss or waste was. They did not indicate anything. All that they did was to hunt out a section from the Bengal Municipal Act and to copy its language into their proposed resolution. The whole idea was to coerce me into submitting my resignation from the Ministry on the issue of the Secondary Education Bill.

It has been asked why no affidavits were filed stating these facts in the High Court. I was no party to the proceedings there and I could not swear any affidavits; but as I have said, on the 21st of June I made in the Assembly the statement from which I have quoted. I have again asked the Hon'ble Chief Minister to appoint immediately a senior District Judge to enquire into the allegations made against me

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the motion that has been moved by my friend Mr Mazumdar and in doing so, I would go straight to deal with the effect of the judgment of the Hon'ble High Court. To do so, I have to read the exact order which has not been placed before the House and which order was declared to be illegal by the Hon'ble High Court. This order was passed on the 9th June, 1944. The order runs as follows:—

"Whereas the Governor is of opinion that it is necessary to supersede the Commissioners of the Howrah Municipality for ensuring the due maintenance of the vital services of the said local authority in the event of hostile attack. Now, therefore, in exercise of the power conferred by sub-rule 6 of rule 51F of the Defence of India Rules, the Governor is pleased to supersede the Commissioners of the Howrah Municipality for a period of one year with effect from the 9th June, 1944."

Sir, the order of supersession, therefore, is to take effect for one year from the 9th of June, 1944. Now, Sir, immediately after this order was passed, some of the Commissioners of the Howrah Municipality moved the Hon'ble High Court and a rule was issued originally against Mr Nomani who was the officer appointed by the Government of Bengal to administer the Howrah Municipality. Now, when the matter came up before the Hon'ble High Court, an objection was taken that the Government was no party and the whole proceeding was vitiated. A rule was issued as to whether the writ of *certiorari* and the writ of prohibition should not be issued upon the Province of Bengal on the affidavit which was filed by the Commissioners of the Howrah Municipality. The matter was dealt with by Mr. Justice Edgley and the case was referred to a Special Bench and after all this you will find, Sir, that in the petition which was presented to the Hon'ble High Court serious charges were laid against Mr. Pain himself with regard to his action in the municipality as Chairman. No affidavit was filed in the High Court either on behalf of the respondent, that is, Mr. Nomani or on behalf of the added respondent,

i.e., the Province of Bengal. We have heard just now from Mr. Pain that he was no party to this order or to this proceeding, and, therefore, he could not file any affidavit. I think Mr. Pain knows fully well as a successful lawyer that he should have filed an affidavit on behalf of the Province of Bengal or on behalf of Mr. Nomani. But why he did not do so is quite obvious. Mr. Pain knows very well that whatever he speaks on the floor of this House either in the Lower House or in the Upper House would not be subject to any criticism anywhere, but if he files an affidavit and if that affidavit is found to be false, then his place will be somewhere else and his position will not be that of a Minister of the Cabinet. He enunciated his 13 points—unfortunately, he did not enunciate 14 points—in his statement today thereby defending himself that he did not appropriate any land of the Howrah Municipality. If he had such a strong defence, why did he induce the Ministry to obtain the order of supersession from His Excellency the Governor? The High Court in unmistakable terms pointed out that the order was secured and procured in order to save Mr. Pain from some legal proceedings in the Court and that the hostile attack which was referred to in the order of supersession was not the hostile attack of Japan or any other enemy but was the hostile attack of the Commissioners of the Howrah Municipality against Mr. Barada Prasanna Pain himself. This is made perfectly clear in the High Court judgment. Sir, we were surprised to hear the Hon'ble the Chief Minister today pointing out seriously that as they have got no copy of the judgment, it is impossible for the Government to consider what the situation is. There is no question of reading the judgment of the High Court which runs to over 150 type-written pages. The Advocate-General and Mr. Hamidul Huq Chowdhury who represented the Province of Bengal in the High Court knew what the order of the High Court is and, therefore, the Government also know what exactly the order of the Hon'ble High Court is.

The only question is: what the Government is going to do after having got the order of the High Court. As a matter of fact, it was seriously argued before the High Court that as the Honourable High Court could not issue any writ of *certiorari* against the Government, probably the order which the Government was going to pass was——

Mr. LATAFAT HOSSAIN: Sir, is the honourable member reading from a certified copy of the judgment?

Mr. PRESIDENT: It is understood that whenever an honourable member makes a statement in this House, he takes responsibility for it.

Mr. BANKIM CHANDRA MUKHERJEE: Mr. Justice Das in the course of his judgment referred to a well-known observation of the Lord Chief Justice of England as follows: This is the King's Court; we sit here to administer and interpret the laws of this realm in the King's name. It is respectful and proper to assume that once the law is declared by a competent judicial authority, it will be followed by the Crown.

I would remind the honourable members of this House and also the Hon'ble the Chief Minister, and the Minister in charge of Local Self-Government that the High Court exercised jurisdiction on this occasion as the King's Court, as the supreme court for this province and, therefore, the observation of the Lord Chief Justice applies strictly to the judgment of the High Court. I am glad that my friends sitting to our left, I mean the European Group, have not in this instance supported the Government and have declared in no unmistakeable terms that they want the Government to take steps immediately in accordance with the orders of the High Court. The judgment of the High Court was pronounced on Wednesday last, I believe, on the 19th July, and seven days have elapsed since then and still we find that the Government is sitting tight over the judgment without taking any action. Sir, I need not refer to the position of the Howrah municipality which has been to some extent referred to by my friend

Mr. Bankim Chandra Dutt. One thing that I should like to say is this—His Excellency has directed that the Commissioners of the Howrah Municipality are unfit to carry on the work of the municipality. Now, Sir, the Commissioners include Mr. Pain also and, therefore, there is in that order a censure upon Mr. Pain himself. I suppose His Excellency will consider whether Mr. Pain could remain as a Minister after the supersession order which was obtained by him and his colleagues. I will only refer in this connection to an action of the Governor of the Punjab where one Minister was dismissed for an offence far less heinous than this offence of which Mr. Pain was now accused and which the High Court finds has been proved to the hilt. This should be taken note of by His Excellency and he should consider whether Mr. Pain should be allowed to adminster the funds of this province to the extent of several crores when he could not manage the funds of the Howrah Municipality whose income was in the neighbourhood of 19 or 20 lakhs only.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir, as usual, I shall be brief. The effect of this judgment on the people has been electric. But I will not speak on the legalistic aspect of the judgment. I will speak only on the realistic aspect of it, and it is this: that people are going, I mean the employees of the Howrah Municipality, are going without pay and they cannot be paid as my friend Khan Bahadur Naziruddin Ahmad has said that the municipality is now fatherless and motherless.

Mr. PRESIDENT: I hope you will be brief, as you promised.

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Yes, Sir, I shall finish in two minutes. You will find that everybody whether in the tea shops or in the football grounds or anywhere else is saying after reading the judgment: why is it that the Minister and Chairman of Howrah Municipality does not resign in spite of the stigma cast on him by the judgment? Throughout the length and breadth of Bengal it is being said that the Hon'ble Mr. Pain should have taken recourse to resignation. He should come out of the Government, take his position as an honest public man and then try to clarify his position and defend himself; but he still sticks to his job and pretends to be innocent of the charges made in the affidavit before the High Court.

The third point is: It is an utter irresponsibility on the part of the part of the Government. When they knew that the judgment created a deadlock, why did they not vacate the supersession order, as was done in connection with a case cited by my friend Khan Bahadur Naziruddin Ahmad. What did the Viceroy do when the Federal Court judgment was passed? The next day the Viceroy issued a second ordinance and allowed the *status quo* to be maintained. So the Government would be well advised to cancel the order of supersession and to order re-election, otherwise the Ministry would continue to be the laughing stock of the whole country and the rate-payers of the municipality would refuse to pay taxes.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I will deal with only two points and the other points will be dealt with by the Hon'ble Minister in charge of the department. The two questions are what the Government propose to do to resolve the deadlock that has been created; and what steps Government propose to take about the enquiry suggested by Mr. Pain. Sir, I feel that after what Mr. Pain has stated about the allegations, it ought to be clear to every fair-minded person that the allegations that are being made in this House and in other places are purely political and have no foundations whatsoever. It is unfortunate that Government did not file an affidavit and allowed the High Court to pass certain remarks; but we were assured by our legal advisers that on the ground of jurisdiction we were bound to win the case. As we were anxious to have a decision quickly for the purpose of solving the *impasse* that has been created, we felt that if we went into the question of affidavit the case would be delayed.

Our position at the present moment is this: as stated before, we have not received any certified copy of the judgment and it is very difficult for us to come to any decision as to the steps that we should take on this question. I would like the honourable members to realise that the judgment of the High Court is not merely confined to the Howrah Municipality. The implications are rather serious. (Mr. SHRISH CHANDRA CHAKRAVERTI: Yes.) If the judgment is not challenged before a superior court, it is likely that the action under the Defence of India Rules may be open to question at any time. By the procedure which has been adopted by the High Court, we do not know whether the appeal will be to the Federal Court or to the Privy Council. So, as I said, apart from the question of the Howrah Municipality we may be advised by our legal advisers to file an appeal on this question. This is the situation as far as our legal position is concerned; but we can give this assurance that as soon as we are in possession of the judgment, we will take steps to see that this *impasse* which has been created is somehow or other solved. The Hon'ble Minister for Local Self-Government Department will presently inform you about the steps that have been taken to continue the administration of the essential services of the Howrah Municipality.

Now, as regards the question of allegations, I am personally definitely of opinion that in view of the remarks of the High Court the Government must take early steps to have an enquiry made by a high and responsible judicial officer into the administration of the Howrah Municipality during the last four or five years and also into the allegations that have been made against the executive authorities of the Howrah Municipality. (Mr. BANKIM CHANDRA MUKHERJEE: Why not allow the Commissioners to file a suit?) I would like Mr. Mazumdar who is so enthusiastic over the matter to finance the Commissioners to file a suit; but why the municipal funds should be spent on suits against the municipal authorities? Now, I do not understand against whom these allegations are made. As far as we are concerned, we are definitely of opinion that there ought to be a proper and suitable enquiry at the earliest opportunity. It was not possible for us to hold an enquiry as the matter was *sub judice*. But as the judgment has now been delivered, we shall hold an enquiry immediately. The Minister for Local Self-Government Department will be able to give you facts and figures why it was necessary to supersede the municipality and here I may repeat the argument which I used in another place and that is that from my personal experience as an *ex*-Chairman of a municipality for more than six years, I know how difficulties can be created by party factions amongst the Commissioners. I believe my honourable friend sitting over there on the opposite side, Rai Bahadur Keshab Chandra Banerjee who was the Vice-Chairman during the time I was the Chairman, will be able to tell you how efforts are sometimes made to pull down the Chairmen and the Vice-Chairmen. I say this that when Government realised that the situation had become such that whereas on one hand the Chairman had not the majority to get his decision carried out, the Municipal Commissioners on the other hand had not the majority which would entitle them under the law to turn out the Chairman, they thought that it was a perfect impasse. Indeed, there was a perfect *impasse* so far as the Howrah Municipality was concerned, because whereas on one side the Chairman could not get his resolution through because of obstruction by the Municipal Commissioners, at the same time the opposition party also were not of sufficient strength to get sufficient majority which will remove the Cairman. (Mr. LALIT CHANDRA DAS: It is a technicality.) It is not a question of technicality——

Mr. PRESIDENT: Your time is up.

The Hon'ble Khwaja Sir NAZIMUDDIN: All right, I resume my seat.

Mr. LALIT CHANDRA DAS: May I enquire of Sir Nazimuddin as to whether his promised enquiry will cover the question of the maintenance of the vital services against enemy hostility?

(The honourable member repeated his question once again, but no answer was given.)

(At this stage several honourable members rose to speak, but they were not allowed to do so.)

Mr. PRESIDENT: Order, order. I am afraid the Hon'ble Minister-in-charge is entitled to speak for full 20 minutes, and it is fair that he should be given opportunity to reply to the debate on behalf of the Government.

Mr. MESBAHUDDIN AHMED: Sir, ten members can speak under the rules.

Mr. PRESIDENT: You object to Government replying to the debate? You must realise, Mr. Mesbahuddin, that when Government want to reply to the debate, the Minister-in-charge is entitled to speak for full 20 minutes, and it is only fair to the Hon'ble Minister-in-charge, it is fair to the House and it is also fair to the subject under discussion that the Minister-in-charge should be given full opportunity to speak.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Sir, the points that have been raised by Mr. Steven of the European Party, and also by other honourable members of the House as to whether arrangements have been made for carrying on the essential services of the Municipality——

Several Members: We cannot hear.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: All right, I am speaking loudly. I can tell the House that so far as the essential services are concerned, we have made arrangements that they should be carried on and that the staff of the conservancy service should be paid regularly. We have made 1 lakh 80 thousand rupees available to the District Magistrate with instructions to pay the staff of the municipality out of this sum, and the Secretary of the municipality would be carrying on the essential services with the money that will be provided. In the meantime, we are considering, as soon as we get a copy of the judgment, what is the legal situation that has arisen out of the judgment of the High Court. Beyond this I cannot say anything.

Now, Sir, I would like to say a few words on this order of supersession of the Howrah Municipality. I made it quite clear while speaking in another place that nearabout Howrah the Serampore Municipality was superseded, the Hooghly Municipality was also superseded; no objection was taken or raised at the time. But as soon as the Howrah Municipality is superseded, a hue and cry is raised. Other municipalities were also superseded. For instance, the Burdwan Municipality was superseded and as I have already stated the Serampore Municipality was superseded on 22nd June, 1944. The state of affairs in the Hooghly-Chinsura Municipality was not worse than that in the Howrah Municipality, but still the former municipality was superseded before the turn of Howrah municipality came. The Howrah Municipality was inspected by Mr. Stuart, the District Magistrate, in 1940 and he found it in the worst possible condition; later on it was inspected by Mr. Hartley, the District Magistrate, who too found that the condition of the Howrah Municipality was in a worst possible state. I may also say in this connection that some time ago a memorial was submitted by the Commissioners of the Howrah Municipality to His Excellency, the late Sir John Herbert, saying that the municipality was in a worst possible state. So, whatever else it may prove, it proves and it is admitted that the Howrah Municipality was in a mess and was beyond redemption. The Collection Department and the Conservancy Department

were the worst offenders. The District Magistrate said that it was no wonder that the Chairman of the municipality should live in Calcutta. This was in 1941 when Mr. Stuart inspected the municipality. The Municipal Commissioners gradually found that they were incapable of managing the affairs of the municipality, as arrears of rates and taxes had accumulated to the extent of lakhs of rupees and it was increasingly becoming impossible and was beyond the power of the Commissioners to run the municipality with so much arrear accumulating. That is why they asked for a subvention of 6 lakhs of rupees and in this connection, the Additional District Magistrate was deputed to enquire. Government having considered his report came to the conclusion that with this state of affairs the municipality could not be run and that it was thoroughly incapable of maintaining the vital services of the town in case of an air raid. There were strikes of sweepers going on also nearabout.

Well, these facts were placed before the Government and on these facts Government came to the conclusion that the municipality should be superseded. It is unfortunate that the High Court referred to Mr Barada Prasanna Pain: however that is a matter for Mr. Pain himself.

In the first instance, Mr. Nomani was made a party as he was the officer appointed there. Then the Government was made a party. Government took the stand that High Court had no jurisdiction, as they were advised by their legal adviser that they had nothing to speak on affidavit. Then, Sir, the injunction was passed. We are considering the question of appeal. We have got permission to file an appeal; but as has been explained by the Hon'ble Chief Minister, we are considering the point whether appeal lies to the Federal Court or to the Privy Council. Meanwhile, we have applied for a certified copy of the judgment and that is why I submitted to you that it would be difficult for Government to take part in the discussion of this motion unless we have a copy of the judgment. Then, Sir, if as a result of the appeal the decision of the High Court is reversed, what will be the position regarding this adjournment motion? High Court decision is not the last say in the matter.

Now, Sir, so far as the *bona fide* of the question is concerned, I have made it quite clear that Government had no other alternative but to supersede the municipality. It would appear from the report submitted by the District Magistrate that some of the Municipal Commissioners had solicited the Government to supersede the municipality for bad finance. There is no question of shielding Mr. Pain. I must say that the suggestion that the supersession order was passed in order to shield Mr. Pain is entirely wrong. If that had been the intention of the Government, they would have asked Mr. Pain to resign his chairmanship of the municipality and then the order of supersession would have issued. So there was no question of shielding Mr. Pain, as has been said by the Opposition. We have condemned the working of the municipality. (Mr. SHRISH CHANDRA CHAKRAVERTI: Thereby you are condemning Mr. Pain.) Yes, we have condemned the action of the entire municipality and this condemned Mr. Pain with others. With these words, I oppose the motion.

Khan Sahib FARIDUDDIN AHMED: Sir, I shall not take much time——

Mr. LALIT CHANDRA DAS: Sir, how can he speak now?

Mr. HUMAYUN KABIR: Can he make a speech after the Hon'ble Minister-in-charge has replied?

Mr. PRESIDENT: Not ordinarily, but I have permitted him as a special case.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I *rose* five times but could not catch your eyes.

Mr. PRESIDENT: You may speak after the Khan Sahib.

Mr. LALIT CHANDRA DAS: This is an adjournment motion and there is a certain time-limit. So can it go on indefinitely——

Mr. HARISDAS MAZUMDAR: Sir, I move that the questions be now put.

Mr. PRESIDENT: Do you want that the questions be now put?

Mr. HARIDAS MAZUMDAR: Yes.

Mr. PRESIDENT: The question before the House is that the question be now put.

(The motion was negatived.)

Khan Sahib FARIDUDDIN AHMED: Sir, as we live we learn, provided of course we have the mentality to add to our knowledge anything that comes in. This debate would have been absolutely in an atmosphere of unreality if we had not heard what we have just now heard from Mr. Hamidul Huq Chowdhury. He knows the full text of the judgment and from the portions that have been published in the newspapers it is not possible to assess the circumstances or the situation that has arisen as a result of this judgment. Mr. Hamidul Huq Chowdhury having direct touch with the facts and circumstances of the case and having direct connection with the actual conduct of the case is in the know of more facts than are known to any other member of this House. He comes in and says that from his personal knowledge of the circumstances he thinks that the High Court proceeded on an assumption that Government did not have facts and that the High Court proceeded on an *ex parte* evidence.

Mr. SHRISH CHANDRA CHAKRAVERTI: On a point of order, Sir, is he entitled to say that the High Court proceeded on an assumption or proceeded on *ex parte* evidence?

Khan Sahib FARIDUDDIN AHMED: I again say that the High Court proceeded on an *ex parte* evidence.

Therefore, the judgment of which much capital has been made in this House is not of much importance to us, much sanctity has been attached to the judgment, but certain vile——

Mr. PRESIDENT: Order, order. As two hours are now over, the debate automatically comes to an end.

I adjourn the House till 3 p.m. to-morrow.

Adjournment.

The Council then adjourned till 3 p.m. on Thursday, the 27th July, 1944.

Members absent.

The following members were absent from the meeting held on the 26th July, 1944:—

(1) Mr. Kader Baksh.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. K. K. Dutta.
(4) Khan Bahadur Abdul Gofran.
(5) Maulana Mohammad Akram Khan.
(6) Mr. Abdul Latiff.
(7) Mr. N. N. Moholanabish.
(8) Mr. N. N. Mookerji.
(9) Mr. R. Pal Chaudhuri.
(10) Mr. R. S. Pursell.
(11) Dr. K. S. Ray.
(12) Mr. S. N. Sanyal.
(13) Khan Bahadur M. Shamsuzzoha.
(14) Dr. Kasiruddin Talukdar.
(15) Khan Sahib Maulvi Wahiduzzaman

BGP-44/5-8565A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 66.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 27th July, 1944, at 3 p.m., being the sixty-sixth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Point of Information.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, yesterday I made a promise that I would answer the questions standing in the name of the Hon'ble Mr. Suhrawardy. But the relevant files were mislaid somewhere and they could not be put up to me in time. They have been made over to me only just now and so I could not be ready for answering supplementaries today. I will go through the files today and with your permission I would reply to the questions tomorrow.

Mr. PRESIDENT: So those questions should stand over today.

Mr. HARIDAS MAZUMDAR: Sir, I have tabled a short-notice question on the basis of a strong rumour in the lobby that Mr. Janankur De, an intimate friend of Mr. Pain, is going to be appointed in connection with the enquiry promised by the Home Minister yesterday. I have a shrewd suspicion that it will have the consent of the Hon'ble Minister in charge of the Local Self-Government Department

Mr. PRESIDENT: I have not seen that question as yet, Mr. Mazumdar. It has not been admitted by me. I must examine the question first and then it will have to be sent to the Minister in charge for his concurrence.

Mr. HARIDAS MAZUMDAR: On a point of information, may I raise the matter today?

Mr. PRESIDENT: No. As you have put in a short-notice question, you should wait.

Mr. HARIDAS MAZUMDAR: But you will see, Sir, that I may not have to wait for a full year for an answer to the question.

Mr. PRESIDENT: But what makes you assume that?

Mr. HARIDAS MAZUMDAR: Sir, many short-notice questions are still lying with Government unanswered

Mr. PRESIDENT: I cannot assume that the Hon'ble Minister would refuse to answer your question if he considers it important.

The next item we take up is the Bengal Agricultural Income-tax Bill.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. LALIT CHANDRA DAS: I beg to move that in clause 6 of the Bill, the proviso to sub-clause (2) be omitted.

Now, Sir, allowance has been proposed to be given for monies which are paid under mortgage or charge; but a rider has been added to the effect that "Provided that the interest allowable under this clause shall not exceed the

amount which the assessee is liable to pay in respect of such mortgage, charge or capital as a borrower under section 30 of the Bengal Money-lenders Act, 1940." Now, Sir, the provisions of the Bengal Money-lenders Act is not applicable to the Scheduled Banks. If the charge of interest be greater there and if the interest paid there is not deducted as allowance, then it would be unjust. I think therefore that it would be fair if this proviso were deleted. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in clause 6 of the Bill the proviso to sub-clause (2) be omitted.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to support the amendment. As a matter of fact, I find that the framers of the Bill forgot that under the Bengal Money-lenders Act there is a provision which has excluded the Scheduled Banks from the operation of the Act and so if any agriculturist has the misfortune or the good fortune to obtain a loan from a Scheduled Bank at a rate higher than what is legally payable under the Bengal Money-lenders Act he is not entitled to the concession granted by the proviso. I do not understand why the agriculturist who happens to be the debtor of a scheduled bank should be punished in this way. As a matter of fact Government by excluding the scheduled banks from the operation of the Bengal Money-lenders Act has accepted the principle that the interest which these scheduled banks charge is legally payable and recoverable. If that is the position, then the agriculturist who has got to pay interest legally should be given the concession which is legally payable by him. With these few words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment. It is not very likely that the scheduled banks would charge interest at a rate higher than that prescribed in the Bengal Money-lenders Act and an assessee need not pay an interest which is not legal in the case of other money-lenders. I think therefore that this is a reasonable and salutary provision. If I may go to the history of the present clause, I may say that the proviso was introduced by the Select Committee of the Assembly. I think it is a very reasonable proviso and it should be retained.

Mr. PRESIDENT: The question before the House is that in clause 6 of the Bill, the proviso to sub-clause (2) be omitted.

The question being put, a division was challenged and taken with the following result:—

AYES—11.

Khan Bahadur Naziruddin Ahmad.	Mr. H. D. Mozumdar.
Rai Bahadur K. C. Banerji.	Mr. B. C. Mukherji.
Mr. S. C. Chakraverti.	Rai Sahib J. N. Ray.
Mr. Khorshed Alam Chowdhury.	Mr. A. D. Roy.
Mr. L. C. Das.	Mr. B. K. Roy Chowdhury.
Mr. N. C. Datta.	

NOES—17.

Khan Sahib Fariduddin Ahmed.	Mrs. K. D'Rozario.
Mr. Mesbahuddin Ahmed.	Mrs. L. P. Dutt.
Mr. Nur Ahmed.	The Hon'ble Khan Bahadur Saiyed Musharruf Hosain.
Mr. Sultanuddin Ahmed.	Mr. Latafat Hossain.
Khan Sahib Abdul Aziz.	Mr. Mohamed Hossain.
Mr. D. L. Barua.	Khan Bahadur Mukhlesur Rahman.
Mr. Muhammad Habibullah Choudhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mr. D. J. Cohen.	

Mr. PRESIDENT: Order, order. The House has divided. The Ayes—11 and the Noes—17. The amendment is, therefore, negatived.

Mr. HARIDAS MAZUMDAR: Sir, I beg to move: That in sub-clause (3) of clause 6 of the Bill, the words "as interest" in line 1 be omitted.

Sir, this is a very useful amendment. There are other sums which are paid towards loans and they should be included in the allowances. I hope this amendment will be accepted.

With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*3*) of clause 6 of the Bill, the words "as interest" in line 1 be omitted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to support the amendment which has been moved by my honourable friend Mr. Mazumdar. The amendment seeks to remove the word "interest" from the clause. If we read the clause, we find "any sum paid by him in the previous year as interest on any loan taken by him under the Agriculturists' Loans Act, 1884, or the Land Improvement Loans Act, 1883, in respect of such land." Now, Sir, it will be clear that the loans incurred by an agriculturist under the Agriculturists' Loans Act and also under the Land Improvement Loans Act are required generally for the purpose of improving the land, for the purpose of bringing the land under cultivation, for the purpose of purchasing seeds and for various other purposes which are recognised under these two Acts. It is therefore not clear at all why only the interest should be included and not the entire loans for other purposes as described above. I, therefore, submit that this amendment seeks to give facilities to the agriculturists for the purpose of paying off their debts, otherwise it may be that they would keep the debts hanging for all time to come only paying interest every year.

This will also hamper the agriculturist in borrowing money for the purpose of improving his land. If he has got to pay tax on the capital sum which he has to spend for the purpose of improving his land, then it would retard improvement of the land, and would affect the grow-more-food campaign of which we are hearing so much. As a matter of fact, I would request the Agriculture Minister to consider whether his grow-more-food campaign should be confined only to regular advertisements in the Gazette or whether he should not give real shape to the campaign by giving facilities for the purpose to the agriculturist. With these few words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, allowances can be made in respect of repayment of interest; but allowances cannot be made for repayment of a capital nature. I, therefore, object to the amendment.

Mr. PRESIDENT: Order, order. The question before the House is that in sub-clause (*3*) of clause 6 of the Bill, the words "as interest" in line 1 be omitted.

(The amendment was negatived.)

Mr. BIRENDRA KISHORE ROY CHOUDHURY: Sir, I beg to move that in sub-clause (*3*) of clause 6 of the Bill, the words, figures and commas "under the Agriculturists' Loans Act, 1884, or the Land Improvement Loans Act, 1883" be deleted.

Sir, this amendment is allied to the previous amendment. But I want to make it clear that if an agriculturist takes loans for improving his land either from Government or from other ordinary money-lenders, then he should obtain some facilities from Government. Sir, I am moving this amendment with a purpose which should not be misunderstood. The limitation imposed by reference in this clause to the Agriculturists' Loans Act and the Land Improvement Loans Act has been rather unwise. It is not merely under these Acts that loans are taken for the improvement of landed estates. The zemindars and talukdars have very often to incur debts in other ways also for improving their estates and developing agriculture. The loans are in fact not usually taken for improving estates under any

specific Act. These are included in the general debts of the estate-holders. It can however be shown from their books that the loans were taken not for their personal benefit but for the improvement of their property. The clauses should consequently be amended and redrafted, so that the interest paid on these loans may have the benefit of exemption under the section.

Mr. PRESIDENT: Order, order. Amendment moved that in sub-clause *(3)* of clause 6 of the Bill, the words, figures and commas "under the Agriculturists' Loans Act, 1884, or the Land Improvement Loans Act, 1883" be deleted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would like to support the amendment that has been moved by my friend Mr. Roy Choudhury. In supporting the amendment I would like to point out one fact which possibly has escaped the attention of the framers of the Bill or it may be their intention, I do not know. Now, so far as sub-clause *(3)* is concerned, an agriculturist is supposed to borrow money under the Agriculturists' Loans Act or the Land Improvement Loans Act for the purpose of improving his land in order that he might derive a better income from the land itself, and therefore that money ought to be deducted by way of allowance under the clause. If we look to sub-clause *(10)*, I do not know whether the Hon'ble the Finance Minister wants to include expenditure of such nature by way of allowances, we find that it runs as follows:—

> "(10) any other expenditure of the assessee, not being in the nature of capital expenditure or personal expenditure laid out wholly and exclusively for the purpose of deriving such agricultural income from such land."

Now if an agriculturist borrows money for the purpose of deriving his agricultural income from the land and for the purpose of the improvement of the land itself, then the entire sum is to be allowed under sub-clause *(10)*.

If that is not intended to be included under sub-clause *(3)*, there seems to be some inconsistency, because if a man borrows under the Agriculturists' Loans Act or under the Land Improvement Loans Act for the purposes specified in sub-clause *(10)*, is he not entitled to this allowance also? There seems to be an inconsistency which I think ought to be removed, by deleting the reference to these two Acts. And as has already been pointed out by the mover himself, a person may borrow money for purposes apart from those mentioned in the Agriculturists' Loans Act and there is no reason why he should not get this deduction. With these words, I support the amendment moved by my friend Mr. Birendra Kishore Roy Chowdhury.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Do the honourable members realise that this amendment if accepted would actually restrict the scope of the allowances, for an allowance in respect of interest on capital borrowed for improvement of land has already been provided for in sub-clause *(2)*? This sub-clause *(3)* is intended to provide for an allowance under the two Acts specified. I am not, therefore, inclined to accept the amendment as it would really restrict the scope of the Bill.

Mr. PRESIDENT: The question before the House is: that in sub-clause *(3)* of clause 6 of the Bill, the words, figures, and commas "under the Agriculturists' Loans Act, 1884, or the Land Improvement Loans Act, 1883" be deleted.

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: Sir, may I have your permission to move as a short-notice amendment the amendment No. 93 standing in the name of Mr. Nur Ahmed? It is a very important amendment and I hope, Sir, you will please allow me to move it.

Mr. PRESIDENT: I am afraid, Mr. Mazumdar, I cannot accept a short-notice amendment unless it is really of a substantial character. I said the other day that I would discourage short-notice amendments.

Mr. HARIDAS MAZUMDAR: I remember that, Sir, and it is on that basis that I have asked your permission to move it.

Mr. PRESIDENT: I am sorry, Mr. Mazumdar, I cannot give you leave. Regarding the next three sets of amendments, namely, Nos. 94, 95-96 and 97, they are practically the same. In fact, Nos. 94 and 97 are exactly the same with this exception that there is an addition of the following words, namely, "and religious purposes of a customary nature" in amendment No. 97. Motions Nos. 95 and 96 are included in these two. I suggest therefore that there should be one discussion on all of them but I will put them to vote separately.

Mr. HARIDAS MAZUMDAR: I beg to move that in clause 6 of the Bill, the following be inserted at the end of sub-clause (*3*), namely:—

> "any sum paid by him as interest in the previous year on loans for payment of land revenue or rent and any local rate or cess in respect of such land; any amount of penalty paid by him in the previous year on the arrears of land revenue; any sums spent by him in the previous year for charitable purposes not covered by section 4(*b*)."

Sir, this amendment is quite self-explanatory. The penalty paid by the landholders towards the revenue in arrears should be included in the allowances as also the charities which are not included and not covered by section 4(*b*) should be included in the allowances. With these words, I move my amendment.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in clause 6 of the Bill, after sub-clause (*3*), the following sub-clause be added, namely:—

> "(*3a*) any sum paid by him in the previous year as interest on loans for payment of land revenue or rent and any local rate or cess in respect of such land; any amount of penalty paid by him in the previous year on the arrears of land revenue; any sum spent by him in the previous year for charitable and religious purposes of a customary nature not covered by section 4(*b*)."

Sir, the amendment practically speaks for itself. But I would add a few words by way of explanation. We all know that landlords who are not able to pay their revenue in time are allowed under the present system to pay up their revenue with penalty and with other expenses to the Government for the purpose of saving property from being sold in auction for arrears of revenue. As a matter of fact, it is only inability of the landlords to pay revenue in time that leads to penalty under the provisions of the Revenue Sale law. I do not know why this provision has not been inserted in the clauses where allowances are allowed to the agriculturists with regard to the expenses legitimately incurred by them on account of their properties. Then there is another clause the last clause in my amendment which seeks to allow some expenses to the agriculturists in the previous year for charitable and religious purposes of a customary nature not covered by section 4(*b*). I would request you, Sir, and through you to the Hon'ble Finance Minister and the honourable members of the House that there are many expenses of a religious and charitable nature which is customary and though there is no legal document and they are not legally binding they have the force of law and people have to incur these expenses just as other items of compulsory expenditure for the purpose of meeting the expenses of the periodical religious ceremonies and also for charitable purposes connected with the religious observances which they

have to perform. These allowances are not covered by clause 4(*b*) of the Bill. There we find it stated that before one can claim allowances with regard to expenses of a religious and charitable nature he has to corroborate it by a documentary provision. But it is well-known and I hope the Hon'ble Finance Minister knows himself personally that there are expenses of a customary nature for charitable and religious purpose which a man has to bear even though he holds no property for that purpose out of the income of the agricultural property he holds. Therefore, I submit that the Hon'ble Finance Minister should consider this amendment favourably and accept it. I can assure the Hon'ble Finance Minister that if he accepts my amendment, he would have no difficulty in getting it through the Assembly if it goes there in that form. As a matter of fact, it is not merely the Hindus but people of all nationalities have to incur such expenditure from their agricultural properties even though they do not hold the properties in trust. I, therefore, submit that this amendment should be accepted by the House.

With these few words, I move my amendment.

Mr. PRESIDENT: Amendments moved:

That in clause 6 of the Bill, the following be inserted at the end of sub-clause (*3*), namely:—

"any sum paid by him as interest in the previous year on loans for payment of land revenue or rent and any local rate or cess in respect of such land; any amount of penalty paid by him in the previous year on the arrears of land revenue; any sums spent by him in the previous year for charitable purposes not covered by section 4(*b*)."

That in clause 6 of the Bill, after sub-clause (*3*), the following sub-clause be added, namely:—

"(*3a*) any sum paid by him in the previous year as interest on loans for payment of land revenue or rent and any local rate or cess in respect of such land; any amount of penalty paid by him in the previous year on the arrears of land revenue; any sum spent by him in the previous year for charitable and religious purposes of a customary nature not covered by section 4(*b*)."

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the two amendments which cover almost the same ground. The amendments seek to exclude from taxation certain items of expenditure. The first item is the interest paid in the previous year on land revenue or rent or local rate or cess. Now, many estates, large or small, have got to pay land revenue, rent, local rates and cesses. But the payment of interest on these items is an ordinary charge on the estate, and in spite of best precautions sometimes there is shortage of money or other reasons may compel a party to pay interest. This is a legitimate charge on the income and there should be deduction on this account.

The second item of expenditure is the penalty paid for arrears of land revenue. This is also an item which should be excluded from taxation. Sometimes, on account of causes beyond the control of the party it happens that land revenue is not paid in time. This may be due to a variety of causes, and the penalty that is levied by the Government in consequence is a legitimate charge on the estate.

The next item is the expenditure on charitable and other religious purposes not covered by clause 4(*b*). This requires a little explanation. Under clause 4(*b*), expenditure for charitable and religious purposes is excluded where there is a trust property, that is, where there is a trust, such as a *wakf*, *debattar* and the like, which is created by a deed or established by tradition or by operation of law. The exclusion is dependent upon whether the charities fall under clause 4(*b*); if so, whatever may be the amount spent, large or small, it would be excluded. But on principle, charities which are

not covered by clause 4(*b*) should not be shut out. These unofficial charities are very common in Bengal and are ingrained in our nature and should be on a par with official charities. There should be no distinction between the two classes of charities. In the circumstances, I think that these three items are legitimate exceptions and the amendment should be accepted. As Mr. Mukherjee has pointed out, probably these items have escaped the attention of the draftsman. I, therefore, support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the scope of the allowances provided is wide and ample, and I do not see any necessity for further allowances which might embarrass the Income-tax Officers. So I oppose the amendment.

Mr. PRESIDENT: Order, order. Now I propose to put Mr. Bankim Chandra Mukherjee's amendment first, because if that is carried, then Mr. Haridas Mazumdar's amendment will not arise.

The question before the House is that in clause 6 of the Bill, after sub-clause (*3*), the following sub-clause be added, namely:—

"(*3a*) any sum paid by him in the previous year as interest on loans for payment of land revenue or rent and any local rate or cess in respect of such land; any amount of penalty paid by him in the previous year on the arrears of land revenue; any sum spent by him in the previous year for charitable and religious purposes of a customary nature not covered by section 4(*b*)."

(The amendment was negatived.)

Mr. PRESIDENT: I shall now put Mr. Haridas Majumdar's amendment. The question before the House is that in clause 6 of the Bill, the following be inserted at the end of sub-clause (*3*), namely:—

"any sum paid by him as interest in the previous year on loans for payment of land revenue or rent and any local rate or cess in respect of such land; any amount of penalty paid by him in the previous year on the arrears of land revenue; any sums spent by him in the previous year for charitable purposes not covered by section 4(*b*)."

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 6 of the Bill, for sub-clause (*4*), the following be substituted, namely:—

"(4) any sum paid by him in the previous year for the maintenance of any irrigation or protective work or other capital asset."

Sir, this is merely a re-arrangement of the words in this sub-clause. A mere comparison would suggest that the sub-clause has been written by one who is versed more in Bengali than in English. The exact sequence required by English usage has been lost sight of. The amendment is merely a re-arrangement of the words without any other change at all. I will merely read the Bill-clause and also read the amendment and say nothing else. The sub-clause in the Bill reads:

"(4) in respect of the maintenance of any irrigation or protective work or other capital asset the amount paid in the previous year on account thereof."

I believe in Bengali, the passage would exactly stand like this but in English it should be slightly recast. The amendment is to the effect "(*4*) any sum paid by him in the previous year for the maintenance of any irrigation or protective work or other capital asset." I think that this would read much better. In a legislative draft the rendering should be as perfect as possible, and the text should be written and re-written and there should be no sparing of effort to improve it.

Sub-clause (*6*) of this clause is exactly on the lines of my amendment. There is absolute want of uniformity and symmetry in the drafting of similar sub-clauses in this Bill. Sub-clauses (*4*) and (*6*) are written in different styles. Sub-clause (*3*) also is unlike sub-clause (*4*) as my friend Mr. Humayun Kabir points out. On these considerations, I believe that the context would be strengthened and improved by accepting the amendment.

Mr. PRESIDENT: Amendment moved. That in clause 6 of the Bill, for sub-clause (*4*), the following be substituted, namely:—

"(*4*) any sum paid by him in the previous year for the maintenance of any irrigation or protective work or other capital asset."

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment. If we look at the clause itself, we do not know how this sub-clause (*4*) came to worded in the way in which it stands at present. Clauses (*3*), (*6*) and every other clause, and sub-clause (*1*)—they all seem to be understandable clearly; but when we begin to read sub-clause (*4*), we do not find what it purports to provide. It says "in respect of the maintenance of any irrigation or protective work or other capital asset"; then come the words "amount paid in the previous year on account thereof".

I do not know whether it is English language or any other language and I wonder if my Scotch friends will be able to understand the language. But I submit that the amendment only seeks to improve the language and it would be in accordance with language used in other Acts and easily understandable. With these words, I support the amendment moved by my friend Khan Bahadur Naziruddin Ahmad.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the language used is not certainly Hebrew: I do not say "Greek", because that is really not understanable by us. But I think the emphasis is in the right place. Therefore, I do not see any necessity for this drafting amendment.

Mr. PRESIDENT: The question before the House is that in clause 6 of the Bill, for sub-clause (*4*), the following be substituted, namely:—

"(*4*) any sum paid by him in the previous year for the maintenance of any irrigation or protective work or other capital asset "

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in sub-clause (*4*) of clause 6 of the Bill, after the words "protective work" in line 2, the words "or applying manure" be inserted.

Sir, I do not know why this was not included and why the framers of a Bill like the Agricultural Income-tax Bill altogether forgot about the money which an agriculturist should spend for the purpose of applying manure in his land in order to get more yield from the land itself. As a matter of fact we now hear so much about increasing the productivity of soil by means of manure. I may refer in this connection to what Sir Joginder Singh, a Member of the Government of India, has said. He said that attempts were being made for the purpose of manufacturing scientific manure on a large scale in order that agriculturists may be supplied with such manure for the purpose of improving the productivity of the soil. As a matter of fact, it has been admitted on all hands that the produce of the soil can be increased twice its present yield in the course of a few years by application of scientific manure. Expenses for securing scientific manure would not be inconsiderable. So some provision should be made for this purpose in clause 4. If the Hon'ble Finance Minister assures us that the agriculturists should be entitled to a deduction under clause 10 of what expense he has to incur for applying manure, that would be a quite different thing: otherwise the amendment should be accepted by the House, especially when we find the members

supporting the Government are so much solicitous for the cause of agriculturists I hope they should unanimously support my amendment.

Mr. PRESIDENT: Amendment moved that in sub-clause (*d*) of clause 6 of the Bill, after the words "protective work" in line 2, the words "or applying manure" be inserted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. The amendment is particularly useful, especially for the Burdwan Division. It is well-known that Burdwan Division was highly advanced in agriculture long before the British occupation. But after centuries, the fertility of land has enormously deteriorated and the manuring of land is an indispensable necessity everywhere. In Eastern Bengal there is probably no such need. Applying manure to land is therefore a productive and ligitimate expenditure for cultivators. If this provision has not already been included in some other place, then the amendment should be accepted. Such expenditures should be excluded from taxation.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I am sorry that two of my eminent lawyer friends are under the misapprehension that this applies to agriculturists so far as their agricultural income is concerned. Section 6 is for income from rent and section 7 for income from agriculture in which there is definite provision for deduction of cost. Here we are dealing with rent and revenue. We are not dealing with the real agriculturists at all. So this amendment is out of place here. As regards manure and other things, everything has been put under sub-clause (*l*) of clause 7.

Mr. HUMAYUN KABIR: Sir, I had no intention to take part in the debate but the remarks of my honourable friend who has just sat down provoke me to ask him one or two questions. It is quite true that so far as normal expenditure on agriculture is concerned, it is provided under clause 7, sub-clause (*l*), but capital expenses which have already been incurred will not be calculated in assessing the income-tax on agriculture. In this connection, I would ask the Hon'ble Minister to consider whether it is not a a fact that today in Bengal the question of supplying manure is not one which can be satisfactorily tackled by ordinary cultivators. My honourable friend who spoke earlier referred to the Burdwan Division and said that there was deterioration in the quality of soil and application of manure was an essential condition for the improvement of agriculture. I would ask him to consider that it is the case not only with regard to the Burdwan Division, but also with practically the whole of Bengal. It is no doubt true that till very recently the question of manure was not so important in East Bengal as there were regular inundations. You know, Sir, that the position of rivers in East Bengal is not so satisfactory today as it was before. In any case, except in certain selected areas, the problem of application of manure in Central Bengal and East Bengal is a very serious question. The expenses of successful manuring is generally beyond the capacity of most ordinary or middle class agriculturists. Therefore, even though clause 6 deals mainly with the income derived from rent or revenue, I would ask the Hon'ble Minister to consider whether the question of application of manure does not come under such permanent improvements. This is a sort of capital investment on land. The rate at which the soil is deteriorating makes it clear that unless steps are taken very soon and on a sufficiently large scale, the position will almost be beyond recovery. We know that in certain areas of Jessore, Nadia and Faridpur, and I have special knowledge of Faridpur, the land has gone almost out of cultivation because the deterioration is so great that the question of manuring those lands is beyond the means of ordinary cultivators or even beyond the means of middle class agriculturists. In some cases, even the landlords themselves find it difficult to bear the entire cost of supplying manures. It is a big problem which Government should tackle but they may say that their schemes are not ready. As my honourable

friend the leader of the Coalition Party stated on an earlier occasion, the Government have allotted more money to the Agricultural Department than they know how to spend. If that be the case, they should at any rate encourage the landlords who are relatively better off to invest their money in improving the soil through the use of artificial manure, through the application of different kinds of manures. For this reason certain amount should be ear-marked to exempt these costs from the operation of the Tax and it should be provided in clause 6 and not in clause 7.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: On a point of personal explanation, Sir. Clause 6 does not deal with this subject at all. The question of the cost of manuring comes under different section altogether, clause 7. So, he has misunderstood the point altogether.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment, because our clause as it stands covers the application of manure undoubtedly, if this is necessary for the purpose of securing an agricultural income. Sub-clause (*1*) covers the point.

Mr. PRESIDENT: The question before the House is that in sub-clause (*4*) of clause 6 of the Bill, after the words "protective work" in line 2, the words, "or applying manure" be inserted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*4*) of clause 6 of the Bill, in the Explanation, for the word and inverted commas " 'Maintenance' ", the words and inverted commas "The expression 'maintenance' " be substituted.

Sir, the amendment is of a drafting nature but its implications are serious. As I have already submitted, a word which is defined in the Bill, invariably begins with a capital letter if for obvious reason the word has been used with a capital letter in the text of the Bill. But where it is used with a small letter in the text, then in the definition clause the word is never used with a capital letter. There are many examples in this Bill itself, and I need not go to other Bills and Acts for examples. In the definition clause there are a large number of instances, such as, "Agricultural Income-tax Officer, Assistant Commissioner, Commissioner" and so forth. They begin with capital letters because in the Bill also they begin with capital letters. In this case, in sub-clause (*4*), in line 1, the word "maintenance" begins with a small letter but in the *Explanation*, which defines it, it begins with a capital letter. Now, in this case there is one difficulty; for the word "Maintenance" is the beginning of the sentence. Thus, for reasons of grammar, it should begin with a capital letter, but for reasons of drafting symmetry it should begin with a small letter. The question is: whether the two principles could be reconciled, i.e., if its agreement with the word in the text as well as the grammatical rule could be reconciled. The usual device in such cases is to interpose a word or two before the first word and thus to remove the offending word from the beginning and thus remove the necessity for using a capital letter. The Explanation begins like this " 'Maintenance' includes and so forth". In the amendment a little change has been suggested. That would satisfy both the requirements; grammar would be satisfied and legislative drafting would also be standarised. In the circumstances, there is ample reason for adopting this course. Going through a large number of Acts and Bills I find that this device is adopted in a large number of Acts. I am indebted to Mr. Nur Ahmad for the next amendment which deals with this very question. He has also put his finger at the right spot, but I think there is some inadvertent omission in his amendment; but, nevertheless, he has located the disease. He would substitute "the word Maintenance". I have attempted to substitute "The expression 'maintenance' ". Possibly, Mr. Nur Ahmad's idea was that the word "word" should be used to denote a single word and the word "expression" should be used to denote a larger number of words——

Mr. PRESIDENT: Khan Bahadur Sahib, that amendment is not before the House.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I was trying to strengthen my amendment by referring to that of Mr. Nur Ahmed.

Mr. PRESIDENT: May be, but you ought to know that technically that amendment is not before the House.

Khan Bahadur NAZIRUDDIN AHMAD: I know that, Sir. I was merely trying to strengthen my amendment by referring to that amendment which is identical with my amendment; criticism was not my objective. I know that that amendment will not come before the House and that this amendment would be lost to this House. I only observed that Mr. Nur Ahmed also placed his finger on the same weak spot and located the disease. I gave you, Sir, the other day an idea of the amount of labour we have to undergo before we come to the House; although a large number of supporters of Government prove their existence only by loud and sonorous, "Noes", the work involved in the matter of this legislation on our part is very great. Sir, I have gone through the history of——

Mr. PRESIDENT: I do not think you should go into all these details; it is not necessary nor quite relevant.

Khan Bahadur NAZIRUDDIN AHMAD: All right, Sir, I may say that the drafting of my amendment is in consonance with established usage not only in India but also in England. I have gone through a large number of enactments and can assure the House of the accuracy of the statement. There is an exact parallel in the Bengal Tenancy Act in section 178. There, in the *Explanation* the passage is "The expression 'horticultural' lands". If the sentence began with the word "horticulture", the "h" would have been a capital word, while the word itself in the text begins with a small letter.

But in order to avoid this anomaly, the form used in the *Explanation* is "the Expression 'horticultural land' ", and I can satisfy the House that the word "Expression" can be used for a single word. It is a perfect model and can be safely followed. As I have submitted, the two opposite requirements can be satisfied by the interposition of the two words "The expression". The rules of good drafting as well as those of grammar will be satisfied by this simple device. I think that for all these reasons this amendment should be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the advice of our drafting experts is that this amendment is unnecessary.

Mr. PRESIDENT: The question before the House is that in sub-clause (*4*) of clause 6 of the Bill, in the Explanation, for the word and inverted commas " 'Maintenance' " the words and inverted commas "The expression 'maintenance' " be substituted.

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: Sir, may I move amendment No. 100A of Mr. Nur Ahmed as a short-notice amendment?

Mr. PRESIDENT: I am sorry, I cannot allow short-notice amendment on the line of Mr. Nur Ahmed's amendment. You better move your amendment No. 101.

Mr. HARIDAS MAZUMDAR: All right, Sir. I beg to move that in the Explanation in sub-clause (*4*) of clause 6 of the Bill, for the words "for repairing" in line 4, the words "for replacing or reconstructing any dykes or embankments or repairing" be substituted.

Sir, I think this is a very essential amendment and should be accepted.

Mr. PRESIDENT: Amendment moved that in the Explanation in sub clause (*4*) of clause 6 of the Bill, for the words "for repairing" in line 4, the words "for replacing or reconstructing any dykes or embankments or repairing" be substituted.

Mr. BANKIM CHANDRA MUKERJEE: Sir, I rise to support the amendment moved by my friend Mr. Haridas Mazumdar. It seems that the clause as drafted does not include the expenses which is sought to be added by the amendment. The existing clause runs as follows:—

> "'Maintenance' includes current repairs and includes also in the case of protective dykes and embankments all such work as may be necessary from year to year for repairing any damage or destruction caused by flood, or other natural causes."

Possibly the Hon'ble Finance Minister knows and every one of us who has got some experience of this class of embankments and dykes knows that apart from current repairs and expenses for repairing damages and destruction we have sometimes to replace the dykes and embankments and also to reconstruct them. The restrictive words used in the clause seem to exclude such expenses mentioned in the amendment itself. I do not think the framers of the Bill intended to exclude expenses for replacing and reconstructing dykes and embankments which are totally destroyed, and therefore I submit that the amendment should be accepted. As a matter of fact, every one who has known or has seen the havoc caused by the cyclone in the district of Midnapore year before last knows fully well that large expenses had to be incurred by the people for the purpose of protecting the embankments. Only the other day I had occasion to meet the Hon'ble Minister in charge of Communications and Irrigation for the purpose of requesting him that expenses in connection with the several embankments and dykes which have been destroyed and were being replaced ought to be taken up by Government. The landlords themselves were unable to meet the expenses although they have combined for the purpose of pooling their resources together. It is therefore essentially necessary that the clause should be cleared up and special provision made for allowance for the expenses mentioned in the amendment. It may be suggested that the word "destruction" is there in the explanation. But I think there the word is not so clear and therefore the amendment should be accepted for the purpose of clearing up the doubts and difficulties of the assessing officers in this respect.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to support the amendment. In the original Bill clause it is only confined to repair of damages and so forth. Any expenditure incurred for repairing protective walls and so forth is excluded.

But in the amendment proposed the cost of replacing or reconstruction and such other thing is sought to be included. I submit the cost of protective works is also a necessary element. It is not capital expenditure. The fact that it is incurred at once does not make it capital expenditure.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the capital expenditure of reconstruction or replacing cannot be allowed in this tax; but allowances for reconstruction and replacing that may be necessary by way of repairing damages caused by flood have been provided in the sub-clause. We cannot make allowance for capital expenditure.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state what he means by capital expenditure and recurring expenditure?

Mr. PRESIDENT: Order, order. Mr. Mukherjee, I am on my legs and actually putting the question to vote; so you cannot ask any question.

The question before the House is: That in the *Explanation* in sub-clause (*4*) of clause 6 of the, for the words "for repairing" in line 4, the words "for replacing or reconstructing any dykes or embankment or repairing" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in sub-clause (*d*) of clause 6 of the Bill, in the *Explanation*, for the words "other natural causes" in lines 5 and 6, the words "other causes beyond his control or not arising out of his default" be substituted.

Sir, in the Bill-clause, the exemption from taxation is confined to "damage or destruction caused by flood and other natural causes"; but the expression "natural causes" is of doubtful import and ambiguous. The point is that if any damage is caused for which the tenant or the owner is not responsible or which is not due to his fault or negligence, I think the cost of repairing that damage should be included in the allowance. We have distinguished members of the business community in our midst and they will, I hope, assure the House that any loss which is caused not by his default or negligence, should be legitimate charges against expenditure and should be excluded from taxation. An examination of the accounts of a well-managed limited company would show that these are included.

The idea is based upon sound principle. The principle is that the loss caused by reasons over which he had no control or not arising out of his default must be excluded. With these words, I move my amendment.

Mr. PRESIDENT: Order, order. Amendment moved that in sub-clause (*d*) of clause 6 of the Bill, in the *Explanation*, for the words "other natural causes" in lines 5 and 6, the words "other causes beyond his control or not arising out of his default" be substituted

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I support the amendment moved by my friend Khan Bahadur Naziruddin Ahmad. As a matter of fact, I think there is an admission with regard to the nature of the damage as indicated in the amendment itself. Now, as it is, it may be stated that there cannot be any destruction of an embankment or a protective work except by flood or by natural causes. I think I may illustrate it for the elucidation of the honourable members of this House by reference to one or two instances. There may be huge bunds scattered near a large area of agricultural lands. Due to the default of the owner of the bund there may be breaches in the embankment or the bund itself, and flood water or rain water may enter in huge torrents and damage the agricultural lands below as also the miniature bunds protecting these lands. We have got experience of such damages of lands by flood water which is not protected by the embankment itself. For repairing the miniature bunds and for removing the sands which cover these lands, the agriculturists have to incur huge expenditure. I therefore submit, Sir, that the expenditure should not be restricted only to damages due to natural causes but, as indicated in the amendment itself, to causes beyond his control and not arising out of his default. With these few words, I support the amendment.

Mr. HUMAYUN KABIR: Sir, I would add a few words for the consideration of the Hon'ble the Finance Minister. I would refer especially to cases where it may be due to action of persons other than the persons who are responsible for the maintenance of the protective dykes or the embankments. I think it will be agreed by the Hon'ble the Finance Minister that there may be cases where water has accumulated and unless the water is allowed to go through quickly, it may damage crops. I think it will be within his experience that in such cases, the villagers have at times taken the law into their own hands. They have made a small opening in the protective dyke or the embankment with the result that the water has been allowed to go out: perhaps such a step was necessary at the time it was taken. But nevertheless the damage to the embankment remains and obviously this damage would not be the fault of the persons who were responsible for the maintenance of the dyke or the embankment.

Again, Sir, I do not know if my honourable friend the Finance Minister has caught the infection as yet; but many persons with whom he is associated

see saboteurs and dream of saboteurs all around. It may be there may also be cases of sabotage. If there is a case of sabotage and a protective dyke or embankment is damaged, is the person,—the landlord or whoever he may be who is responsible for the maintenance of the dyke,—going to be charged with that damage? Therefore, Sir, when reference is made to damage caused only by flood or other natural causes, the picture is incomplete. I would submit that the opening of a portion of the dyke or the embankment by the action of the villagers in an open manner should also be covered along with the damage caused by flood or by other natural causes.

Such repairs may involve expenditure on a fairly heavy scale. I would like to know from the Hon'ble Finance Minister what his attitude is with regard to any damage that may be caused to an embankment in either of the ways which I have pointed out. If it were necessary, one could go on multiplying instances; there are all kinds of ways in which damage could be caused to an embankment without there being a flood or a tempest or a storm, or other natural causes. I would like to hear the Hon'ble Finance Minister on this point.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I think the provision is quite adequate. In fact, that the *Explanation* provides for an allowance for grants for repairs as well as repairs necessitated by floods, etc. As regards natural causes, I do not see how the matter can come in in an Income-tax Bill. As regards damage of the type referred to by Mr. Kabir, I think the courts are there and damage can be recovered there. I do not think an Income-tax Bill of this kind can provide for this thing.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*4*) of clause 6 of the Bill, in the *Explanation*, for the words "other natural causes" in lines 5 and 6, the words "other causes beyond his control or not arising out of his default" be substituted.

The question being put, a division was challenged and taken with the following result:—

AYES—10.

Khan Bahadur Naziruddin Ahmad.	Alhadj Khan Bahadur Shaikh Mohd. Jan.
Rai Bahadur K. C. Banerji.	Mr. Humayun Z. A. Kabir.
Mr. S. C. Chakraverti.	Mr. H. D. Mojumdar.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. Khorshed Alam Chowdhury.	Mr. A. D. Roy.

NOES—21.

Khan Sahib Fariduddin Ahmad.	Mr. D. J. Cohen.
Mr. Mesbahuddin Ahmed.	Mrs. K. D'Rozario.
Mr. Nur Ahmed.	Mrs. L. P. Dutt.
Mr. Sultanuddin Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib Abdul Aziz.	Mr. Latafat Hossain.
Mr. D. L. Barua.	Mr. Mohamed Hossain.
Mr. Moazzemali Chowdhury.	Khan Sahib Subid Ali Mollah.
Mr. Hamidul Huq Chowdhury.	Khan Bahadur Mukhlesur Rahman.
Khan Bahadur Abdul Hamid Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. Mohd. Habibullah Chowdhury.	Mr. J. W. R. Steven.
Mr. C. E. Clarke.	

Mr. PRESIDENT: Order, order. The House has divided. The Ayes being—10, and the Noes—21, the amendment is negatived.

Mr. LALIT CHANDRA DAS: I beg to move that after sub-clause (*4*) of clause 6 of the Bill, the following be inserted, namely:—

"(*4a*) in respect of maintenance of the parents, sons and daughters and wives and servants of his family, the amount paid in the previous year and on account thereof."

Sir, this follows the English law. Now, Sir, in England so far as agricultural income-tax is concerned, agriculturists are allowed to deduct the costs in respect of the maintenance of parents, sons and daughters, etc. In our part of the country the agriculturists have also got to maintain all these persons. So, they should in all fairness be allowed to deduct all these expenses. With these words, I move my motion.

Mr. PRESIDENT: Amendment moved: That after sub-clause (*4*) of clause 6 of the Bill, the following be inserted, namely:—

"(*4a*) in respect of maintenance of the parents, sons and daughters and wives and servants of his family, the amount paid in the previous year on account thereof."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The expenses mentioned in the amendment has nothing to do with the earning of agricultural income. I would invite the honourable member's attention to the fact that we are dealing with clause 6. Therefore, I think, the amendment has come at an inappropriate place.

Mr. PRESIDENT: The question before the House is: That after sub-clause (*4*) of clause 6 of the Bill, the following be inserted, namely:—

"(*4a*) in respect of maintenance of the parents, sons and daughters and wives and servants of his family, the amount paid in the previous year on account thereof."

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: Sir, I beg to move: That for sub-clause (*7*) of clause 6 of the Bill, the following sub-clause be substituted, namely:—

"(*7*) in respect of the cost of collection of such rent or revenue including the cost of maintenance of any *katchari* or other capital assets and any expenses of litigation, any expenditure actually incurred for collecting such rent or revenue for maintaining any *katchari* or other capital assets and for litigation in connection with the realisation of such rent or revenue."

Sir, this is a very important amendment and I hope it will be accepted.

Mr. PRESIDENT: Amendment moved: That for sub-clause (*7*) of clause 6 of the Bill, the following sub-clause be substituted, namely:—

"(*7*) in respect of the cost of collection of such rent or revenue including the cost of maintenance of any *katchari* or other capital assets and any expenses of litigation, any expenditure actually incurred for collecting such rent or revenue for maintaining any *katchari* or other capital assets and for litigation in connection with the realisation of such rent or revenue."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, flat rate is the best method in this case, because it avoids friction and it is administratively more convenient. We think that a flat rate of 15 per cent. is adequate. Moreover, there is a further deduction allowed for those who keep their accounts properly. In the circumstances, I oppose the amendment.

Mr. PRESIDENT: The question before the House is that for sub-clause (*7*) of clause 6 of the Bill, the following sub-clause be substituted, namely:—

"(*7*) in respect of the cost of collection of such rent or revenue including the cost of maintenance of any *katchari* or other capital assets and any expenses of litigation, any expenditure actually incurred for collecting such rent or revenue for maintaining any *katchari* or other capital assets and for litigation in connection with the realisation of such rent or revenue."

The motion being put, a division was challenged and taken with the following result:—

AYES—8.

Khan Bahadur Naziruddin Ahmad.	**Mr. Humayun Z. A. Kabir.**
Rai Bahadur K. C. Banerji.	**Mr. H. D. Mojumdar.**
Mr. S. C. Chakraverti.	**Mr. B. C. Mukherji.**
Mr. L. C. Das.	**Mr. A. D. Roy.**

NOES—21.

Khan Sahib Fariduddin Ahmad.	**Mr. D. L. Barua.**
Mr. Mesbahuddin Ahmed.	**Mr. Meazzemali Chowdhury.**
Mr. Nur Ahmed.	**Mr. Hamidul Huq Chowdhury.**
Mr. Sultanuddin Ahmed.	**Khan Bahadur A. H. Chowdhury.**
Khan Sahib Abdul Aziz.	**Mr. Mohd. Habibullah Chowdhury.**

Mr. C. E. Clarke.	Mr. Latafat Hossain.
Mrs. K. D'Rozario.	Mr. Mohamed Hossain.
Mrs. L. P. Dutt.	Khan Sahib Subidali Mollah.
Mr. R. W. N. Ferguson.	Khan Bahadur Mukhlesur Rahman.
The Hon'ble Khan Bahadur S. M. Hosain.	Mr. Yakub H. S. Sattar.
	Mr. J. W. R. Steven.

Mr. PRESIDENT: Order, order. The House has divided. The Ayes being—8, and the Noes—21, the amendment is negatived.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in sub-clause (7) of clause 6 of the Bill, the words "or other capital assets and any expenses of litigation" in lines 3 and 4 be deleted.

Sir, the object of my amendment is that these expenses should not be included within the 15 per cent. which the Hon'ble Finance Minister allows to landlords for the cost of collection of rents. We all know that a landlord is hardly able to make his collection on the 15 per cent. basis that is provided for in the Bill and if that is added to capital assets or expenses of litigation, then landlords will be nowhere.

Expenses of litigation should be provided somewhere else. For that purpose, I have made some provision in the amendment which I have proposed. But I would submit that it is inequitable to lump up costs of collection with expenses of a capital nature and expenses of litigation. I therefore, submit that the amendment which I propose should be accepted in order to relieve the landlord from the harsh clause which has been incorporated in the Bill. With these words, I move my amendment

Mr. PRESIDENT: Amendment moved that in sub-clause (7) of clause 6 of the Bill, the words "or other capital assets and any expenses of litigation" in lines 3 and 4 be deleted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, *katchari* and other capital assets necessary for collecting rent—these have been included. Whether 15 *per centum* is adequate or not depends on many circumstances. We feel that for general class of landlords that is an adequate allowance——

Mr. BANKIM CHANDRA MUKHERJEE: May I know his personal experience in the matter?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Well, it depends on the different properties. In the case of some properties we can collect very easily, by post even; and in others we have to incur some expenditure. But I think 15 *per centum* is an adequate figure and I do not think that in prescribing 15 per cent. we have allowed too little. In that view of the matter, I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (7) of clause 6 of the Bill, the words "or other capital assets and any expenses of litigation" in lines 3 and 4 be deleted.

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: I beg to move that in sub-clause (7) of clause 6 of the Bill, for the words "fifteen *per centum*" in line 4, the words "actual cost exceeding twenty-five *per centum*" be substituted.

Sir, I have just heard the Hon'ble Finance Minister to say that 15 *per centum* includes the cost of litigation. In considering the famine conditions prevailing and dearness allowances granted to the *naibs* and *gomosthas* and other workers, I think 15 per cent. is not at all sufficient and 25 per cent. should be a reasonable compromise. In the circumstances, I think this amendment at least should be accepted.

Mr. PRESIDENT: I would suggest that other amendments on the same lines should be moved together.

Mr. LALIT CHANDRA DAS: I beg to move that in sub-clause (7) of clause 6 of the Bill, for the words "fifteen *per centum*" in line 4, the words "actual cost not exceeding twenty *per centum*" be substituted.

Mr. PRESIDENT: Amendments moved: that in sub-clause (7) of clause 6 of the Bill, for the words "fifteen *per centum*" in line 4, the words "actual cost exceeding twenty-five *per centum*" be substituted; also

that in sub-clause (7) of clause 6 of the Bill, for the words "fifteen *per centum*" in line 4, the words "actual cost not exceeding twenty *per centum*" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment moved by Mr. Haridas Mazumdar and Mr. Lalit Chandra Das. The amendment which has been moved first should be accepted because the assessee will have to prove whether he has actually incurred the costs. 15 per cent. which has been allowed is not at all adequate. It has been arbitrarily fixed and should not be allowed to remain in the Statute Book. We all know the landlords get into difficulty to collect rent. Sometimes tenants of a whole village combine against the landlord and refuse to pay rent. The position of landlords in such cases becomes precarious and he has to launch a wholesale litigation for the purpose of realising rent. The landlords have been deprived of the power of certificate procedure. The Hon'ble the Finance Minister has, of course, stated that rents are sometimes collected by post. I think it is only in exceptional cases that rent is paid by some tenants by post. But where there is dispute between landlords and tenants with regard to the amount of rent, then the landlord has got to institute rent suits for the purpose of realising rent. Therefore, it is not possible to keep these expenses within 15 per cent. which has been allowed in the clause. I, therefore, submit that the amendment should be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the only thing that I have to add to my previous speech on the subject is this that Bihar has provided for only 12 per cent. and in the Indian Income-tax Act the allowance is only 6 per cent.

Mr. BANKIM CHANDRA MUKHERJEE: Does the Hon'ble Minister follow Bihar in all aspects?

Mr. PRESIDENT: Order, order. The question before the House is: That in sub-clause (7) of clause 6 of the Bill, for the words "fifteen *per centum*" in line 4, the words "actual cost exceeding twenty-five *per centum*" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is. That in sub-clause (7) of clause 6 of the Bill, for the words "fifteen *per centum*" in line 4, the words "actual cost not exceeding twenty *per centum*" be substituted.

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: Sir, I beg to move: That in sub-clause (7) of clause 6 of the Bill, for the word "fifteen" in line 4, the word "twenty" be substituted.

I hope, Sir, this amendment at least should be accepted.

Mr. PRESIDENT: Amendment moved: That in sub-clause (7) of clause 6 of the Bill, for the word "fifteen" in line 4, the word "twenty" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: That in sub-clause (7) of clause 6 of the Bill, for the word "fifteen" in line 4, the word "twenty" be substituted.

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: Sir, I beg to move that in sub-clause (7) of clause 6 of the Bill, for the word "fifteen" in line 4, the word "eighteen" be substituted.

Sir, I hope this amendment would be accepted.

Mr. PRESIDENT: Amendment moved that in sub-clause (7) of clause 6 of the Bill, for the word "fifteen" in line 4, the word "eighteen" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment moved by my friend Mr. Mazumdar. This is indeed a test to see whether the Hon'ble Minister will accept the request of the Opposition. 15 per cent. is not much. Just now he referred to the Bihar Agricultural Income-tax Act. I rise to support it only for the purpose of making some reference to the Bihar Agricultural Income-tax Act to which the Hon'ble the Finance Minister just now referred. I hope the Hon'ble the Finance Minister will remember the Bihar Agricultural Income-tax Act when we move other amendments and would agree to follow the example of Bihar and introduce similar provisions with regard to the assessees in this Province. I hope the Hon'ble the Finance Minister knows that in Bihar the process of realisation is not so difficult as in Bengal, and therefore the Bengal landlords are very much hard hit with regard to their expenses for collection and the 15 per cent. which has been provided is hardly sufficient for the purpose. I had something to do with the Bihar landlords and tenants, and I have some experience which I may tell the Hon'ble the Finance Minister. In Bihar the landlords and collectors are in majority of cases the same individual. The landlords till their own soil, and there is no such elaborate system of sub-tenancies as we find in Bengal. If the Hon'ble the Finance Minister will refer to the case of Barisal where sub-infeudation prevails, he will remember in what difficulties the landlords are put in the matter of collecting rents from their sub-tenants. In the circumstances, I hope the Hon'ble the Finance Minister will accept at least 3 per cent. additional allowance for the landlords and allow the amendment to be passed. With these few words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (7) of clause 6 of the Bill, for the word "fifteen" in line 4, the word "eighteen" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The House stands adjourned till 3 p.m. tomorrow.

Adjournment.

The Council then adjourned till 3 p.m. on Friday, the 28th July, 1944.

Members Absent.

The following members were absent from the meeting held on the 27th July, 1944:—

(1) Khan Sahib Nurul Amin.
(2) Mr. Kader Baksh.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. K. K. Dutta.
(5) Khan Bahadur Abdul Gofran.
(6) Mr. M. R. Jaipuria.
(7) Mr. Humayun Z. A. Kabir.
(8) Maulana Mohd. Akram Khan.
(9) Mr. Abdul Latiff.
(10) Mr. N. N. Moholanabish.
(11) Mr. N. N. Mookerji.
(12) Mr. R. Pal Chaudhuri.
(13) Mr. R. S. Pursell.
(14) Dr. K. S. Ray.
(15) Mr. K. C. Roy Chowdhury.
(16) Mr. S. N. Sanyal.
(17) Khan Bahadur M. Shamsuzzoha.
(18) Khan Sahib Maulvi Wahiduzzaman.

BGP-44/5-8566A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944, No. 67.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 28th July, 1944, at 3 p.m., being the sixty-seventh day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble SIR BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Rice position in Bengal.

240. Mr. NARESH NATH MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state what is the position with regard to rice in this Province?

(*b*) Is there any system of control at present with regard to price, sale and movement of rice from one district to another?

(*c*) If so, what are the details? If not, do the Government propose to ensure the sales of rice to the public at a fair price?

(*d*) What is the total quantity of rice and paddy purchased by the Government under the "Denial Police"?

(*e*) Has any portion of this been released to the market or for any other purpose? If so, what were the circumstances that led to such release?

(*f*) Is it a fact that such releases are entirely at the discretion of the Government of India?

(*g*) Do the Government propose to buy further quantities of rice? If so, do they propose to buy it through registered dealers who will finance this and sell the rice at a fixed price on permits issued by the Government?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) The Government of India have undertaken the responsibility of making supplies of rice for the requirements of Calcutta and the Industrial area. The Bengal Government have provided (under the *Unan* scheme) for procurement and movement of rice from surplus to deficit areas.

(*b*) Yes.

(*c*) The price of rice and paddy has been controlled from time to time by the fixation of statutory maximum prices throughout the Province. Copies of these notifications are laid in the Library.

The movement of rice and paddy from one district to another has also been controlled in respect of the following 12 surplus districts from which export is not allowed without a permit except in the case of consignments of 2½ maunds carried as personal luggage on railways:

(1) Midnapore.
(2) Bankura.
(3) Birbhum.
(4) Burdwan.
(5) Malda.
(6) Dinajpur.
(7) Jalpaiguri.
(8) Rajshahi.
(9) Bogra.
(10) Mymensingh.
(11) Bakarganj.
(12) Khulna.

Control has also been instituted in respect of the sale of rice from rice mills under the Bengal Rice Mills Control Order, 1943; rice mills have been prohibited from selling rice to any person except a Government Purchasing Agent or a permit-holder.

In view of the above answers, the latter part of the question does not arise.

(*d*) to (*f*) The total quantity of denial rice was 30,000 tons of which 27,400 tons were released for the Civil population in Bengal; 2,500 tons were exported to Ceylon and the remaining 100 tons were supplied to the Army.

(*g*) Government are already purchasing rice and paddy through 4 Chief Purchasing Agents who are operating on their behalf on a commission basis. Government are selling this rice and paddy to consumers in deficit areas as and when necessary.

Mr. HARIDAS MAZUMDAR: Are the Government aware that as a personal luggage a consignment of 2½ maunds of rice is not allowed on steamers and on railways also, as Rai Bahadur Keshab Chandra Banerjee says, at times?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: May be that on account of any rules promulgated by the railways or steamer companies themselves, they cannot allow such consignment of rice. But we have nothing to do with that.

Rai KESHAB CHANDRA BANERJEE Bahadur: Since this is a Government order, will the Hon'ble Minister please state whether or not it is desirable to communicate this order to the Joint Agent of the Steamer Companies?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Well, Sir, the Government order is only permissive, that one can take so much but if the railway authorities find transport difficulties or if there are other more important articles to carry, then I do not think Government can issue any instruction to these companies to alter the rules.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister please state whether they will inform the steamer authorities of this Government order permitting the carriage of 2½ maunds of rice as a personal luggage?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Copies of the order may be sent to the steamer agents, as desired by the honourable member.

Purchase of rice by Messrs. Ispahani & Co., from Bihar and Orissa and the Eastern Agency States.

241. Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) how many maunds of rice and at what rates Messrs. Ispahani & Co. purchased as an Agent of the Government of Bengal from Bihar and Orissa and the Eastern Agency States during the period the embargo on rice remained withdrawn;

(*b*) how much of this rice and at what rates the said Company could deliver to the Government and how much yet remains to be delivered; and

(*c*) if it is a fact that the local authorities of the Provinces and the States concerned are not affording proper facilities for transporting to Bengal a large quantity of rice purchased by Messrs. Ispahani & Co., if so, what steps Government have taken to transport this rice into Bengal?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) and (*b*) A statement is laid on the Table. The prices charged to Government were in all cases the prices actually paid by Messrs. Ispahani & Co.

(*c*) As regards purchases in the Eastern States, transport difficulties have delayed movements. As regards the Bihar and Orissa purchases, there have been difficulties in securing export permits from the Provincial Administrations concerned. The matter is, however, being actively pursued.

Statement referred to in reply to question No. 241, showing the quantity of rice purchased by Messrs. M. M. Ispahani Ltd., as an Agent of the Government of Bengal, from Bihar, Orissa and Eastern States during the period when the embargo remained withdrawn and the deliveries made against it up to the 16th May, 1944

Province or States.	Quantity purchased	Average rate per maund	Quantity delivered	Balance remain to be delivered.
	Mds srs.	Rs. a p	Mds srs.	Mds. srs.
Bihar	369,703 20	24 8 0	290,584 20	79,119 0
Orissa	195,946 20	22 8 0	124,387 15	71,559 5
Eastern States	235,297 0	16 0 0	190,202 15	45,094 25

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether this question is 10 months or a year old?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The honourable member knows it better than I do.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be good enough to tell us if the difficulty of exporting rice from Bihar on account of transport difficulty has been removed and if Messrs. Ispahani & Co has been able to get back the rice?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think the matter has not been settled yet.

Mr. LALIT CHANDRA DAS: Is the Hon'ble Minister is not certain about it?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: For definite answer of that I want notice.

Rai KESHAB CHANDRA BANERJEE Bahadur: Arising out of (*c*), in view of the difficulties in securing export permits from the Provincial Administrations concerned, will the Hon'ble Minister be pleased to state whether any communication has been made to the Government of India and whether they have been informed of these difficulties?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Certainly; we are in correspondence with the Government of India with regard to this matter.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether Messrs. Ispahani & Co., have got any profit out of this transaction?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is definitely stated in the printed answer that the prices charged to

Government by them were in all cases the prices actually paid by Messrs. Ispahani & Co. So there is no question of profit.

Mr. LALIT CHANDRA DAS: If there is no question of profit, then Messrs. Ispahani & Co must have incurred loss as a result of this transaction?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, they have incurred loss.

Mr. LALIT CHANDRA DAS: May I know what is the amount of loss?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That I cannot say; but I know that they have incurred loss.

Mr. LALIT CHANDRA DAS: What is the motive behind incurring this loss on the part of Messrs. Ispahani & Co.?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: In order to help the League Ministry to tide over the rice situation last year.

Mr. LALIT CHANDRA DAS: To help the League Ministry?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes.

Mr. SHRISH CHANDRA CHAKRAVERTI: What commission did they charge?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There was no question of commission last year.

Mr. LALIT CHANDRA DAS: What about this year's commission?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Question of this year's commission does not arise out of this.

Mr. LALIT CHANDRA DAS: Is any commission being given this year to compensate the loss incurred by the Ispahani & Co. to help the League Ministry last year?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The question relates to transactions of the last year. So that question does not arise.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether this year Messrs. Ispahani & Co. has been granted commission as a compensation for the loss incurred by them to help the League Ministry?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have already said that the question about transactions relating to this year does not arise in this question. It has been stated clearly that last year no commission was paid to them. They actually charged only the cost price.

Mr. SHRISH CHANDRA CHAKRAVERTI: Is the Hon'ble Minister entitled to say that as the question relates to last year, the question about this year does not arise?

Mr. PRESIDENT: The Hon'ble Minister volunteered certain reply and said that on account of the last year's transaction Messrs. Ispahani & Co. incurred loss. This year there is some provision of commission and I think Mr. Das wanted to know whether this year's commission was for covering the loss incurred last year. To that the Hon'ble Minister said that the question does not arise out of the present question. Of course, strictly speaking, it does not arise. But it is for the Hon'ble Minister to volunteer a reply if he so desires.

Mr. LALIT CHANDRA DAS: Now that the Hon'ble Minister has been pleased to state that he has granted commission to Messrs. Ispahani & Co. this year, did the League Ministry in settling the commission take into consideration their last year's loss and tried to compensate them?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, Sir.

Purchase of rice by the Government.

242. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) if it is a fact that the Civil Supplies Department of the Government Bengal has already through their agents started purchasing rice from the surplus districts of Bengal;

(*b*) if so, who are the agents making such purchases and from when these purchases have commenced;

(*c*) if the Government have organised non-official food committees in all the subdivisions of each district in terms of their declared plans; if not, why not;

(*d*) if the Government propose to take steps in consultation with the non-official food committees so that each subdivision may be quite self-sufficient in regard to its stock of rice before any quantity of rice or paddy is removed from that area; if not, why not;

(*e*) if the Government contemplate carrying out its procurement plan by purchases of rice or paddy from the surplus rural areas and removing same to the deficit areas before the price of the said foodgrains falls to a fixed minimum level, if so, why;

(*f*) if it is a fact that the Government of Bengal is appointing four Chief Agents for the purchase of paddy and rice from rural Bengal in accordance with their own procurement plan and on the sole responsibility of the Provincial Government; and

(*g*) if so, what is the nature of the said procurement plan and when this plan has ben finally settled and accepted by the Cabinet?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes

(*b*) (1) Messrs. M. M. Ispahani, Ltd.

(2) Messrs. Daulatram Rauthmall

(3) Messrs. Shaw Wallace.

(4) Messrs Raja Sreenath, Raja Janakinath Roy, Sitanath Rai Bahadur.

Purchases commenced on 21st December, 1943.

(*c*) The work of setting up food committees has been practically completed in all the subdivisions of the Province. In the few instances where committees have not yet been set up the work of constituting them is well in hand.

(*d*) Government are taking all possible steps to see that sufficient reserves are left for local needs before any stocks are moved to other areas and it is part of their policy to consult local non-official food committees on all matters pertaining to local supplies.

(*e*) No, because deficit areas which are in need of supplies cannot be allowed to starve until prices in surplus rural areas come down to a fixed minimum level.

(*f*) Yes; the Bengal Government's procurement plan has, however, been drawn up in consultation with the Central Government.

(*g*) Reference is invited to the Press Note issued on 2nd December, 1943, a copy of which is laid in the Library.

Mr. HARIDAS MAZUMDAR: Arising out of reply (*c*), may I enquire from the Government whether the committees have been set up in those localities?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, they are being constituted and although the question is old the reply is up-to-date.

Ration for digger, carrier, etc.

245. Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state what quantity of rice per day he has provided for—

(*a*) digger, male and female;

(*b*) carrier, male and female;

(*c*) working children, male and female; and

(*d*) adult dependant, male and female, of a family of cultivators and labourers in determining the requirements of a particular area?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of the Hon'ble Mr. H. S. Suhrawardy): Presumably the honourable member refers to rural areas. The answer is –

The total quantity of rice per week is 2 seers for adult (not below 12) and half the quantity for children between 2 and 12, children below 2 being neglected. If sufficient supplies are available in any area or if the shortage is grave in any area the quantities of ration may be increased to a maximum of 4 seers per week for adult and half the quantity for children between 2 and 12, children below 2 being neglected.

No special provision has been made for any particular class of workers (diggers, carriers, etc.) and no distinction has been made between workers and dependants or between males and females.

School health service.

246. Mr. NUR AHMED: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any self-supporting school health service has been created in Bengal for the benefit of the students?

(*b*) Is it a fact that a self-supporting health service for the European schools is proposed to be established in Bengal?

(*c*) Is he aware that owing to deficiency in diet, the health of the students during the period of war emergency is rapidly deteriorating in Bengal?

(*d*) If so, do the Government propose to establish a self-supporting health service for the Indian schools in Bengal to bring about an all-round improvement in the health of Indian students? If not, why not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan): (*a*) No. There is, however, a scheme in operation for the medical inspection in the Government and the Government-aided secondary schools for boys in the city of Calcutta. A scheme has also been inaugurated for systematic medical examination of girls in the Government and the Government-aided colleges and schools in Calcutta. Medical examination and supervision of students in 7 Government high schools in the Presidency Division are also being done.

(*b*) No such proposal has been received by the Government.

(*c*) No statistical information is available in support of the complaint.

(*d*) Does not arise.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state if he contemplates to establish self-supporting health service for the examination of the health of the students of East Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: Yes, Sir, it will have to be done along with the post-war reconstruction proposals which are under consideration now.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state why only Calcutta and Presidency Division were selected in collecting the health statistics out of the districts and subdivisions?

The Hon'ble Mr. TAMIZUDDIN KHAN: Government could not start the examination throughout the Province all at once. A beginning had to be made somewhere and it appears that the previous Government who started the work began from Calcutta.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state what he means by medical examination and supervision of students?

The Hon'ble Mr. TAMIZUDDIN KHAN: Doctors visit the institutions from time to time and look after the general health of the students. I think this is what is meant by medical examination and supervision of students.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state what steps Government propose to take if as a result of the medical inspection the health of the students is found to be bad?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not know all the details of the scheme But apparently a boy or a girl if found deficient in any respect, medical treatment is arranged for; and if any other steps are found to be necessary these are also taken.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state how much it will cost the Government if a comprehensive scheme is launched for the whole of Bengal?

The Hon'ble Mr. TAMIZUDDIN KHAN: That will be taken into consideration when the scheme will be prepared.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state how long has this scheme been in operation?

The Hon'ble Mr. TAMIZUDDIN KHAN: I do not think I can give a very accurate answer; but from my own personal impression I think it has been in operation for quite a considerable time, say for five or six years or more.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is it a fact that the scheme has been in operation for more than 10 years?

The Hon'ble Mr. TAMIZUDDIN KHAN: May be. I do not contest it.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state whether the reports submitted by the medical officers reveal a very satisfactory state of things so far as the health of the students are concerned?

The Hon'ble Mr. TAMIZUDDIN KHAN: There has been no recent report to that effect.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister please tell us whether these medical visitors are required to submit any periodical reports to the Government?

The Hon'ble Mr. TAMIZUDDIN KHAN: Apparently so, Sir.

Mr. SHRISH CHANDRA CHAKRAVERTI: May we know if there is any system that these medical visitors must hold periodical inspection and submit reports?

The Hon'ble Mr. TAMIZUDDIN KHAN: For these details, I want notice.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to give us a comprehensive reply to this question stating the health of the students as revealed in the reports of the medical officers?

The Hon'ble Mr. TAMIZUDDIN KHAN: Sir, the question is vague. The questioner himself is of the opinion that the scheme has been in operation for ten years or more If so, then a large number of reports must have been submitted during all these years. If my friend wants a comprehensive reply as to all the reports that have been submitted, I cannot surely give it off-hand.

Mr. PRESIDENT: Questions over

Mr. HARIDAS MAZUMDAR: Sir, I may mention a very urgent matter with regard to the *bhog* ration statement? Since the Hon'ble the Leader of the House is giving replies on behalf of the Minister of Civil Supplies, may I enquire if any meeting of the *Bhog* Committee has been held since the announcement of the personnel of the said committee?

Mr. PRESIDENT: Order, order Mr. Mazumdar, either you have to table an ordinary question or a short-notice question in order to get any information in this matter. I cannot allow such a question being put off-hand. That is not the practice of the House.

Mr. HARIDAS MAZUMDAR: I have already put in a short-notice question regarding this matter.

Mr. PRESIDENT: If you have tabled a short-notice question, then why are you following it up by putting questions on the floor of the House?

Mr. HARIDAS MAZUMDAR: I want to know whether the Hon'ble Minister will answer my question

Mr. PRESIDENT: It is never the practice to ask such questions on the floor of the House.

Mr. HARIDAS MAZUMDAR: Sir, with regard to short-notice questions, I may inform you that quite a large number of such questions are lying with Government unanswered.

Mr. PRESIDENT: That is very unfortunate, I agree But when you have put a short-notice question, you should wait for its reply. You cannot put a short-notice question and then follow it up by putting another question on the same matter on the floor of the House. This is not the practice

Mr. HARIDAS MAZUMDAR: When we come with adjournment motions, the Ministers suggest that it is better that we should put in short-notice questions on the subject, and when they are so put they are kept hanging fire for a pretty long time for months together I seek your protection that this matter should be brought up before the House as early as possible.

Mr. PRESIDENT: If short-notice questions are not being answered, it is unfortunate; I hope that Government will pay attention to this matter. That is all that I can say.

Mr. HARIDAS MAZUMDAR: May I enquire if this question may be taken up next Monday, Sir?

Mr. PRESIDENT: But you have already tabled a short-notice question?

Mr. HARIDAS MAZUMDAR: Yes, Sir

Mr. PRESIDENT: I have not seen it yet; it has not yet been placed before me.

Extension of time for presentation of Select Committee's Reports.

Mr. NUR AHMED: Sir, may I have your permission to move two formal motions? It is regarding the extension of time to submit the reports of two Select Committees which have been appointed by the House.

Mr. PRESIDENT: Yes.

Mr. NUR AHMED: I beg to move that the time to submit the report of the Select Committee on the Eastern Bengal and Assam Disorderly House (Amendment) Bill, be extended till the 31st January, 1945 The time-limit expired on the 14th July last

Mr. PRESIDENT: Your suggestion is that the time-limit should be extended till the 31st January, 1945?

Mr. NUR AHMED: Yes, Sir.

Mr. PRESIDENT: The question before the House is: that the time be extended for the presentation of the report of the Select Committee on the Eastern Bengal and Assam Disorderly House (Amendment) Bill till the 31st January, 1945 As there is no objection, leave is granted What is your other motion?

Mr. NUR AHMED: I beg to move that the time for submitting the report of the Select Committee on the Bengal Suppression of Immoral Traffic (Amendment) Bill be extended till the 31st March, 1945

Mr. PRESIDENT: Is it the pleasure of the House to extend this time?

(Cries of "yes".)

(The leave for extension of time was granted.)

Point of Privilege.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of privilege, Sir. Yesterday when the Council meeting was going on, I was going through a copy of the "Amrita Bazar Patrika" in the Library but before the Council dispersed at 5 o'clock I went back and did not find the copy. On enquiry I was told by the Librarian that it had been taken away by the Secretary of the Legislative Assembly. May I enquire whether these journals and newspapers are intended only for the use of the members of the Legislative Assembly and not for the members of the Council as well? And also whether the Secretary to the Assembly Department is justified in removing copies of newspapers from the Library before the Council meeting terminates?

Mr. KRISHNA CHANDRA ROY CHOWDHURY: Sir,, I too had a similar experience. I went to the Library for a couple of papers but was told that they were at the moment not in the library but with the Assembly Secretary and that if I could wait they could be procured for me. That is the situation that happens there sometimes, Sir.

Mr. PRESIDENT: This matter will be enquired into

I will now take up the Special Motion of Mr. Lalit Chandra Das regarding recruitment of army officers for civil posts in this province.

Special Motion.

Mr. LALIT CHANDRA DAS: I beg to move that this Council disapproves of the action of the Bengal Government applying to the Central Government for services of a large number of army officers to hold civilian posts in this province to the detriment of the claims of the Bengalees to those posts intensifying at the same time the problem of unemployment in Bengal.

Sir, it appears that the Hon'ble Home Minister is not here and we are to discuss this very important matter in his absence. I hope some Hon'ble Minister on his behalf will be in a position to reply to what I have to say.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, I have come prepared.

Mr. LALIT CHANDRA DAS: Sir, we have fallen on evil days with evil tongues compassed round. Sir, when in justice we want bread, our legitimate claims are brushed aside with caustic casuistry. In Bengal the problem of unemployment of educated young Bengalees belonging to the middle classes is a serious one. Thousands are sitting idle. I say this without any fear of contradiction. Many of them were brilliant students in their educational career holding University diplomas on all conceivable subjects—general, scientific, mechanical, electrical, commercial or technical. You can have any number of them. And yet, Sir, the Bengal Government have asked for an indent of a large number of army officers from the Central Government,—the Central Government promising to give to the claims of the Bengal Government for army officers its first consideration—to fill the civil posts in this province to the detriment of the claims of the children of the soil. It may be argued with some show of plausibility that persons with specialised knowledge and experience, such as the Food Rationing Adviser or the grain storage expert, etc., cannot be had in sufficient numbers to meet the requirements of the situation for which special indent in a few cases has become necessary. But to import as many as 100 persons to fill civil posts and that from unorthodox source such as the army is altogether a different proposition for which there can be no justification whatsoever

The Hon'ble the Chief Minister says that all these officers are required to fill vacancies caused by the expansion of work particularly in the Civil Supplies Department which the existing cadre of the Indian Civil Service, Bengal Civil Service, etc., were not designed to meet. Granted that; but pray why rush to the army to fill the posts? May I ask, Sir, if the Government advertised these posts and invited applications from candidates with requisite qualifications? Did the Government make any effort for local recruitment before moving the Central Government for supply of officers from the army? Sir, it is surprising that our army should be suffering from a superfluity of officers in spite of the fact that the war is now at its zenith and that very severe fighting is now going on both in the East as well as in the West. It seems mysterious, really, that many of them in such crisis would be found willing to leave the army and join the civil department.

Sir, the Gregory Committee laid down that what was required of officers in the whole range of civil supplies including the food administration was energy, devotion, knowledge of the area and of its people and practices of local trade and, above all, the ability to administer. Surely the knowledge of the area and of its people and practices of local trade will be largely unknown to the army officers, whereas each and every one of those qualities will be found in an abundant measure with the children of the soil.

Sir, the Bengal Civil Service and Bengal Junior Civil Service command a strength of 928 officers. There are besides the Indian Civil Service people. As between them they have contributed a total of 193 officers to the Civil Supplies Department. Of these 193 officers, 23 were contributed by the Indian Civil Service and 50 by the Bengal Civil Service, the rest being taken from the Bengal Junior Civil Service.

I wonder why the Bengal Civil Service and Bengal Junior Civil Service could not contribute the quota of officers required by the Civil Supplies Department from time to time, from their higher ranks. You can easily make up the depletion by promotion from lower rungs of the ladder and by recruitment at the base. We have countless splendid materials lying idle. Are they of no use? Then again, were searches made for the required persons from the judiciary or from the Bar? Did Government try to ascertain from the Bengal National Chamber of Commerce, the Muslim Chamber of Commerce, Indian National Chamber of Commerce, even Marwari Chamber of Commerce if they would supply experts and non-experts with requisite qualifications to fill up the civil posts? If not, why not? Can it possibly be, Sir, that this communal Government thought that in the present expansion of services in different departments of the Government with the minimum qualifications required, it would not be possible to maintain communal ratio and that in the event of local recruitment, most of these appointments would go to the Caste Hindus and so the alternative of army officers would serve their purpose better? We do not know. Let us hope, Sir, the Leader of the House will not attempt to delude us with the expression "long term" and "short term". Long term is long term. Short term is but the thin end of the wedge. Why should even short-term appointments go elsewhere when in the province itself the Bengalees are starving and can ill-afford to lose a single job? Sir, the Bengal Government in tamely submitting to the dictates of the Central Government or to the whiphand nearer home have sacrificed the best interests of the province for which they deserve censure. Surely, Sir, all the new appointments do not require expert knowledge. We would like to know from the Government here and now how many of them required expert knowledge and how many did not and whether use is or is not being made of the word 'expert' as a pretext for Europeanization of certain services. I wish the Government to remember that not only Britain, the Middle East, Syria or even Australia, but India is also the homeland of experts and that they can be had here in any number.

Sir, this policy of importing army officers for civil posts at a time when Gandhiji held out the olive branch of peace to break the deadlock suggesting the handing over of the civil administration to National Governments at the Centre and in the Provinces this new policy of militarization or Europeanization of the civil services, be it by 50 to 50 ratio, has filled me with doubts if the British Government ever intended or intends to concede Independence to India after the war. It seems to me crystal clear that what they have, the origin of it being aggression, they will retain. Sir, the Allies have a clear field in India on the military side to put forth their best efforts to win the war. In this, they have the co-operation and the best wishes of all of us. But if the British interfere with the civil side also in spite of the fact the civil authorities are out to co-operate sixteen annas in war efforts and help in the winning of the war, they leave no doubt whatever that they want to tighten their grip on India to the point of suffocation. Sir, why should the British care if they really intend to concede self-government to India after the war which let us hope will end in a couple of years at the most, why should the British care for the ratio of the European element in the services? Sir, between European ratio and communal ratio, efficiency, honesty, nationalism and even independence have been put to a pretty tight corner indeed.

Sir, while commending the resolution to the acceptance of the House, permit me to record my emphatic protest against this weak-kneed policy of the Bengal Government which in my opinion has once more proved itself unfaithful to the best interests of the province.

Mr. PRESIDENT: Motion moved: that this Council disapproves of the action of the Bengal Government applying to the Central Government for services of a large number of army officers to hold civilian posts in this province to the detriment of the claims of the Bengalees to those posts intensifying at the same time the problem of unemployment in Bengal.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I rise to give my qualified support to the motion. It was only the other day that my attention was drawn to a report published in the Calcutta newspapers regarding the decision of the Government of Bengal to recruit a large number of army officers for civilian posts for the purpose of carrying on the day-to-day administration of the province.

It occurred to me that it was a novel procedure. Never before has recruitment been made on this basis. After the Great War of 1914-18 a certain number of army officers— persons who had served in His Majesty's Forces—were appointed to the Indian Civil and Medical Services and posted to different provinces. Sir, the problem of unemployment in Bengal is very acute. No doubt, the war has absorbed a good number of our unemployed young men, but it does not touch even the fringe of the problem. There are still a large number of qualified young men who are roaming about in search of service. It is unfortunate that when the situation in Bengal in regard to unemployment is so serious, the Provincial Government should have thought fit to approach the Central Government for securing the services of the army officers in order to carry on the civil administration of the province. Sir, I said at the outset that I would give my qualified support to this motion, and I shall state my reasons for doing so. The point is that if the appointment of the military officers ultimately lead to administrative improvement, I shall have no objection But it is difficult to say whether the step taken by the Government of Bengal is sound or justifiable having regard to the peculiar conditions of the province. Sir, we do not know and perhaps I shall not be far from wrong if I say that other Provincial Governments have not requisitioned the services of the army officers for carrying on the administration of their respective provinces. There are only four or five provinces in India where Provincial Autonomy is functioning and no Provincial Government has perhaps approached the Government of India for securing the services of army men for this purpose. It is reported that 50 per cent of these appointments will go to Europeans and 50 per cent. to Indians. Personally, I do not grudge Europeans being appointed to responsible posts. The point for consideration is: whether or not the Provincial Government was justified in asking the Government of India to lend the services of army officers and whether or not it was desirable to be satisfied that they are properly qualified to hold such posts judging by the standard of the I.C.S. examination. Not only is the policy wrong as I have already explained, but I think efficiency of administration will be greatly impaired if qualified men such as we had in the past—the type of men belonging to the Indian Civil Service who were recruited on the results of competitive examinations—are not appointed to responsible posts. The administration is bound to suffer if properly qualified and trained men are not appointed. Sir, it is not stated in the reports published in the newspapers as to how many army officers will be placed at the disposal of the Bengal Government. There are in this province a large number of capable men who by experience and education are in no way less competent to hold such appointments in provincial administration.

Sir, I do not know how many of these officers will be Bengalees; but I think the number of Bengalees, if any, will be very small. It is well known that Bengalees, though qualified, find it extremely difficult to secure jobs in other provinces. Even prominent Congressmen like Dr. Rajendra Prasad and others cannot shake off their prejudice against the Bengalees. Everybody is aware of the Award given by Dr. Rajendra Prasad on the Bengalee-Behari question which never saw the light of day. This was when the Congress Government was in power in Bihar. Similar prejudice prevails against Bengalees in the Punjab, the United Provinces and other Provinces. It is, therefore, unfortunate that when starvation and misery stalk the land, non-Bengalees should be appointed to hold responsible positions in the administration of the province. It has been an extremely unwise step and

Government should have consulted non-official public opinion before approaching the Government of India on the subject. With these words, I support the motion.

Mr. C. E. CLARKE: Mr. President, Sir, in our deliberations on this motion we are united in our conclusions We consider that it is most regrettable that a responsible member of the Opposition should have brought forward a motion of this type. We should have thought that in view of the difficult time through which we have passed and are passing, all parties would be united in welcoming the step taken by Government to strengthen the administration We do know that the Opposition day in and day out criticise the administration for inefficiency and corruption But it now appears that when steps are taken to strengthen the administration, the Opposition are equally critical. Either they state that the Government's object is to create a large number of posts for the purpose of patronage or they state that Government's object is to bring in non-Bengalees from outside the province to the detriment of the Bengalees. I can only say that even if we had not heard the statement of the Hon'ble Chief Minister and His Excellency's broadcast, we would have found it difficult to believe that a popular Ministry responsible to the people of Bengal would recruit non-Bengalees if suitable Bengalees were available.

The Opposition cannot be unaware of their responsibility in this matter. If it happened that their criticism was successful and Government was prevented from strengthening the administration in the manner proposed, the responsibility for the situation which would then arise would lie with the Opposition. That situation has been described to us by the Chief Minister The general administration has been seriously weakened by the drain to the Civil Supplies Department and that department is still short of personnel There is particularly a shortage of officers for senior administrative posts This, Sir, is a state of affairs which can give us no confidence that the administration strengthened as it has been would be able to cope with another disaster and the responsibility for such a contingency would lie with the Opposition

Members will recall the situation in January, 1943. There was no food organisation worthy of the name, and to the repeated demands from 1942 onwards that a proper organisation should be set up the reply was always that the necessary officers could not be found. The fact was that the administration had been seriously weakened over a period of many years by a steady drain of officers to the Government of India and for service in other provinces. If it is also remembered that as a war measure recruitment to the Indian Civil Service was stopped, the reasons for the fact that the administration were unable to cope with the food crisis of 1943 will be apparent. Even today when the Food Department has been expanded beyond recognition, the personnel is still inadequate for a population of 60 million people. Moreover, the general administration in order to satisfy the needs of the Food Department has been seriously weak. There has been a very large increase in the work of the ordinary administration District Magistrates are exceptionally overburdened and the Subdivisional Officer has become a bird of passage here today and gone tomorrow I know, Sir, that in one important subdivision, the Barrackpore subdivision, there have been no less than six changes during the past year and the explanation given is shortage of officers The administration cannot function efficiently in such circumstances, and it cannot be expected to cope with any sudden emergency.

It is important that this motion should be viewed in its proper perspective. Mr. Das accuses Government of applying for the services of a large number of army officers. What is this large number? According to the Chief Minister's statement 23 military officers have already been recruited and Government have applied for a further 93. I do not know the comparative figures of Bengalees recruited for the Civil Supplies Department and

for general administration, but I do know that many hundreds must have been recruited. For example, in connection with the recent expansion of the Civil Supplies Department, I believe that the department attempted to recruit no less than 500 Inspectors, and in addition to this the number of licensing officers, storage officers, etc., must run into many hundreds and yet these figures do not take into account the large number of officers who have been recruited in Bengal for the medical and public health services.

Moreover, there are two points to be kept in view in connection with the recruitment of army officers. The first point is that this recruitment is for the purpose of filling administrative posts for which qualifications of previous training in administration is required. This is the most important point, Mr. President. The only possible channels for filling such posts in Bengal are either by promotion from subordinate services or by recruitment of retired Government officers. One cannot recruit Bengalee officers without previous training in administration for these posts. We have been assured, Sir, both by His Excellency the Governor and by the Chief Minister that everything possible has been done to fill these posts either by promotion or by recruitment of retired Government officers, and honourable members must be aware that considerable number of retired Government officers have actually been recruited in Bengal. It has also been made clear to us both by Government of India statements and by the Chief Minister that it is not possible to obtain any further officers from other provinces. In these circumstances, Sir, it seems to us that the only alternative left open to Government was to apply for army assistance, and if Government had not done so, in our oponion, they would have been failing in their duty to the province.

The second point is that it has been made clear both by the Government of India and by the Chief Minister that this recruitment of army officers is for a temporary period only. To quote a Government of India Press Note: the services of these army officers will be lent for the duration of the war in the Far East and probably for a limited further period thereafter. At a Press Conference it was explained by the Home Secretary, Government of India, that "this is a temporary scheme of reinforcement and not a way of tying the hands of future Provincial Governments. There is no such intention. The scheme is designed to tide us over the interim period until permanent recruitment to the Civil Service is resumed". I can only add, Sir, that the army can ill-afford to spare officers and that it ill-befits this House to criticise the assistance which has been so generously afforded to this province by the army.

Mr. Das has suggested that the recruitment of these army officers will intensify the unemployment problem in Bengal. It is difficult to see how the recruitment of 120 army officers can affect the unemployment problem in this province materially in any way. We know, on the other hand, that it can strengthen the administration and we know that Bengal's primary need at present is a strong administration. So far as the labour classes are concerned, we know that there is no unemployment and, in fact, honourable members must be well aware that there is at present a serious shortage of labour in the province. There may be a middle-class unemployment problem, but the reasons for this are also well known to members. They were referred to by His Excellency in his recent broadcast in the following terms: —

"I believe that the prudent thing is for us now to set about the training of our own men particularly in technical employments so that we will have a supply of young men ready after the war to fill the many jobs that will have to be filled in the various branches of Agriculture, Forestry, Engineering, Veterinary Science, Fisheries and the many other practical sciences and professions. I make no secret of my own belief that India in the past has gone in too much for law and too little for the more practical professions and employments."

In our opinion the only solution of the middle-class unemployment problem lies along these lines. It is certainly regrettable that Government

should have to go outside the province for officers, but we must face the fact that Bengal does not have an adequate number of young men trained for practical work or for administration. I would conclude, Sir, by emphasising what His Excellency the Viceroy has already stressed that the problem in Bengal is now mainly administrative. The province now has adequate food supplies and the problem is to create an organisation which can procure and ensure the equitable distribution of these food supplies. In our opinion, Sir, honourable members who attempt to hamper the creation of this organisation or the strengthening of the general administration are doing the greatest disservice to the people of Bengal.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I am participating in the present discussion with a very heavy heart. It is very unfortunate that on this issue the Muslim League and the other parties in this province are not absolutely united.

The importation of military officers into civil employment has to be condemned on more than one ground. In fact, Sir, the Government has failed to make out any case for such an extraordinary step. Throughout the long history of British administration in India, a clear distinction has been maintained between civil and military administration and no military officers were ever drafted to civil duty at least in the Regulation Provinces. It was only in non-regulation areas that a certain proportion of civil posts were filled at one time by military officers. This practice also was discontinued a quarter of a century ago with the progress of civilisation in the non-regulation areas. It is a fact, Sir, that employment of military men in civil posts has always been regarded as a symbol of backwardness in administration and civilisation. It is regrettable that in the middle of the twentieth century when we had earned so much experience of progressive government, this retrograde step is being taken by the Government of India with the approval of the Government of Bengal.

The main argument which has been advanced in favour of the present step is that recruitment to the Indian Civil Service has been temporarily stopped and on that account there has been a shortage of superior officers to be employed in responsible posts. This argument, Sir, makes absolutely no appeal to me. Stoppage of further recruitment to the Indian Civil Service and the Indian Police has been demanded with absolute unanimity by Indian opinion for the last twenty years. Even such an ardent Moderate as Sir Sivaswami Aiyer urged the Lee Commission in 1924 to recommend the discontinuance of such recruitment. It is not necessary here to refer to the subsequent history of this controversy; but it is pertinent for me to emphasise that the continuance of recruitment to the Indian Civil Service has been regarded by all shades of Indian opinion as inconsistent with constitutional development of this country. It was good from this point of view that for the last two years no new appointments were made to the Indian Civil Service. But it would have been better still if the posts usually occupied by them were filled permanently by men trained in the Provincial Services. Instead of taking such an action, the Government of Bengal has imported and are now importing military officers temporarily to fill the gap. In other words, this importation is taking place only by way of keeping alive the reservation for the I.C.S. and I.P. officers. In 1922, Mr. Lloyd George made his famous "Steel Frame" speech as the British Prime Minister and in this he declared that whatever might be the form of Government of India, the Indian Civil Service would continue to be the backbone of Indian administration and safeguard thereby the interests of British Imperialism. The present policy of the Government, as evidenced in the importation of military officers, appears only to be the offshoot of that declaration. After 15 years of dyarchy and 7 years of provincial autonomy we find ourselves in the same stage of administrative development as we were 25 years ago. This is certainly a state of things which the Ministry ought to have resisted more effectively than it did.

Sir Nazimuddin has pointed out in his statement that the importation of military officers would not affect in any way the promotion of officers of the Provincial Services to superior and listed posts. He has not, however, supplied us with the actual figures of such promotion. The total number of Superior Executive and Judicial offices, commonly known as Listed Posts, was in 1942 twenty-two but including temporarily held offices it was thirty-one. What is the total number of Listed Posts held by officers promoted from the Provincial Services today? In education, in training and in general outlook there is hardly any difference between average members of the Indian Civil Service and those of the Provincial Services. I do not say that the administrative calibre is very high and outlook very wide in either service but what I do emphasise is that members of the higher service are not more efficient than officers of the lower organisation. If the latter are promoted to superior posts at a comparatively early age, they may prove as good as average Civilians. In view of this fact, shortage in the ranks of the Indian Civil Service is no argument for the importation of outsiders into the provincial administration. It is on the contrary an argument for the wider employment of Provincial Officers in more responsible posts. What is again true of Civil Service posts is true also of the posts of superior Police Officers in Bengal. The Provincial Police Service is the backbone of Police administration in Indian Provinces. It will, on this account, be highly discreditable on the part of the Government to import outsiders to such superior posts to the exclusion to trained Provincial men.

Apart, Sir, from the grounds of constitutional progress and general equity and justice, there are ordinary administrative reasons also why the military officers should not be drafted to civil duty. Military organisation and civil governmental organisation are two entirely different things. They have become still more different with the growth of specialisation in military work. In view of this fact, I do not understand how a person simply because he has experience of military work will prove efficient in civil work as well. Bengal is at this moment passing through a crisis in more than one sense. In order that this crisis may be met squarely, boldly and effectively, men who are already trained are necessary to fill up superior administrative offices. But instead, Sir, I find that the Government is adopting the policy of importing military men without any experience of civil administration. Ordinarily, an officer of either the Provincial or the Indian Civil Service requires at least two complete years' training before they can be entrusted with any responsible work. Will not the military officers now being brought into the civil administration require this training? Without it they will only make confusion worse confounded and if they are to be given this training they will become during the period of emergency out of all responsible work.

I repeat, Sir, that the Government which is bent on making this experiment is not doing justice either to the people of Bengal or to its own officers.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Mr. President, at the very outset I would like to make it absolutely clear that on principle I am definitely against importation of officers, military or otherwise, to this province. There was a time when Bengal used to lead the whole of India. The greatest of Indian politicians once declared "What Bengal thinks today, India thinks tomorrow". Not only in politics and literature but even in the Services Bengal used to lead the whole of India.

It is a fact, Sir, that during the earlier part of British rule when the Hindus accepted foreign domination as a *fait accompli* the Muslims boycotted not only English education but also State Services under the British. As a result, the British considered the Muslims of Bengal to be "arch rebels" and shut them out of the administration of the country. But of late the Muslims also have changed their policy and are now getting their rightful share in the administration. Due to transfer of capital from Calcutta, Bengal has already been deprived of many of her privileges and

if in normal circumstances officers are imported from outside, progress of our province will naturally be hampered. Undoubtedly, we are passing through bad days, but that does not go to prove that Bengal cannot produce sufficient numbers of young men to fill up the cadre of the Indian Civil Service. So, if our Government accepts the general policy to import officers, Hindu Bengal will be relegated to the background and the growth of Muslim Bengal will be stifled. But, Sir, before disapproving of the action of our Government—we must remember that it is a popular Government and *our* Government we should look into the circumstances which compelled them to accept officers from outside. In the case of Services also as in other cases, the theory of demand and supply operates. We all know, Sir, that all of a sudden the Government of India stopped recruitment to the Indian Civil Service and the Indian Police Service. As a result, our Government have been deprived of their annual quota of I.C.S. and I.P.S. men. At the same time, due to emergency and the critical food situation, demand for high officers has increased. Only one department, namely, the Civil Supplies Department, has absorbed hundreds of our best officers including several members of the Indian Civil Service. And there is demand for even more. Bengal Government tried their utmost to cope with the situation. Sir Nazimuddin made a statement the other day that promotion from the Bengal Civil Service to the listed posts had been well above the average for the last two years; while there was a proposal that about 50 officers of the Bengal Junior Civil Service should be promoted temporarily to the Bengal Civil Service and 175 temporary promotions had been made to the Bengal Junior Service from the Bengal Subordinate Services. And not only that, Sir; in many big subdivisions we find that Sub-Deputy Collectors are carrying on the duties of the Subdivisional Officers. Lawyers have been appointed as Magistrates. Retired officers have been reappointed to fill up responsible positions.

When, Sir, all the sources have been exhausted, our Government had no other alternative but to look elsewhere. It has been suggested that Government ought to have recruited men from our province and given them appointments after proper training. But the question of training does not arise here, because necessity demands trained men. Heavy deputation to the Civil Supplies Department have already rendered the state of the general administration precarious. This is why the importation of military officers trained in Syria and other places was agreed to. Extraordinary situation always justifies extraordinary measures. We also can support this as an emergency measure. What is after all the number of officers to be imported? The Chief Minister has declared something like one hundred. We have been told it is a "purely short-term reinforcement scheme extending for a period of one year". We have also got the assurance that this arrangement will not adversely affect the normal expansion or promotion of officers in the Bengal Junior Civil Service and the Bengal Civil Service.

But, Sir, we must not forget that the Government of India have stopped recruitment of Indian Civil Service and Indian Police Service with a view to the appointment of war candidates and they have under consideration the question of strengthening the Civil Service in India on a long-term and all-India basis for duration of the war and for some years thereafter. When this scheme and other all-India schemes for post-war economic industrial and educational development will be given effect to, Bengal is bound to suffer.

I would request the honourable members opposite to consider this point calmly and oppose all long-term all-India schemes before criticising short-term scheme for emergency, for their own Government. With these words, I oppose the motion.

Khan Bahadur M. A. MOMIN: Sir, I had no intention of taking any part in the debate today. But Mr. Clarke's speech has compelled me to speak a few words. There is a Persian proverb "*Ozr-i-Gunáhbad*

tae azgunáh ast". It means that if you commit a bad act that is bad enough, but if you put forward an excuse for that it is worse. I am not aware of the details of the administration and I must quote another Persian proverb to justify—if justification is possible for the action of Government in this case: "Ramooz-i-Sultanat-i-Khesh rá Khusruwán danand", meaning the necessity or secrets of their administration is known to the Kings themselves. The Chief Minister considers this recruitment necessary. I do not want to criticise him but when Mr. Clarke gets up and supports this action of Government and in doing so he gives a left-handed compliment to the Bengalees, I think I must demur. The cry of efficiency in the administration of this country has been raised and more efficient men in administration have to be imported from outside—that is what Mr. Clarke said, I believe.

Well, when we have got so many efficient men here in Bengal, why recruit military men from outside? I presume military officers have absolutely no experience of administration. They do not know Bengal, they do not know the language of the country, they do not know the manners and customs of the people here, still they are efficient! Mr. Birendra Kishore Roy Chowdhury has said that even the I.C.S. people have to undergo training for a period of two years before they take up any responsible posts. But here the military officers are relieved of their military works and they come to administer us straightaway and we are expected to be very much obliged to Government! This is a state of things we cannot understand. Government are recruiting military personnel for civilian posts while there is a dearth of military personnel in the army itself. I should think that these army officers who are being spared are unfit for military service. (The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: They have stopped recruitment to the Indian Civil Service.) I have no charm for the Indian Civil Service and the Hon'ble Minister himself also knows much of the I.C.S. people. He should not have any charm for the I.C.S. people also. At present there are 60 per cent. Indians in the I.C.S. cadre, and I.C.S. does not necessarily mean that they should all be recruited from the military. So that argument does not hold good. What about the recruitment of lawyers to certain posts, as has already been referred to? It is true that some lawyers have been recruited but there are many still who are doing nothing. They do not require any training. They are people of the country, they have been educated here, they deal with the cases of the people of this province, they know the weakness and the strength of character of the people here, they know how to deal with the people. Of course, the Civil Supplies Department is taking every available man we can spare: why, nobody knows why? I am not in it. But it will be difficult to accept the position that the Civil Supplies Department is starving for men. Mr. Clarke has said that in the Department of Food Supplies we want officers from outside, perhaps to consume them or what? I say it is very wrong indeed. We produce the food supplied here but we cannot distribute them! To say that Bengalees are not competent or that Indians are not competent is very bad. If that is so, then all these shouts and cry for local self-government become meaningless. If you can recruit officers for civilian posts, then you can as well recruit Brigadiers as Cabinet Ministers (Mr. W. B. G. LAIDLAW: You won't like that). It has been stated that military officers are being recruited temporarily. I do not believe it. We all have heard about the "thin end of the wedge". It is going to be that thin end of the wedge. From personal experience I know how military officers recruited as temporary District Magistrates eventually retired as Divisional Commissioners. And at that time there was no question of dearth of officers in this province. Sir, I do not wish to dilate further on this point. But I must say that this is a move which is not a popular move. I will not go so far as to say that the Government has committed a mistake. Ordinary people would say that Government would be committing a mistake if they imported military men for civilian posts in Bengal, but I say that it will be a suicidal policy of

Government. As I said before, I do not know what their requirements are in this respect, and so I would not go to the length of opposing them in this matter, but I would much prefer that Government had taken the non-officials into their confidence before they took such action as they have taken.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Mr. President, Sir, I support the motion moved by my friend Mr. Lalit Chandra Das. I do not look at this question from the point of view of Mr. Das. I do not ask: why 100 or more military officers are employed in the Civil Department of Bengal when there is unemployment among the educated civil population of the province. I look at the question from a different point of view and it is this: As there is a talk of compromise between the Congress or the people of India and the British Government, they want to keep the key positions in their hands in spite of all settlements. That is why they intend to take effective measures to counteract this move even after the war and so they are sending these military officers to the Province of Bengal in the first instance. We are not certain but very probably the India Office made this proposal to the Government of India who in its turn passed it on to the Government of Bengal. They have readily accepted the proposal and after this acceptance by the Government of Bengal, other provinces also will follow suit. The present proposal is to send a contingent of 100 military men to Bengal temporarily. But no time-limit of their stay in Bengal is fixed. It may be for a limited period of one year, ten years or, who knows, it may be for ever. The Government Party who are in favour of this scheme very probably do not realise its full implications and I would request them to think over the matter seriously before they decide one way or the other. With these words, Sir, I whole-heartedly support the motion moved by my honourable friend Mr. Lalit Chandra Das, and I hope that my friends opposite will also disapprove of this proposal and support this motion.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the motion that has been moved by my friend Mr. Lalit Chandra Das. I need not read out the motion again, because it is well-known to the members of the House, but I would like to refer to one or two passages from the statement of the Hon'ble the Chief Minister which he made the other day in connection with this matter. Sir Nazimuddin said that their demand for officers was so great that in spite of promotion from other services and recruitment Government had got to have at least 93 officers from the military. The Civil Supplies Department has expanded so much and it requires so many officers that it would be impossible to fill the posts with the men they have. I would request the honourable members to mark the word "impossible" in the statement of the Hon'ble the Chief Minister.

Next, I would refer to the question as to whether this policy is a short-term policy or a long-term policy, because I find that there is some amount of misapprehension in the minds of the honourable members with regard to this matter. The Hon'ble the Chief Minister stated that owing to the stoppage of recruitment to the Indian Civil Service and the Indian Police Service, with a view to the appointment of war candidates in the vacancies in these Services the Government of India had under consideration the question of strengthening the Civil Service in India on a long term and on an all-India basis for the duration of the war and for some years thereafter. Here I pause for a moment and I would request the honourable members to mark the words "for some years thereafter". Then again, I refer to another passage in the statement of the Hon'ble Chief Minister which is still more surprising and seems prejudicial to the interests of the officers in Bengal. The Hon'ble Chief Minister stated that Mr. Dash, the Chairman of the Public Service Commission, Bengal, had been placed on special duty to investigate the relative urgency and importance of the demands by the various departments of Government and reinforcement under the scheme and on the basis of his report the Government of India had been

approached for 93 officers—75 officers to fill I.C.S. posts and senior B.C.S. posts and 18 to fill I.P. posts. Now, Sir, I have done with the Chief Minister's statement. I would now request the honourable members of this House to consider the seriousness of the situation and the position which the Hon'ble Chief Minister takes in this statement. The Hon'ble Chief Minister states that it is impossible to fill up the posts which he requires with the officers which he has got at present. I would like to know from the Hon'ble Minister what efforts he made for the purpose of recruiting these 93 or 100 officers' posts which he requires. I understand that he requires these posts for the Civil Supplies Department——

Mr. PRESIDENT: Order, order. There is too much humming in the House.

Mr. BANKIM CHANDRA MUKHERJEE: If I am mistaken, Sir, I may be corrected but I think the statement indicates that the officers are required for the Civil Supplies Department. Now, I am glad, that Mr. Clarke has spoken and I am glad to find that it was Mr. Clarke's speech that provoked my friend Khan Bahadur Momin to speak in reply to that speech; otherwise possibly we would not have heard condemnation from the other side of the House in such clear and unmistakable terms about the action of Government, although having regard to his position in that Party he had to soften down some of his wrath when he ended by saying something which he thought was necessary in order to support Government. I find that he has gone away and possibly he will not appear again today. I submit that so far as the policy is concerned the Hon'ble Chief Minister states that in Bengal he has not been able to find 93 officers to fill posts in the Civil Supplies Department which he wants. I submit this is a slur which he has cast not on Bengal but upon himself as well. He has cast an aspersion on the members not only of his own community but on the entire Bengalee population.

I can assure the honourable members that even among the Muslims they will find not 93 but 900 men who could fill up the posts vacant in the Civil Supplies Department creditably. So far as the Hindus are concerned, I need not say anything more. I submit that the statement of the Hon'ble Home Minister, to say the least of it, has been made without the least consideration for his countrymen and for the people of Bengal. I submit that this is a serious aspersion upon the province of Bengal as a whole. My honourable friend Mr. Mohd. Habibullah Chowdhury just now said that at one time Bengal was leading India on all matters and the saying was that what Bengal thought today the rest of India thought tomorrow. I am not going to take my stand on this because my European friends may not accept that as true. But I can say this much that the people of Bengal have shown their merit in the Indian Civil Service and in all the departments of Government and it has been admitted by people in very high quarters even in England and America and in other parts of the world that Bengalees can do their jobs equally, if not better than others. If that is the position, I submit that it is clear from the statement of the Chief Minister that it was the present Ministry which made this request. There is another aspect of the question which I would like the House to consider. If the Hon'ble Chief Minister really thinks that he has not got sufficiently well-equipped officers to fill up 90 or 100 posts, does he really think that he is advancing the cause of Bengal—nay of India? Today he is in the Muslim League Party where they are claiming Independence for India. If he is of opinion that there are not enough men to fill these appointments, he should admit that India is not fit for self-government. The Hon'ble Chief Minister should have thought seriously before he took up this attitude. As a matter of fact, it is not a true fact. Even the British Government, Mr. Churchill and Mr. Amery, are of opinion that India is fit for self-government but that the only obstacle which stands in the way is that they are not able to

present a united front. That is the only difficulty which is being pointed out by Mr. Churchill and Mr. Amery. There is no question that they are not fit, no question that they are not able to govern India if left to themselves. If that is the position accepted by our Rulers, I think it would be a very detrimental policy which the Chief Minister enunciated—that in Bengal we have not got enough officers to fill up the posts which he wants to fill up by recruiting men from the army. I do not know what is the reason for recruiting these army officers. It has been pointed out by Khan Bahadur Momin that army officers are not fit for these jobs and that they would be quite inefficient for the purpose for which they are being brought in. These officers have no experience of Bengal: they do not know our language and they will not be able to do the work which is going to be assigned to them for a considerable time to come and they will have to depend entirely upon their subordinate officers for the purpose of carrying out their work which is entrusted to them.

I submit, Sir, that the policy which the present Government is adopting for the recruitment of army officers from outside is not a sound policy and there cannot be any support from this side of the House. I appeal specially to the Indian members who are supporting the Government that they should not support this suicidal policy. If they support this policy, it will sound the death-knell of the prospects of the officers of Bengal. We should protest against this policy combinedly and induce the present Government to recruit officers from Bengal alone. I would further request the Government supporters to support this motion which is not a motion of no confidence against the Ministry but is really meant to assert the rights of the officers of Bengal. Mr. Lalit Chandra Das has pointed out that it would be detrimental to the interests of the officers of Bengal and would intensify the unemployment problem in Bengal.

Now, as regards the appointment of lawyers to the civil posts, I can assure the Hon'ble Minister that if he wants 93 he will get 900 from the Bar. He has already recruited lawyer-Magistrates. If he makes an attempt to get more lawyers, he will be glad to find many lawyers who will do credit to the posts they will be appointed to and discharge their jobs more efficiently than the military personnel. Sir Nazimuddin ought to know that it would be a dangerous policy which he is inaugurating. As a matter of fact Bengalees are at a discount everywhere. No province has requested Bengal to send men there. Why officers from outside should come to fill the posts here?

Mr. SHRISH CHANDRA CHAKRAVERTI: Mr. President, Sir, I congratulate my friend Mr. Lalit Chandra Das on his bringing in this motion before this House which is of a far-reaching consequence to Bengal. I was also glad to hear the speech of the Leader of the Coalition Party, Khan Bahadur M. A. Momin, who has supported the views of the Opposition and has replied effectively, probably more effectively than we could do, to the speech of Mr. Clarke. The policy of the Government is to bring certain army officers to this province to fill some civilian posts and the previous speakers have dealt with the matter in minute details. I do not intend to dwell on those points any more. The views which have been expressed by Khan Bahadur M. A. Momin, Leader of the Coalition Party, in regard to such a vital matter which concerns both the Hindus and the Muslims, is a healthy sign and if this is maintained, I think the political salvation of India will be within an easy distance. It is regrettable that Government did not consider the *pros* and *cons* of an important matter like this beforehand.

Sir, I am in doubt whether or not these military personnel have been thrust on Bengal Government. It is impossible for us to know what is the secret behind this proposal. It may be, as the Leader of the Coalition Party has said, that some inefficient military officers are being thrown over

to us or I should think that the officers who have become fatigued in this war are coming to Bengal to enjoy their leisure at the cost of the Province of Bengal. In any case, army officers are being placed in charge of the administration of a province of which they know nothing.

Even the European I.C.S. officers, when they are sent to this country, have got to undergo a training in the matter of office procedure under their own subordinate officers. I personally know of European I.P. officers being put under a senior Indian Deputy Superintendent of Police to learn office procedure for six months. After the training he became a superior and asked the said Deputy Superintendent of Police, who taught him office procedure to call him "Sir". So it is useless for us to discuss how these officers will be efficient at all.

As for corruption and bribery, it is not unknown in the Military Department. Rather we would not be untrue if we say that the Military Department in war time has been the hot bed of corruption. In the last war, a large number of European military officers were involved in a bribery case which is quite well-known, and these officers had to go back home on retiring furlough. My European friends very probably know of this case. So Bengalees are not the only persons who are liable to corruption. With these words, I support the motion.

Mr. W. B. C. LAIDLAW: May I speak for a few moments? Mr. Clarke's speech seems to have been to some extent misunderstood by the House. In the first place, please allow me to point out that he spoke throughout of army officers. There are many, many Indian officers in the army but no distinction was made in his remarks as between European officers and Indian officers.

The next point is this: that a good deal has been said about army officers having no experience of administration, but I may say that that is one of their principal lessons, their whole business is administration. Let me in this connection take the example which you must remember the Hon'ble Chief Minister gave us only two days ago. He told us—this is no matter of opinion but a matter of fact—he told us that out of a comparatively small number of army officers, both British and Indian, 12 had actual experience of food administration in Syria. (Mr. LALIT CHANDRA DAS: Conditions in Syria are quite different.) May be, Sir, but I ask you to consider if, when you are sick and you send for a physician, you enquire whether he understands the language you speak, or you enquire whether he has experience of the complaint from which you are suffering or when the province gets into a mess like it did last year, is it not the most sensible thing to send for people who had actual experience of a similar situation quite recently? Let me also refer to the wonderful and noble work which was done by army doctors during the last famine in the way of providing medical relief. (Mr. LALIT CHANDRA DAS: That is altogether a different matter.) If Khan Bahadur Momin were here, I would have asked him if his memory is so short that within 6 months he has forgotten all that, if he has forgotten the fact that there were sections of the province which got medical relief to the distressed such as had never been known before; and not only that, nobody has ever heard anybody saying anything but good of the work which the army did on that occasion.

Mr. HARIDAS MAZUMDAR: Sir, I support the motion of my friend Mr. Lalit Chandra Das. This special motion of my friend bristles with difficulties and has to be viewed from many points. Bengal is now in a sad predicament and her future should be our prime consideration. Anything else should be subordinated to that. I had occasion a few days ago to refer to the recent statement of Dr. B. C. Roy that two crores of people are suffering from diseases. I have just a suspicion that the Council gets tired of the same thing being repeated here again and again. But we have come here for business and for doing this we are paid handsomely out of the

provincial exchequer. I feel flattered because I find that Lord Faringdon in the Lords' debate on India referred to this very statement of Dr. B. C. Roy which should now be considered the pivot round which all our legislative activities must move. If these two crores of people die, the future historian will record that while Bengal after one year's terrible experience of famine was still burning with distress and suffering, the Neros of the province were fiddling in an air-conditioned legislative chamber. How to save the race? That should be our primary concern. If it be proved conclusively that people cannot be save except by the import of army officers, I for one would support such procedure. Even if educated Bengalee *bhadraog* youths, Hindu and Muhammadan, are deprived of some posts of Deputy Magistrates and Sub-Deputy Magistrates for a year or two on that account, the more important consideration of the suffering and death of tens of thousands should weigh with us and lead us to accept the proposed arrangement cheerfully. Things have come to such a pass in Bengal that all indications convey the impression that replacement of the present type of permanent officers from the Indian Civil Service including its British members down to the Sub-Inspector of Police is highly desirable. The appointment of army officers provides an opportunity in that direction. Last year the services rendered by the military in famine relief were splendid. Under the circumstances one would ordinarily welcome the proposed arrangement. But the causes of inefficiency of the Services here lie deeper. A corrupt, communal and capricious Ministry at the head has demoralised the Services. A Deputy Magistrate in a far-off district knows that the criterion of his future appreciation will not be his efficiency but the degree of assistance he can render to the party caucus that rules at the moment. When a Minister visits the town, the former will be busy securing addresses of welcome for the guest from the municipality, district board or a body of flunkeys. He knows that if he can do this successfully, he will be in the good books of the Ministers who in their turn will publish in the "Bengal Weekly" photographs of a large gathering welcoming popular Minister Mr. so and so. As regards the normal hard day-to-day work the Deputy Magistrate knows that he can neglect it with impunity. I have heard from a retired Subdivisional Officer who rose to be an acting District Magistrate that even a Sub-Registrar cannot be transferred without the interference of the Minister or his Chief Whip who is guided by communal considerations and will select good centres, which were so long regarded as rewards for meritorious work, for men of his own community. The Indian Civil Service is well-known to us. We must admit that in the past it set up a high standard of purity and efficiency in administration. But with the inauguration of the Montford Reforms it underwent a change. We remember how many British members of this Service resigned then and other British members had to be pampered with Lee concessions. The British members with honourable exceptions who still have the whip hand from the Himalayas to Cape Comorin have never been known for their sympathy with Indian aspirations. One will not be far wrong in assuming that they feel that they will lose nothing if democracy be discredited in this country. They are therefore sitting on the fence. But this attitude on the part of permanent Services which constitute the "steel frame" in the administrative system not only in this country as once described by Mr. Lloyd George but everywhere else on earth, cannot be helpful to a poor country which has to maintain these white elephants. Such attitude may work with tolerable injury in fair weather but is positively dangerous in a time of famine or war or both. As regards the Indian members of the I.C.S., they are neither Indians nor Europeans and nowhere in last year's famine could they justify the heavy salary bills on their account. Among them, of course, as among the British members there are honourable exceptions. Sir Thomas Rutherford whose transfer last year from Bihar to Bengal was not much relished even by Congress organs and who rendered yeoman's service to this province in the short time at his disposal is such an honourable exception. He it was

who accepted khadi dress from Rajaji in Madras. I have given the etiology of the administrative breakdown in Bengal which now calls for a large drafting of army personnel. In Bihar the same I.C.S. is working wholeheartedly. If a patriotic Ministry come into power here, it can hold the bayonet of resignation at the head of the I.C.S. in case it pursues the policy of sitting on the fence any further. We know Mr. Amery's concern to show to America that democracy and autonomy is prevalent in so many provinces. The I.C.S. will work then in right earnest and seize as in Bihar last year rice and paddy stocks which now remain hoarded all over the province specially by those who own more than 100 *bighas* of land and whose number has been growing for some years and has been accentuated as the result of the famine. Unless that is done, the situation will not improve. If that be done, the price of rice will soon reach the figure of Rs. 11 as in present-day Bihar. If the Ministers were not week and subservient and could give up their jobs any moment like the ends of cigarettes, the I.C.S. would work and there would arise no need of importing army men here. Taking this view of things, I wholeheartedly support the motion.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, in the course of this debate, two reasons have been advanced for the step taken by the Government. One is the prevalence of corruption. The second ground is that Bengal lacks sufficient efficient officers. With regard to the first ground—corruption—it is so prevalent in Bengal that it has attracted the notice of a comparatively newcomer to the Province like His Excellency the Governor of Bengal. But corruption will not be eradicated simply by bringing in high officials from the military. Corruption has entered into the core of our system. It is now more prevalent in the higher circles than in the cadres below. I need not proceed further upon this matter because it is so very well known, or rather notorious. You cannot root out the corruption by recruiting some military officers from outside. His Excellency the Governor has requested the people to report instances of corruption and bring in witnesses to prove them, so that the canker of corruption might be eradicated. No doubt, trained Bengalee officers have been taken away to different departments, but there are still enough honest and efficient young men in Bengal to fill the required posts. But in supporting the motion I do not disparage the work done by the military during last year's troublesome days in Bengal. The military did yeomen's service during the terrible famine and their work was highly appreciated. Their work was really extraordinary. There was, however, the shadow of war then overshadowing Bengal. In those circumstances, the advent of the military was not unwelcome. The support that I am going to give to the motion is not due to any want of appreciation of the services of the military. The question rests more upon principle than upon the dearth of experienced men. Famine is far fading away; the military situation is improving; the jobs are receding; Assam is already cleared; Burma is being half-cleared. The fear of war and the danger of invasion have all gone. In fact, if you examine the repercussion of the news of the war on the share market, you would be at once struck with the extraordinary strength that first-class shares are disclosing for the last one month and a half.

The extraordinary circumstances and the difficult situation which called for the employment of the military for civilian work are absolutely gone. On a question of principle, therefore, it is impossible for us to agree to a proposal like this. If you appoint some military men, probably the fringe of the services where there is corruption would be improved; but it will be no real improvement of the situation unless you put in some military men at the very centre of the Government. Now, Sir, discipline is absent from anything connected with the food administration. Honesty has left the place and the remark that we have just now heard from the Leader of the Government Party, strongly criticising the Government in this respect and supporting the motion, is revealing. I do not know what the members of the

Government Party will do. There is the voice of their Leader speaking one way and there is the voice of another leader speaking another way. There is absolute breach of discipline in their ranks. There is corruption; but there are still honest men, if you will only select them. I support the motion on the ground that Bengal possesses sufficient ability, sufficient honesty and sufficient capacity to supply officers of the requisite standard. With these few words, Sir, I support the motion.

Mr. LATAFAT HOSSAIN: Spoke in Urdu.

Mr. PRESIDENT: Order, order. The debate has not concluded. So it will be taken up on the next Special Motion day. The House now stands adjourned till 2-15 p.m. on Monday.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 31st July, 1944.

Members absent.

The following members were absent from the meeting held on the 28th July, 1944:—

(1) Khan Sahib Nurul Amin.
(2) Mr. Kader Baksh.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. K. K. Dutta.
(5) Mr. R. W. N. Ferguson.
(6) Khan Bahadur Abdul Gofran.
(7) Mr. M. R. Jaipuria.
(8) Mr. Humayun Z. A. Kabir.
(9) Maulana Mohammad Akram Khan.
(10) Mr. Abdul Latiff.
(11) Rai Bahadur B. M. Maitra.
(12) Mr. N. N. Moholanabish.
(13) Mr. N. N. Mookerji.
(14) Mr. R. Pal Chaudhuri.
(15) Mr. R. S. Purssell.
(16) Dr. K. S. Ray.
(17) Rai Bahadur R. B. Roy.
(18) Mr. S. N. Sanyal.
(19) Khan Bahadur M. Shamsuzzaha.
(20) Khan Sahib Maulvi Wahiduzzaman

BGP-44/5-8563A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 68.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 31st July, 1944, at 2-15 p.m., being the sixty-eighth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble SIR BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Strike in the Indian Rubber Manufactures Ltd at Lillooah.

247. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state if he is aware that there has been a strike of the workers at the Indian Rubber Manufactures, Ltd., Lillooah, since the 10th July, 1944?

(*b*) Is he aware that a notice of the strike was sent to the Management of the company on the 26th June, 1944, and the copy of the notice was forwarded to the Labour Commissioner?

(*c*) Is he aware that there was a strike in the said concern in December, 1943?

(*d*) Is he aware that the said company has recently introduced a shift of ten hours per day including one hour for tiffin instead of the usual shift of eight hours per day including half-an-hour for tiffin?

(*e*) Is he aware that the Management of the company did not allow the shift duty workers to resume duty since 3rd July, 1944?

(*f*) Does he propose to direct an enquiry by the Labour Commissioner into the grievances of the workers?

MINISTER in charge of the COMMERCE, LABOUR and INDUSTRIES DEPARTMENT (the Hon'ble Mr. K. Shahabuddin): (*a*) Yes. The strike actually started on the 3rd July, 1944. Some of the workers who did not join the strike on the 3rd July, 1944, did so on the 10th July, 1944.

(*b*) and (*c*) Yes.

(*d*) The company introduced a shift of 9 hours excluding the period of rest from the 3rd July, 1944, in the place of a shift of 7½ hours excluding rest period.

(*e*) On the 4th July, 1944, the strikers had reported for work but as they refused to work more than 7½ hours, work was not started.

(*f*) The matter was taken up by the Labour Commissioner and as no satisfactory settlement could be reached it has been referred for adjudication under rule 81A of the Defence of India Rules.

Mr. K. C. ROY CHOWDHURY: May I ask the Hon'ble Minister if he is aware that any work in excess of 7½ hours has to be paid for as overtime?

The Hon'ble Mr. K. SHAHABUDDIN: I would not like to express any opinion on this question as it appears from my reply in (*f*) that the matter has been referred for adjudication.

Mr. SRISH CHANDRA CHAKRAVERTI: How long it will take to complete the adjudication?

The Hon'ble Mr. K. SHAHABUDDIN: It will take its usual course.

Mr. HARIDAS MAZUMDAR: Sir, I have an adjournment motion.

Mr. PRESIDENT: Yes, I have considered your adjournment motion and I am afraid I cannot give my consent to it. The position is this—it is an expression of opinion by Sir Nazimuddin as Home Minister on a situation that is long over. At best, it is merely a post-mortem analysis of the situation that is long past. So I do not think it is a matter on which adjournment of the House could be justified.

Mr. HARIDAS MAZUMDAR: Is it your final ruling on this point, Sir?

Mr. PRESIDENT: Yes.

Mr. LALIT CHANDRA DAS: Sir, as a similar motion was negatived earlier, I do not move the next motion on the list which stands in my name.

Mr. PRESIDENT: Order, order. The House will now resume further consideration of the Agricultural Income-tax Bill.

The Bengal Agricultural Income-tax Bill.

Mr. LALIT CHANDRA DAS: Sir, I beg to move: That in the proviso to sub-clause (7) of clause 6 of the Bill, the words beginning with "subject to a maximum" in line 8 and ending with "derived" in line 12 be omitted.

Sir, I do not think any speech is necessary.

Mr. PRESIDENT: Amendment moved: That in the proviso to sub-clause (7) of clause 6 of the Bill, the words beginning with "subject to a maximum" in line 8 and ending with "derived" in line 12 be omitted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, a ceiling is necessary where expenses are concerned. I oppose the amendment.

Mr. PRESIDENT: The question before the House is: That in the proviso to sub-clause (7) of clause 6 of the Bill, the words beginning with "subject to a maximum", in line 8 and ending with "derived" in line 12 be omitted.

(The amendment was negatived.)

Mr. SRISH CHANDRA CHAKRAVERTI: Sir, I beg to move——

Mr. PRESIDENT: Mr. Chakraverti, will you please wait a minute? I was trying to find out whether there has been any decision on an amendment like the one you are moving now. Well, I find that there are several amendments like the present one. So, the House having already given its decision on similar amendments, you cannot move this amendment.

Mr. SRISH CHANDRA CHAKRAVERTI: But here it is a little bit different. Here I am suggesting that the person who keeps his accounts in a proper form and gets them certified by Accountants should get some allowance.

Mr. PRESIDENT: You want to increase the concession further? Well, then you move it.

Mr. SRISH CHANDRA CHAKRAVERTI: Sir, I beg to move: That in clause 6 of the Bill, in the first proviso to sub-clause (7), for the words "twenty per centum" the words "twenty-five per centum" be substituted.

Sir, the proviso to clause 6, sub-clause (7) runs:—

> "Provided that in the case of an assessee who can produce his accounts audited and certified to be correct by an Accountant, and at the option of such assessee recorded in writing the allowance shall

be, instead of such sum, the actual cost of collection incurred during the previous year as determined by the Agricultural Income-tax Officer on the basis of such accounts, subject to a maximum equal to twenty per centum of the total amount of rent or revenue which accrued to him in the previous year in respect of the land from which such rent or revenue is derived".

In this case, Sir, as the proviso is worded it gives discretion to the officer to fix the percentage in the end. What I propose is to enable the officer to use his discretion to the extent of 25 per cent. if he is satisfied in regard to the manner in which the account is maintained and certified by the accountant, as provided in the Bill. So I think, Sir, our demand is very moderate and I hope the Hon'ble Finance Minister will accept it.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I support this amendment on the simple ground that when the accounts of an assessee are really audited, we can find out what legitimate expenses has been properly incurred and their remains no room for doubt that this has been actually incurred. If the assessee has actually incurred expenses exceeding 25 per cent. and if it is proved before the Income-tax officer by audited accounts, then only the limit should be up to 25 per cent. My submission is that if really an assessee produces before the Income-tax Officer audited accounts with proper vouchers and adduces a clear proof that he has actually incurred more than 25 per cent. of expenses, then the Income-tax Officer should have the discretion to allow the expenses up to a limit of the maximum of 25 per cent. Twenty per cent. seems really too low. You cannot really foresee the actual expense incurred in agricultural pursuits There may be circumstances where an agriculturist may have to spend more than 20 per cent. or more than 25 per cent. So, if legitimate expenses are to be deducted, the audited accounts should have some special advantage If it is found that the expense ratio went up higher than 25 per cent. then there is no reason why you should not give him at least the maximum of 25 per cent. allowance which is not unreasonable With these remarks, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: We have made allowances for all assessees keeping accounts properly.

Mr. PRESIDENT: Order, order. The question before the House is: that in clause 6 of the Bill, in the first proviso to sub-clause (7), for the words "twenty per centum" the words "twenty-five per centum" be substituted.

The motion being put, a division was challenged and taken with the following result:—

AYES—9.

Rai Bahadur K. C. Banerjee.	**Mr. K. K. Dutta.**
Mr. S. C. Chakraverti.	**Mr. H. D. Mojumdar.**
Mr. Khorshed Alam Chowdhury.	**Mr. N. N. Moholanabish.**
Mr. L. C. Das.	**Mr. B. K. Roy Chowdhury.**
Mr. N. C. Datta.	

NOES—20.

Khan Sahib Fariduddin Ahmad.	**Mrs. K. D'Rozario.**
Mr. Mesbahuddin Ahmed.	**The Hon'ble Khan Bahadur S. M. Hosain.**
Mr. Nur Ahmed.	**Mr. Latafat Hossain.**
Mr. Sultanuddin Ahmed.	**Mr. Mohamed Hossain.**
Khan Sahib Nurul Amin.	**Mr. W. B. G. Laidlaw.**
Khan Sahib Abdul Aziz.	**Khan Sahib Subidali Mollah.**
Mr. D. L. Barua.	**Khan Bahadur Mukhlesur Rahman.**
Mr. Moazzemali Chowdhury.	**Mr. Yakub H. S. Sattar.**
Khan Bahadur A. H. Choudhury.	**Dr. Kasiruddin Talukdar.**
Mr. Mohd. Habibullah Chowdhury.	
Mr. C. E. Clarke.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 9, and the "Noes" 20, the amendment is negatived.

Mr. HARIDAS MAZUMDAR: I beg to move that in clause 6 of the Bill, the *Explanation* to the first proviso to sub-clause (7) be omitted.

Sir, this amendment seeks to extend the benefit of the allowance to the generality of the assessees who keep their accounts in the traditional manner and cannot employ registered accountants enrolled in the register of accountants maintained by the Central Government under the Auditors Certificate Rules, 1932, or the holder of a restricted certificate under the Restricted Certificate Rules, 1932, or a member of an Association of Accountants recognised by the Central Board of Revenue. It is not possible for the sake of economy for a comparatively small number of people living in villages or subdivisions or district towns to requisition the services of registered accountants who generally carry on their business in Calcutta. The effect of this clause as it stands will be that those who have a large agricultural income and can, therefore, afford to take the help of highly qualified accountants—they will get the benefit of this allowance of 20 per cent. as the cost of collection; while the poorer people will get only the allowance of 15 per cent. As the number of smaller assessees is much larger than the bigger ones, the Bill will prove a veritable engine of oppression to them. Moreover, this unscientific and crude piece of legislation will then be not for the benefit of the people but for the benefit of the Ministry and its supporters. Since the time of the discussion of the budget, we have been crying ourselves hoarse that the heavy expenditure incurred on account of the "grow-more-food campaign" has resulted in a big zero and we are glad to find that what we had said months ago was admitted by the *Statesman* in its issue of 29th instant. It said that the "grow-more-food and vegetable campaign" undertaken by the Government which has cost the public exchequer lakhs of rupees since 1941 does not appear to have yet produced any appreciable improvement on the general condition and the supplies are continuing to be far short of the demand. If no tangible improvement could be made, why this taxation measure? Clause 6 provides for an allowance of all expenditure actually incurred for the income. It is common experience that books of accounts kept in Bengali or any other Indian language by ordinary *sarkars*, who have no knowledge of the English language, not to speak of being a registered accountant, are accepted by the income-tax officer as accurate and trustworthy. Why should there be a costly standard of account in this famine-ridden land? If these accounts pass through the scrutiny of the accountants and are found to be accurate and trustworthy and if they are found correct by the Income-tax officers, then why insist on such a costly procedure? With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in clause 6 of the Bill, the *Explanation* to the first proviso to sub-clause (7) be omitted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the speech delivered by the honourable member is in respect of some other amendment and so it is not to the point. I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 6 of the Bill, the *Explanation* to the first proviso to sub-clause (7) be omitted.

The motion being put, a division was challenged and taken with the following result:—

AYES—11.

Khan Bahadur Naziruddin Ahmad.	**Alhadj Khan Bahadur Sk. Mohd. Jan.**
Rai Bahadur K. C. Banerji.	**Mr. H. D. Mojumdar.**
Mr. S. C. Chakraverti.	**Mr. N. N. Moholanabish.**
Mr. L. C. Das.	**Mr. A. D. Roy.**
Mr. N. C. Datta.	**Mr. B. K. Roy Chowdhury.**
Mr. K. K. Dutta.	

NOES—20.

Khan Sahib Fariduddin Ahmad.	**Mr. Sultanuddin. Ahmad.**
Mr. Mesbahuddin Ahmed.	**Khan Sahib Nurul Amin.**
Mr. Nur Ahmed.	**Khan Sahib Abdul Aziz.**

Mr. D. L. Barua.	Mr. Latafat Hossain.
Mr. Moazzemali Chowdhury.	Mr. Mohamed Hossain.
Khan Bahadur A. H. Chowdhury.	Mr. W. S. G. Laidlaw.
Mr. Mohd. Habibullah Chowdhury.	Khan Sahib Subidali Mollah.
Mr. C. E. Clarke.	Khan Bahadur Muklesur Rahman.
Mrs. K. D'Rozario.	Mr. Yakub H. S. Sattar.
The Hon'ble Khan Bahadur S. M. Hosain.	Dr. Kasiruddin Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 11, and the "Noes 20, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 6 of the Bill, in the *Explanation* to the first proviso to sub-clause (7), for the word and inverted commas " 'Accountant' " the words and inverted commas "The expression 'accountant' " be substituted. In the definition clause in the first sentence the word "Accountant" should begin with a small letter; but as it is the first word in the sentence, it has been given capital letter. So I have attempted to insert two words before it, so that the rules of legislative etiquette and those of grammar would be reconciled. In the circumstances, I think this amendment should be accepted.

Mr. PRESIDENT: Amendment moved: that in clause 6 of the Bill, in the *Explanation* to the first proviso to sub-clause (7), for the word and inverted commas " 'Accountant' " the words and inverted commas "The expression 'accountant' " be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment. The drafting experts consider the amendment unnecessary.

Mr. PRESIDENT: The question before the House is: that in clause 6 of the Bill, in the *Explanation* to the first proviso to sub-clause (7), for the word and inverted commas " 'Accountant' " the words and inverted commas "The expression 'accountant' " be substituted.

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: I beg to move that the second proviso to sub-clause (7) of clause 6 of the Bill be omitted.

This proviso lays down that an assessee who once exercises the option of having an allowance for actual cost on the basis of his accounts shall not be entitled to claim the alternative allowance of 15 per cent. granted to those who do not produce accounts. The need for omitting the proviso would not arise if the present Bill were reasonable and just and allowed all expenditure incurred for earning the agricultural income instead of fixing a maximum of 20 per cent. The Privy Council in its judgment in Raja Pravat Chandra Barua's case (34 Calcutta Weekly Notes, page 1017) held that if agricultural income had been included within the scope of the Income Tax Act, the income from zemindaries would have been taxed under section 12 of the Act and that section lays down:

> "Such income, profits and gains shall be computed after making allowance for any expenditure (not being in the nature of capital expenditure incurred solely for the purpose of making or earning such income, profits or gains, provided that no allowance shall be made on account of any personal expenses of the assessee".

The collection charges under the management of the Court of Wards are said to have exceeded 20 per cent. As the price of rice, the staple food of the province, is four times the normal rate and vegetables and fish sell even higher, the cost of living has increased enormously and the cost of collection has gone up accordingly. The *sircars* and *gomastas* cannot work unless they get food. European merchants of Clive Street know how much more they have to spend nowadays on their clerical staff. Viewing this country even as a human cattle farm, one has to assure the worker a living wage.

If prices increase further, collection charges will record a further increase but our omniscient Government will not allow more than 20 per cent. Even now in numerous cases the cost is not less than 30 per cent. This is sheer injustice to the poorer section of the assessees. If, however, conditions improve and the price of rice goes down, the cost of collection in some cases will be less than 15 per cent., and so the proviso is carefully inserted in order that the assessees may not get the benefit of the 15 per cent. rule. How we wish that in devising beneficient measures our Ministers displayed half the zeal which they devote denying small mercies to small people! Bengal in that case would have been a better place to live in. The Ministry seems not to have comprehended two axiomatic facts, namely, that the income of rent-receivers is inelastic and that the cost of collection is bound to go up and down in relation to war-time prices.

Sir, with these words, I move my amendment, and I hope that this being a very reasonable amendment, the Hon'ble Minister in charge of Finance will accept it.

Mr. PRESIDENT: Amendment moved: that the second proviso to sub-clause (7) of clause 6 of the Bill be omitted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment for this reason that if a man submits an account in a certain form he would not be allowed without the special permission of the officer to check it. It is no good saying to a man that if you decide to be born a man and act accordingly, you cannot thereafter change into a woman. In matters of accounting there is no such finality or absoluteness. I submit that the convenience of the tax-payer should be consulted and this inconvenient rule should be changed. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is that the second proviso to sub-clause (7) of clause 6 of the Bill be omitted.

The motion being put, a division was challenged and taken with the following result:—

AYES—10.

Khan Bahadur Naziruddin Ahmad.	Alhadj Khan Bahadur Shaikh Mohd. Jan.
Rai Bahadur K. C. Banerji.	Mr. H. D. Mojumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. L. C. Das.	Mr. A. D. Roy.
Mr. K. K. Dutta.	Mr. B. K. Roy Chowdhury.

NOES—21.

Khan Sahib Fariduddin Ahmad.	Mr. D. J. Cohen.
Mr. Mesbahuddin Ahmed.	Mrs. K. D'Rozario.
Mr. Nur Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Sultanuddin Ahmed.	Mr. Latafat Hossain.
Khan Sahib Nurul Amin.	Mr. Mohamed Hossain.
Khan Sahib Abdul Aziz.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Khan Sahib Subid Ali Mollah.
Mr. Moazzemali Chowdhury.	Khan Bahadur Muklesur Rahman.
Khan Bahadur A. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. Mohd. Habibullah Chowdhury.	Dr. Kasiruddin Talukdar.
Mr. C. E. Clarke.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 10, and the "Noes" 21, the amendment is negatived.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: I beg to move that in sub-clause (8) of clause 6 of the Bill, for all the words, figures,

brackets and commas beginning with the words "in respect of" in line 4 to the end of the sub-clause, the following be substituted, namely:—

"any sum which was received by the assessee in the previous year as rent or revenue but which accrued to him before this Act came into operation".

Sir, the object of my amendment to this clause is very simple. It is but common knowledge that the tenants fall very frequently into arrears in respect of the payment of their rent. It is but usual in many instances with them to postpone payment of rent for two or three years. In years which are especially lean, the tenants are unable to clear their dues to the landlord. After a year or two, however, when their conditions improve, they either clear all their dues, past and current, or clear only the arrears. The estate-holders have to accept this arrangement in the interest of the welfare of the tenantry. But simply because the zemindars and talukdars have allowed on this ground their rent to fall into arrears, it will be absolutely inequitable and unjust to impose taxation upon such arrears. This will amount to legislation with retrospective effect. Such legislation, Sir, has been disapproved all over the world on just grounds. With these few words, I move the amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*8*) of clause 6 of the Bill, for all the words, figures brackets and commas beginning with the words "in respect of" in line 4 to the end of the sub-clause, the following be substituted, namely:—

"any sum which was received by the assessee in the previous year as rent or revenue but which accrued to him before this Act came into operation".

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the whole basis of the Bill is receipt and not accrual. So I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*8*) of clause 6 of the Bill, for all the words, figures, brackets and commas beginning with the words "in respect of" in line 4 to the end of the sub-clause, the following be substituted, namely:—

"any sum which was received by the assessee in the previous year as rent or revenue but which accrued to him before this Act came into operation".

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: that in sub-clause (*10*) of clause 6 of the Bill, after the words "personal expenditure" in lines 2 and 3, a comma be inserted.

Sir, this amendment has evoked some amount of mirth in this House. I believe smaller men like us have to take notice of small things like commas. I have found the position of a comma making much difference in meaning though according to the theoretical rules of interpretation they are not so regarded. But still they make a lot of difference. For the consideration of the House, I shall cite an illustration. There was a notice board saying—

"এখানে প্রস্রাব করিও না, প্রস্রাব করিলে সাজা পাইবে।"

A mischievous boy removed the comma one place to the left and the notice now read—

"এখানে প্রস্রাব করিও, না প্রস্রাব করিলে সাজা পাইবে।"

The translation is—"do not commit nuisance here: if you do, you will be punished". The passage, after the comma is moved, would mean "commit nuisance here; if you do not commit nuisance, you will be punished". A comma may thus make a lot of difference in meaning. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*10*) of clause 6 of the Bill, after the words "personal expenditure" in lines 2 and 3, a comma be inserted.

Mr. HARIDAS MAZUMDAR: Sir, I support the amendment of Khan Bahadur Naziruddin Ahmad knowing full well that this amendment will not be accepted, as the honourable members opposite have not the right even to remove a comma or insert a comma.

With these words, I support the amendment and if it is not accepted; I shall press it to a division.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: As the comma is not absolutely necessary, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: That in sub-clause (*10*) of clause 6 of the Bill, after the words "personal expenditure" in lines 2 and 3, a comma be inserted.

(The motion was agreed to.)

Mr. PRESIDENT: Oh, I am sorry——Noes have it.

Mr. LALIT CHANDRA DAS: But, Sir, after declaring that the "Ayes" have it, can you recall your decision now?

Mr. PRESIDENT: No; but that was a slip of tongue

Mr. LALIT CHANDRA DAS: On a point of order, Sir. When you put the amendment before the House, you never take into consideration as to whether "Ayes" will have it or "Noes" will have it. You never take into consideration the Opposition party or the Government party. It is left to the discretion of the party concerned to challenge your decision when you say "Ayes" have it or "Noes" have it. There is no rule in our Council Procedure Rules to show that you can recall your decision when the Government party is sleeping over it.

Mr. PRESIDENT: Order, order. Let me look into the question and let us proceed with the business in the meantime.

Mr. BIRENDRA KISHORE ROY CHOUDHURY: I beg to move that after sub-clause (*10*) of clause 6 of the Bill, the following sub-clause be added, namely:—

> "(11) any portion of agricultural income other than such as referred to in clause (*b*) of section 4 spent in the previous year by the assessee for charitable purposes."

Under sub-clause (*b*) of section 4, agricultural income derived from property held under trust wholly for religious or charitable purposes has been excluded from taxation. But, Sir, it is not simply the income derived from such trust property which is devoted to religious or charitable purposes. Every year the estate-holders have to spend a large proportion of their income from property which is not so ear-marked to this end. In fact, the income derived from trust property is only a very small proportion of the total sum which is spent by the zemindars for religious or charitable purposes. It is necessary on this account that all the expenditure made by them under this head should be exempted from taxation. The purpose of my amendment is thus very clear and I have no doubt about it that the Government will be only doing justice by accepting this amendment.

Mr. PRESIDENT: Amendment moved: that after sub-clause (*10*) of clause 6 of the Bill, the following sub-clause be added, namely:—

> "(11) any portion of agricultural income other than such as referred to in clause (*b*) of section 4 spent in the previous year by the assessee for charitable purposes."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that after sub-clause (*10*) of clause 6 of the Bill, the following sub-clause be added namely:—

"(11) any portion of agricultural income other than such as referred to in clause (*b*) of section 4 spent in the previous year by the assessee for charitable purposes."

The question being put, a division was challenged and taken with the following result:—

AYES—9.

Khan Bahadur Naziruddin Ahmad.	Alhadj Khan Bahadur Shaikh Md. Jan.
Rai Bahadur K. C. Banerji.	Mr. H. D. Mazumdar.
Mr. S. C. Chakraverti.	Mr. A. D. Roy.
Mr. L. C. Das.	Mr. B. K. Roy Chowdhury.
Mr. K. K. Dutta.	

NOES—23.

Khan Sahib Fariduddin Ahmad.	Mr. D. J. Cohen.
Mr. Mesbahuddin Ahmed.	Mrs. K. D'Rozario.
Mr. Nur Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Sultanuddin Ahmed.	Mr. Latafat Hossain.
Khan Sahib Nurul Amin.	Mr. Mohamed Hossain.
Khan Sahib Abdul Aziz.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Khan Sahib Subid Ali Mollah.
Mr. Moazzemali Chowdhury.	Khan Bahadur Mukhlesur Rahman.
Mr. Hamidul Huq Chowdhury.	Mr. Yakub H. S. Sattar.
Khan Bahadur A. H. Chowdhury.	Mr. J. W. R. Steven.
Mr. Mohd. Habibullah Chowdhury.	Dr. Kasiruddin Talukdar.
Mr. C. E. Clarke.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 9, and the "Noes" 23, the amendment is negatived.

Now, as regards the amendment regarding which I made a mistake in giving my decision, I have considered the point. What I really meant was "Noes have it". I did not mean "Ayes have it". It was merely a slip of tongue on my part. I find it stated in sub-rule (*8*) of rule 8 of the Bengal Legislative Council Procedure Rules: "If any member enters a lobby and discovers either before or after voting that he has come to the wrong lobby, he shall immediately inform the President and the President may in his discretion allow the member's vote to the expunged from the division list of such a lobby and to be entered in the division list of the lobby in which the member desired to vote, provided that such a mistake is brought to the notice of the President before the result of the division is declared."

In this case, I really meant "Noes have it" but it was purely a slip of tongue on my part.

Mr. LALIT CHANDRA DAS: Will you kindly allow us to discuss the point, Sir?

Mr. PRESIDENT: Yes.

Mr. LALIT CHANDRA DAS: If you will kindly permit me to start discussion on the point, I would like to say that the analogy pointed out by the Chair with the recording of votes in a wrong lobby does not hold good in respect of the present situation. It is not at all on the same line and on all fours with the present case. Now, Sir, what you actually meant may be a different proposition; but what you actually uttered is the only thing that matters in this matter of "Ayes" and "Noes": because it is not always that the Chair has to say "Noes have it". It may occasionally be that the President is called upon to say "Ayes have it". The fact that both parties present in the House have got the inherent right to challenge the utterances

of the President goes to show that it is actually the utterances of the President that really matter—for no party can divine what is actually in the mind of the President. When you, Sir, utter any one of those formulae, whether by mistake or deliberately, there is the Government party sitting there and the Opposition here and they could easily challenge your utterances. If the Government party did not challenge your announcement, it is not our fault. If we knew that it was by mistake on your part that "Ayes have it" was uttered by you, then we could have called for a division. After the words "I think the Ayes have it", the words "Ayes have it" became final and nobody need divine what was actually in the mind of the Chair. After all, it is a question of challenge.

Mr. PRESIDENT: I am just now told that Mr. Sultanuddin Ahmed did actually say "Noes have it" by way of challenging my decision; that is what I am told by the Secretary. I did not hear that word: I missed it. I missed what he said; but the point is that I really meant "Noes have it". It is a *bona fide* mistake on my part and I immediately corrected myself. I think that was all that had happened.

Mr. LALIT CHANDRA DAS: Will you kindly——

Mr. HARIDAS MAZUMDAR: That is the reason why I did not call a division. You, Sir, twice said "I think the Ayes have it" and then "The Ayes have it". Thereafter, when it was pointed out that it should be "Noes have it", you said that it was a mistake on your part. Therefore, I am the wronged party, the aggrieved party, because we were deprived of our right to call a division.

Mr. PRESIDENT: Mr. Mazumdar, you can take it from me that I realised the mistake immediately; really, it was merely a slip of tongue on my part. After all, a member who moves a motion or speaks on it may say many things by mistake which he does not actually mean and no exception is taken to it. I may honestly say that I did not mean what I did say.

Mr. LALIT CHANDRA DAS: Will you kindly allow me to say a word or two?

Mr. LALIT CHANDRA DAS: Sir, you have said just now that there was somebody who challenged a division and that from the other side somebody said "no", but that you yourself did not hear it. It is not the hearing of the Secretary which matters. When you put a certain amendment you say "Ayes have it" or "Noes have it". But your declaration may be challenged by calling for a Division and it should be done immediately after what you say. The word "no" does not matter. If a division is to be called, the words "Noes have it, division" are to be uttered. In case there is no challenge, you for the second time say "Noes have it" or "Ayes have it" as the case may be. We are told that the word "no" was uttered after you finally declared that "the 'Ayes' have it". Did he utter "no" immediately after you said "Ayes have it"? Evidently, he did not call for a division: otherwise he would have challenged it in a regular way—

Mr. PRESIDENT: Order, order. It was a case of a *bona fide* mistake on my part and I think there should be no controversy over this matter. The Opposition should not take advantage of a mistake on the part of the Chair. You have every right to challenge a division, so have the Government. I take the responsibility of the mistake on myself.

Mr. AMULYADHONE ROY: Sir, we are not going to take advantage of your mistake. It is far from our intention to do so. On this point I entirely agree with you; but the question is: whether you are mistaken or whether you are right is absolutely immaterial. You passed a verdict and everybody has a right to challenge it. But in this case without challenging it they submitted to your verdict.

Mr. PRESIDENT: What I really meant was "Noes have it". But it was a slip of tongue and I said "Ayes have it".

Mr. LALIT CHANDRA DAS: If that had been the case, we would have called for a division. We have lost our right to ask for division.

Mr. PRESIDENT: Well, there are precedents; we can go back to the clause again and put it to vote. In the Money-Lenders Bill I find that when there was such a mistake, the whole clause was put to vote *de novo*—that is what I find. With regard to Money-Lenders Bill the House proceeded with the discussion of this Bill before obtaining the previous consent of the Governor under section 299(*iii*). It was put to vote and the President declared and then it was found that the Governor's consent was not taken.

Mr. HARIDAS MAZUMDAR: In that case it was done because it was the unanimous wish of the House.

Mr. PRESIDENT: When such a mistake occurs, it is always a *bona fide* mistake.

Mr. KAMINI KUMAR DUTTA: Sir, whether you have done it through mistake or not will really be of no help to us. In this particular case the whole thing has been quite regular so far as our Rules go. I find from our Rules that after a question is put, the President shall ascertain the views of the House on an amendment by asking whether "Ayes" will have it or "Noes" will have it. If the decision of "Ayes" or "Noes" is not challenged by any member of the parties concerned, the President announces his decision. After the result has been announced, whether it is due to mistake or due to an oversight is not the question. The only question is: whether it can be re-opened. As regards judgment in a court, the mistake can be rectified by a higher tribunal; but in case of proceedings in a Legislature the President nowhere has been given the right to review his own announcement. It is not a question of mistake, it is a question of the honour of the House, it is a question of the tradition of the House, it is a question of the privilege of the House. As soon as the pronouncement is made, it is final. The only remedy to rectify this mistake is to send the Bill to the other House. If you, Sir, yourself go to rectify the mistake, then that would be creating a dangerous precedent.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I think Mr. Kamini Kumar Dutta referred to inherent right.

Mr. KAMINI KUMAR DUTTA: No.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, every tribunal has got an inherent right and it is sensible to correct a decision. If a Judge finds a mistake, he can certainly correct it when it is a clerical mistake. So, here suppose a member of the House goes and votes in a wrong lobby and then comes to the Chair to say that he has committed a mistake by voting in the wrong lobby, then that mistake can be rectified. This ABC of law is known to everybody. In this case also you say, Sir, that this has been done through mistake. Therefore, the honourable members of this House should be sensible, they should not be irrational, they must take a rational view of the matter. This is almost a technical mistake. It is evident that you wanted to say "Noes" have it but you actually said "Ayes" have it.

Mr. LALIT CHANDRA DAS: Sir, you are the custodian of the rights and privileges of the House. Now, it is a right of the other side to say "No" when you say "Yes." Supposing instead of saying "Yes", by mistake, you actually utter the word "No", neither of the parties here can know what was in your mind when you uttered the word. If there is a mistake there is no procedure to show that you can go back upon it. If a convention is created, a great difficulty will follow. There are two parties and each party has the

right to challenge and when that mistake was not challenged and since you are the custodian of our rights and privileges, please do not create a convention.

Mr. SULTANUDDIN AHMED: So far as this question is concerned, as soon as for the first time you called out "Ayes have it". I stood up and said "Noes". You did not catch it but the Secretary did. You then realised your mistake: so before your utterance had become final in this House you realised your mistake and gave us your correct decision. This case is much more favourable than the one cited by my friend, Mr. Hamidul Huq Chowdhury. That is a much more serious position than the present one. In this case while you were still on your legs and before you finished you realised your mistake. Your corrected utterance, namely, "Noes have it" was final and that decision cannot be challenged.

Mr. PRESIDENT: Order, order I have carefully considered the matter——

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I wish to say a few words in this connection. With regard to the question of *bona fide* mistake, I do not challenge it. The fact that one of my friends on the Government side actually uttered "Noes have it" which unfortunately was not heard by the President, must be accepted. The only way a President can communicate his decision and invest the decision with finality is by a word of mouth, and whether the President is right or wrong, his decision is absolutely final. So far as the decision of the President is concerned, the only opportunity of challenging it is at the first announcement After the first announcement some time is given, and honourable members on both sides should be quite alert, and if, in the opinion of any member, a wrong announcement is made, the member may at once challenge it; but I have never heard that the second announcement, which is the final decision, can be challenged. The rule is that the President's ruling is final; whether it is right or wrong, does not matter. In the circumstances, your ruling that "Ayes have it" has the stamp of finality. It can be corrected and there are provisions for it in the Act. If the amendment is accepted in this House, the only constitutional way of correcting it is to send back the Bill to the Lower House. Now, in the circumstances, your ruling is final. The very finality which attaches to your ruling is an answer to the view that is propounded. Therefore, I submit that the President's decision, given rightly or wrongly, is absolutely final. In May's Parliamentary Practice or in the rules, or in the collection of the rulings of the late President of this House or in the collection of the rulings in the Central Legislature you will never a find a case like this that the President's ruling could be challenged and corrected on the ground that it was wrong or given by mistake. The President's authority is superior to all these things. He is above mistake and above wrong. In the circumstances, his ruling is absolutely final and it cannot be corrected. I place this matter before you as being a matter of serious technicality and a matter of law. It raises a very interesting constitutional question, and you have got to decide it as best as you can.

Mr. PRESIDENT: I have very carefully considered this matter and I agree with you that the President's ruling ought to be final, provided it is a ruling which he really meant to utter. The word that I uttered in the present case was merely a slip of tongue and so it cannot be interpreted as a ruling. The usual method of challenging a ruling is by challenging a division. Here in this case a division was challenged but unfortunately I did not catch it——

Mr. LALIT CHANDRA DAS: Then there is an end of the matter——

Mr. PRESIDENT: Mr. Das, you need not repeat all those things again and again. I am disposed to hold that the Chair has the inherent right of at least correcting a slip of tongue on his part; if the Chair had not got that right, things would be impossible.

Mr. SRISH CHANDRA CHAKRAVERTI: May I say——

Mr. PRESIDENT: Mr. Chakraverti, you know very well that when the Chair is on his legs he should not be interrupted. However, I would like to consider the matter further. I am not prepared to cover up my mistake by giving an arbitrary ruling. I want to weigh this matter very carefully and try to find out precedents one way or the other and shall give any final ruling or decision in a couple of days' time.

The Hon'ble Mr. K. SHAHABUDDIN: May I speak a few words, Sir? Just now you informed the House that you observed that the decision or the ruling was a slip of tongue on your part and there it ended definitely——

Mr. LALIT CHANDRA DAS: No, no, he did not say any such thing.

The Hon'ble Mr. K. SHAHABUDDIN: The Chair said that it was a mistake on its part and that the decision should be "Noes have it". Therefore, I do not know, Sir, if after giving a considered ruling it is open to you to reconsider your decision. You, Sir, have pointed out that the only thing that the Chair can do under such circumstances is to correct any mistake which has been due to a slip of the tongue. I am not a lawyer; but as a layman the thing appears to me to be very simple and I do not know why such hair-splitting arguments should go on over such a simple matter. Let us now take the situation as it has actually happened. You got up from the chair, Sir, and in giving your decision you perhaps unconsciously uttered words which you did not mean. (Cries of oh, oh, from the Opposition benches.) Sir, it is not a question of crying "oh, oh"; if the Opposition benches cry, "oh, oh" in this connection, then perhaps they mean to doubt whether the President actually made a *bona fide* mistake. I say, Sir, that the Chair uttered those words unconsciously and if my friends on the other side do not accept that statement, then they are inconsistent and it is no use arguing with them. You have said, Sir, that you unconsciously uttered the words "Ayes have it" while the thing that you really meant was "Noes have it". It is a question of fact. (Interruptions.) Well, Sir, if they go on interrupting like this, I do not mind. As soon as those words came out of your mouth, my friend Mr. Sultanuddin Ahmed immediately challenged your ruling by crying out "Noes have it". (Mr. LALIT CHANDRA DAS: None of us on this side heard it.) If I understand aright, Sir, it is the established practice in this House that in challenging the verdict of the Chair instead of calling a "division" always the contrary phraseology is used, namely, if the Chair's decision is "Ayes have it", it is met by the challenges of "Noes have it". That is the practice, Sir, of calling a division everywhere but recently Mr. Mazumdar has taken to the practice of calling "division" instead of actually using the contrary expression "Noes have it". Actually, Sir, your verdict of "Ayes have it", was immediately challenged by Mr. Sultanuddin Ahmed and two others. (Mr. HARIDAS MAZUMDAR: The Chair did not hear it.) It is not a question of hearing——

Mr. PRESIDENT: Mr. Mazumdar, you must allow the Hon'ble Minister to speak without interruption.

The Hon'ble Mr. K. SHAHABUDDIN: As I have said, Sir, such things do happen quite unconsciously and when you gave your verdict "Ayes have it", as you did and as in doing so you were under the impression that you were pronouncing the right verdict, you did not realise that a challenge had come from this quarter. When this was brought to your notice, you, Sir, very rightly declared that by mistake you uttered the words that you did and mentioned exactly what actually did happen.

Mr. SRISH CHANDRA CHAKRAVERTI: Sir, the Hon'ble Minister is putting words into your mouth, words which you did not use.

The Hon'ble Mr. K. SHAHABUDDIN: Sir, I am stating only the facts, and not distorting them like my friends. Immediately after, you said "Noes have it", and the Opposition are distorting——

Mr. AMULYADHONE ROY: On a point of order, Sir. The Hon'ble Minister has said that the Opposition are distorting facts. I take serious objection to it and unless and until you decide that point and ask him to withdraw the expression——

Mr. PRESIDENT: Mr. Shahabuddin, I think you should withdraw it.

The Hon'ble Mr. K. SHAHABUDDIN: Sir, I bow to your ruling and withdraw it. But I submit that I was not saying anything unparliamentary. As I was saying—immediately after you said "Noes have it". That was the final word. I was going to say that it was admittedly the rule everywhere that if a mistake is corrected in the same breath, there can be no objection. I may tell you that in games refrees are allowed to correct *bona fide* mistakes in important games where there are heavy stakes. Here, Sir, what you have done? You said by mistake "Ayes have it" and immediately your attention being drawn to the mistake, you gave the right ruling that the "Noes have it"; and when the matter was further sought to be discussed, you said that "that is my ruling—Noes have it". How, then there is any room for further consideration. In this connection, I may just recite an incident which took place in the other place——

Mr. LALIT CHANDRA DAS: Which place?

The Hon'ble Mr. K. SHAHABUDDIN: I think it is the parliamentary practice to call the Assembly "other place".

Mr. LALIT CHANDRA DAS: Sir, what happened in the Assembly has nothing to do with us in this House.

Mr. PRESIDENT: What is the difficulty?

Mr. LALIT CHANDRA DAS: The Hon'ble Minister was referring to what happened in the Assembly. I object to it.

The Hon'ble Mr. K. SHAHABUDDIN: Sir, I think it is permissible to refer to the incidents that take place in the Central Assembly and in our Assembly. Sir, in support of an adjournment motion, as you know, 50 members are required to rise in their seats, and when the members rose the Opposition objected. The Secretary then counted the number and found that 48 members had risen in their seats. The Speaker said that the requisite number——

Mr. SRISH CHANDRA CHAKRAVERTI: Is it allowed, Sir, to give details of what happened in the Assembly? Many times you ruled that there should be no mention about the incidents in the other House—there should be no mention of the proceedings of the other House.

The Hon'ble Mr. K. SHAHABUDDIN: Sir, I most humbly submit this by way of illustration and for your consideration——

Mr. PRESIDENT: Order, order. Mr. Shahabuddin, I fully understand your point. Please sit down——

The Hon'ble Mr. K. SHAHABUDDIN: Sir, I have finished; only a few seconds more. Now, the Speaker declared that as requisite number of members had not risen in their places, the motion was out of order. Immediately that decision was challenged and it was found on second counting that more than 48 members were present——

Mr. SRISH CHANDRA CHAKRAVERTI: On a point of order, Sir. Can the Hon'ble Minister give us the details of what took place in the other House?

Mr. PRESIDENT: Mr. Shahabuddin, you may better not mention the reference to the other House and simply state the facts.

The Hon'ble Mr. K. SHAHABUDDIN: Now, Sir, my first point is that you first gave your ruling immediately your attention was drawn to the fact when you said "Ayes have it". Then again, hearing Mr. Lalit Chandra Das and some other hon'ble members you again got up and said that the amendment was lost. Therefore, after all these, I do not think the matter is still open to further consideration.

Maulvi MD. HABIBULLAH CHOWDHURY: Sir, as soon as you said "Ayes have it", you realised the mistake and in the same breath said "Noes have it". I myself and Mr. Sultanuddin Ahmed got up and said "Noes have it". Perhaps our voice did not reach your ears but the Secretary heard us.

Mr. SRISH CHANDRA CHAKRAVERTI: Sir, you said several times that you wanted to hear the Opposition on this point.

Mr. PRESIDENT: Yes, I wanted to hear the Opposition on this point. Now, as regards the fact, there is no dispute that the Chair unconsciously uttered "Ayes have it". There is also no dispute that Mr. Sultanuddin challenged the decision but I could not hear him and so I said "Ayes have it". That was a decision I gave unconsciously. I realised my mistake and I corrected it. Now, the point that has been tried to be made out is: whether having uttered that "Ayes have it" or "Noes have it", the Chair has got any right to correct even any *bona fide* mistake and on that I am inclined to hold that the Chair must have some inherent right to correct such mistakes; otherwise it would be impossible to carry on the business of the House. However, I would like to look into the precedents and give my decision day after tomorrow.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, will you hear us before your decision is given?

Mr. PRESIDENT: If necessary.

Khan Sahib FARIDUDDIN AHMAD: Sir, who will call for the discussion?

Mr. PRESIDENT: I shall call for it; if you want to say anything new on this point you may do so.

Mr. HAMIDUL HUQ CHOWDHURY: Suppose a telling is over; and 35 is for the motion and 5 against the——

Mr. PRESIDENT: Mr. Hamidul Huq Chowdhury, I have understood everything and I have not the slightest doubt in my mind that it was purely a *bona fide* mistake and that I unconsciously said "Ayes have it". Now, as the Leader of the Opposition thinks that the Chair has no right to correct himself, I want to find out whether there is any precedent like that or not.

Mr. LALIT CHANDRA DAS: Sir, there is another point you will please consider, namely, who is to give the decision in the matter. I think it is the House and not the President. The President only declares the decision of the House. When the members of the House go to the lobby to vote, you count the votes and when you find one party in majority you declare the decision in their favour. The analogy of the court does not apply here.

Mr. PRESIDENT: Mr. Das, you are repeating your arguments.

Mr. LALIT CHANDRA DAS: Sir, you mechanically announced the decision of the House.

Mr. PRESIDENT: You mean to say that even though I *mechanically* uttered the words "Ayes have it" and unconsciously too, still I have no right to correct the decision?

Mr. LALIT CHANDRA DAS: You, Sir, have no right to correct the decision of the House.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, when you said——

Mr. PRESIDENT: Order, order. I understand your point Mr. Hamidul Huq Chowdhury.

Mr. HAMIDUL HUQ CHOWDHURY: How can you understand me when I have not spoken? I say that when you said "Ayes have it", you had all the time in your mind that "Noes have it" So it is a *bona fide* mistake.

Mr. PRESIDENT: Exactly so. I have said that 10 times. I quite follow you.

Mr. BANKIM CHANDRA MUKHERJEE: As regards the question of shouting, who has shouted louder, whether "Ayes" have shouted louder or "Noes" have shouted louder? That is the basis of your decision; and then you gave an opportunity to challenge that decision immediately, As a matter of fact, I would have called for a division at that time——

Mr. PRESIDENT: Mr. Mukherjee, all these points were argued in your absence. Let us now proceed with the discussion of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 7 of the Bill, for the word "Agricultural" in line 2, the word "agricultural" be substituted.

Mr. PRESIDENT: Amendment moved: that in clause 7 of the Bill, for the word "Agricultural" in line 2, the word "agricultural" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: In a similar amendment I gave my reasons for opposing the amendment. I oppose this amendment also.

Mr. PRESIDENT: The question before the House is: that in clause 7 of the Bill, for the word "Agricultural" in line 2, the word "agricultural" be substituted.

The motion being put, a division was challenged and taken with the following result:—

AYES—9.

Khan Bahadur Naziruddin Ahmad.	Mr. K. K. Dutta.
Rai Bahadur K. C. Banerji.	Mr. H. D. Mazumdar.
Mr. S. C. Chakraverti.	Mr. B. C. Mukherji.
Mr. Khorshed Alam Chowdhury.	Mr. A. D. Roy.
Mr. L. C. Das.	

NOES—23.

Khan Sahib Fariduddin Ahmad.	Mr. D. J. Cohen.
Mr. Mesbahuddin Ahmed.	Mrs. K. D'Rozaria.
Mr. Nur Ahmed.	Mrs. L. P. Dutt.
Mr. Sultanuddin Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib Nurul Amin.	Mr. Latafat Hossain.
Khan Sahib Abdul Aziz.	Mr. Mohamed Hossain.
Mr. D. L. Barua.	Khan Sahib Subid Ali Mollah.
Mr. Moazzemali Chowdhury.	Mr. T. B. Nimmo.
Mr. Hamidul Huq Chowdhury.	Khan Bahadur Mukhlesur Rahman.
Khan Bahadur A. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. Mohd. Habibullah Chowdhury.	Dr. K. Talukdar.
Mr. C. E. Clarke.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 9, and the "Noes" 23, the amendment is negatived.

Mr. LALIT CHANDRA DAS: I beg to move that in the proviso to sub-clause (*1*) of clause 7 of the Bill, after the words "hired labourers" in line 5, the words "or *bargadars*" be inserted.

Sir, I think it is not the intention of the Government that the *bargadar* should be excluded from the consideration of the question of allowance. The proviso runs as follows: "provided that in the case of an agricultural income derived from land possessed by an individual or a Hindu undivided family and cultivated by such individual or by members of such family with or without the aid of servants or hired labourers or of both, the allowance admissible under this clause shall, instead of such cost, be a sum equal to fifty per centum of the market value of the produce from such land". I want that the *bargadar* should be included in it. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved that in the proviso to sub-clause (*1*) of clause 7 of the Bill, after the words "hired labourers" in line 5, the words "or *bargadars*" be inserted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment moved by my friend Mr. Lalit Chandra Das, because I think it is a clear omission in the clause. I think the Hon'ble Finance Minister knows and every one of us know here except my European friends that there is a system of cultivation by *bargadar* prevailing in Bengal and the *bargadar* does not come within the definition of servant or labourer. Therefore, unless the words "or *bargadars*" are added, it would mean that where cultivators have taken the help of *bargadars* he would not get any deduction at all With these words, I support the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to support the amendment. I think it is a clear omission. There is a custom of owner of land cultivating himself his own land or with the help of servants or other members of the family. There is also a custom very common of having cultivation with the help of *bargadars*. So there is no reason why *bargadars* should be excluded. It is a clear case of omission, as has already been said by the previous speaker. If the amendment is accepted, it will supply a gap which has been left out carelessly by the draftsmen.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I would say in a few words why the insertion of these words would be quite inappropriate here. The question of the cost of cultivation arises when the owner cultivates himself or with hired labourers. When it is cultivated by a *bargadar*, the *bargadar* does the cultivation and retains a portion of the produce and its cost. In that case, it does not include cost and the cost should not be deducted over again. If the possessor has to supply certain things, for example seeds and other things, such things will be allowed under sub-clause (*9*). Will the honourable member kindly see sub-clause (*9*) to see the force of my answer?

Mr. BANKIM CHANDRA MUKHERJEE: On a point of information, Sir, will the Hon'ble Minister clear up one point—whether this amount has been included in clause 9?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I cannot supply that information.

Mr. PRESIDENT: The question before the House is: That in the proviso to sub-clause (*1*) of clause 7 of the Bill, after the words "hired labourers" in line 5, the words "or *bargadars*" be inserted.

(The amendment was negatived.)

Mr. KAMINI KUMAR DUTTA: I want to move the next two amendments together. This clause 7 relates to the principle——

Mr. PRESIDENT: You please move the amendments first

Mr. KAMINI KUMAR DUTTA: Oh, I am sorry, Sir.

Mr. PRESIDENT: So, mistakes do happen.

Mr. KAMINI KUMAR DUTTA: Sir, as regards the mistakes of members they can always be rectified; but as President's word is final, mistakes committed by the President cannot be rectified. Even the Judge cannot amend his judgment.

Sir, I beg to move: That in clause 7 of the Bill, in the proviso to sub-clause (*1*) for the words "equal to fifty per centum" in lines 7 and 8, the words "not less than fifty per centum" be substituted.

I also beg to move: That in clause 7 of the Bill, in the proviso to sub-clause (*1*), the following be inserted at the end, namely:—

"or such other higher sum as may be proved to the satisfaction of the agricultural income-tax authorities".

This clause seeks to lay down the principle which is to be adopted in assessing the tax on the cultivators of the soil. As certain allowance has been made in respect of the costs incurred by actual cultivators, this amendment has been proposed with a view to see that a fair allowance may be deducted in assessing a tax. The majority of the cultivators are illiterate or semi-illiterate and certainly they are not expected to keep proper accounts of the expenses they have to incur in the matter of cultivation. As a matter of fact, it is well known that in our country cultivators really do not know whether they really derive any income if they include their own labour into the cultivation. Their labour they do not take into account while adjusting the profit. But they have to engage labourers and in that connection they have to undergo certain expenses, I think that amount should be included in the allowance. It has been provided in the proviso that "..... a sum equal to fifty per centum of the market value of the produce raised from such land". I say this is not adequate relief. The allowance ought to be higher but this proviso leaves no room for giving relief in cases like that. We all know the chronic poverty of the cultivators of our country. We also know that the cost of cultivation is daily growing higher. By clause 6 we are going to tax the people who are incompetent to protect their own interests. As illiterate people keep absolutely no accounts of the expenditure undergone in course of cultivation, it will be very fair to make provision for allowance which would give them a good margin free from liability, and I do place my motion before the House and recommend it for acceptance. I would appeal to the Hon'ble Minister in charge of the Bill to accept the amendments at least for the benefits of the persons who do not keep any accounts of expenditure incurred for cultivation purposes.

Mr. PRESIDENT: Amendment moved that in clause 7 of the Bill, in the proviso to sub-clause (*1*) for the words "equal to fifty per centum" in lines 7 and 8, the words "not less than fifty per centum" be substituted.

Mr. PRESIDENT: Amendment moved that in clause 7 of the Bill, in the proviso to sub-clause (*1*), the following be inserted at the end namely:—

"or such other higher sum as may be proved to the satisfaction of the agricultural income-tax authorities".

Mr. BANKIM CHANDRA MUKHERJEE: I like to support the amendments that have been moved by Mr. Kamini Kumar Dutta. In doing so I would like to point out that the proviso fixes the allowance to an uncomfortable sum equal to 50 per cent. of the marked value. As has been pointed out by the hon'ble mover, there are other expenses. The proviso only includes the case of agricultural income derived from land possessed by individual or a Hindu undivided family cultivated by such individuals or by the members of such family with or without the aid of servants or hired labourers.

Now, Sir, so far as the labourers are concerned, it is well-known that the rate at which labourers are now paid is very high and if besides paying their wages they have to be fed—and it is well known that at the time of cultivation the labourers have not only got to be paid cash but they have got to be

fed as well—the expenses become more than 50 per cent. and in such cases the cultivator will not be able to get any relief from the actual amount deducted as allowance. As a matter of fact, to touch the profit a cultivator should have got possibly more than 100 bighas of land and in such cases it is absolutely necessary that hired labourers have got to be employed. The moment you speak of hired labourers you have got to consider the actual amount spent and the actual amount spent will, according to the present rate, go beyond 50 per cent. I, therefore, submit that the limit of 50 per cent. ought not to be there and that it should be left to the income-tax authorities to be fixed as the case may be. With these words, I support the amendments.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I think there is a certain amount of confusion in the minds of the mover and the supporter. First of all, if actual cost has got to be calculated, there is no purpose for providing for a presumptive cost. The necessity for provision of presumptive cost arises only in case of certain persons who do not keep accounts and actual cost cannot be calculated. The basis of actual cost was entirely at the discretion of the assessing officer. It may be added that 50 per cent. is considered very fair in view of the extensive prevalence of the *Barga* system, according to which a *bargadar* retains 50 per cent as cost of cultivation. I, therefore, oppose both the amendments.

Mr. PRESIDENT: Order, order The question before the House is that in clause 7 of the Bill, in the proviso to sub-clause (*1*) for the words "equal to fifty per centum" in lines 7 and 8, the words "not less than fifty per centum" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that in clause 7 of the Bill, in the proviso to sub-clause (*1*), the following be inserted at the end, namely:—

> "or such other higher sum as may be proved to the satisfaction of the agricultural income-tax authorities".

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in clause 7 of the Bill, in the proviso to sub-clause (*1*), the following be added at the end, namely:—

> "besides the cost of procuring live-stock and maintaining live-stock and the cost of purchasing manure".

I submit, Sir, that the provision which has been made in the Bill does not include these costs. As a matter of fact, I submit that besides the cost of procuring and maintaining live-stock and the cost of purchasing manure there are other costs which have got to be met by the cultivator if he has to cultivate his land. Anyone having practical experience of cultivation in the province would know that cultivators have very often to purchase live-stock for the purpose of carrying on the work of cultivation. The clause provides only for expenses in connection with upkeep of cattle for the purpose of such cultivation. The purchase of cattle is as necessary as upkeep of cattle and cannot be relegated to the position of a capital expenditure which is not entitled to any allowance. It would be a great hardship on the cultivators if they were not given allowance for purchasing live-stock and also costs of purchasing manure. We would be doing a great harm to the agricultural population of the country if we assess income-tax upon agricultural income on the same principle as the Indian Income-tax Act and exclude expenses of a capital nature which a cultivator has to incur in order that he may carry on the cultivation work with profit. Majority of the cultivating population depend solely on their agricultural income. If they have to incur any expenses of a capital nature for the improvement of cultivation and such expenses are not deducted from the amount of income on which the

tax is to be assessed, many necessary works of improvement may have to be postponed if not given up altogether and that would be harmful to the cause of agriculture. I hope hon'ble members will bear in mind that for the purpose of giving proper incentive to carrying on works of improvement and thus to help the "Grow More Food Campaign" it is essentially necessary that expenses which may ordinarily be termed as capital expenses should be deducted from agricultural income.

With regard to the question of manure, unless we make some provision granting allowance for the cost of purchasing manure, cultivators will be discouraged from investing large sums of money for purchasing scientific manure in order to increase the yield and this would again affect the "Grow More Food Campaign" of the Government. I have already laid great stress on the question of applying scientific manure in order to increase the yield of the food crops of Bengal, specially rice, to twice its present yield and unless liberal provision is made giving allowances for the purchase of scientific manures, I am afraid we will be doing greater injustice to the cause of the "Grow More Food Campaign".

As a matter of fact, when I was moving this amendment regarding the purchase of manures in connection with clause 6, the Leader of the House pointed out that this would really come under clause 7 and not under clause 6. It was pointed out at the time that it would come under clauses 6 and 7—under clause 6, because the landlords who derived rent from tenants might even if they received cash rents encourage cultivation by supplying manures so that he might get proper and quicker realisation of rents, and in respect of clause 7 no objection can be made and express mention should be made with regard to this item of expenditure in this clause. If the Hon'ble Finance Minister wants to say that clause 9 shall include these expenses with regard to the purchase of cattle and other things, then I would like to hear from him on that point. Otherwise, I would submit that the word "capital" brings in an idea of vagueness and should be removed and I hope the amendment should be accepted by the House. With these words, I move my amendment.

Khan Bahadur NAZIRUDDIN AHMAD: I support the amendment. The cost of procuring and maintaining live-stock and the cost of purchasing manure—all this is a legitimate charge on cultivation and they are necessary for the purpose of improvement. If we allow for these things, it will enhance production. In these circumstances obviously, this should be excluded. As was pointed out by the Hon'ble Leader of the House the other day, this matter really relates to clause 7; now, this is also to be found in clause 9. The cost of improvement of cultivation should be a legitimate charge on it and I therefore support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the presumptive cost is proposed to cover items (1) to (4) in sub-clause (*1*). Therefore, a separate provision for any one of them is not necessary, as proposed in the amendment. I, therefore, oppose the amendment.

Mr. PRESIDENT: The question before the House is that in clause 7 of the Bill, in the proviso to sub-clause (*1*), the following be added at the end, namely:—

"besides the cost of procuring live-stock and maintaining live-stock and the cost of purchasing manure".

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: I think, Sir, it would be better if I moved amendments Nos. 162 and 163 together, because they are connected. Have I your permission, Sir?

Mr. PRESIDENT: Yes.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in clause (3) of clause 7 of the Bill, the word "borrowed" in line 6 be deleted.

Also beg to move that in sub-clause (3) of clause 7 of the Bill, for the words "the amount of any interest paid by him in the previous year in respect of such capital" in lines 6, 7 and 8, the words "the capital so used" be substituted.

Sir, the object of my amendment, as will be clear from the words which I intend to delete from the clause, is that any amount which has been spent by the cultivator whether it is borrowed or not should be given deduction of. The entire capital sum which is spent for the purpose of improving the land and for the purpose mentioned in the clause should be deducted. The clause runs thus: "where his interest in such land is subject to a mortgage or other capital charge, the amount of any interest paid by him in the previous year in respect of such mortgage or charge, and where such land has been acquired, reclaimed or improved by him by the use of borrowed capital, the amount of any interest paid by him in the previous year in respect of such capital" As a matter of fact, Sir, when I was moving a similar amendment in connection with clause 6, it was objected to by the Leader of the House and the Finance Minister that you should not give allowance even where the property is acquired. I could see the force of their objection at once. But I do not know why these three words have been placed together "acquired, reclaimed or improved". My amendment would really affect the question of reclamation or improvement. I submit, Sir, that even if the cultivator improves the land without borrowing capital and if he improves the land by the income of the produce that he gets from the agricultural land, he should get deduction of the entire amount because he is improving the land which will improve the yield of the land hereafter. The objection that even if the cultivator acquires a land, the capital should not be allowed to be deducted is no doubt substantial; but I submit that if you consider the fact that generally these cultivators acquire lands from income derived from their holdings, I think you will realise the weight of the argument Suppose, a cultivator has got a small plot of land alongside the land he is cultivating on behalf of others and if he acquires land from the income derived from the produce of his own land, there is no harm in allowing the deduction from the tax. It will serve as an incentive to the agriculturist to improve his land and thus increase its income from the next year and so on.

With these few words, I move my amendment.

Mr. PRESIDENT: Amendments moved: That in sub-clause (3) of clause 7 of the Bill, the word "borrowed" in line 6 be deleted.

That in sub-clause (3) of clause 7 of the Bill, for the words "the amount of any interest paid by him in the previous year in respect of such capital" in lines 6, 7 and 8, the words "the capital so used" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I was glad to hear that the mover of the amendment saw some force in the argument I advanced in opposing amendment Nos. 84-85 to clause 6. I need not repeat those arguments and in order to economise time, I simply oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (3) of clause 7 of the Bill, the word "borrowed" in line 6 be deleted.

The question being put, a division was challenged and taken with the following result:—

AYES—8.

Khan Bahadur Naziruddin Ahmad.	Mr. K. K. Dutt.
Rai Bahadur K. C. Banerji.	Mr. H. D. Mazumdar.
Mr. Khorshed Alam Chowdhury.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Mr. A. D. Roy.

NOES—19.

Khan Sahib Fariduddin Ahmad.	Mrs. L. P. Dutt.
Mr. Mesbahuddin Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Nur Ahmed.	Mr. Latafat Hossain.
Mr. Sultanuddin Ahmed.	Khan Sahib Subidali Mollah.
Khan Sahib Nurul Amin.	Mr. T. B. Nimmo.
Khan Sahib Abdul Aziz.	Khan Bahadur Muklesur Rahman.
Mr. D. L. Barua.	Mr. Yakub H. S. Sattar.
Mr. Hamidul Huq Chowdhury.	Mr. J. W. R. Steven.
Mr. Mohd. Habibullah Chowdhury.	Dr. K. Talukdar.
Mrs. K. D'Rozario.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 8, and the "Noes" 19, the amendment is negatived.

Mr. PRESIDENT: The question before the House is: that in sub-clause (3) of clause 7 of the Bill, for the words "the amount of any interest paid by him in the previous year in respect of such capital" in lines 6, 7 and 8, the words "the capital so used" be substituted.

The question being put, a division was challenged and taken with the following result:—

AYES—6.

Mr. Khorshed Alam Chowdhury.	Mr. H. D. Mazumdar.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. K. K. Dutta.	Mr. A. D. Roy.

NOES—18.

Khan Sahib Fariduddin Ahmad.	Mrs. L. P. Dutt.
Mr. Mesbahuddin Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Nur Ahmed.	Mr. Latafat Hossain.
Mr. Sultanuddin Ahmed.	Khan Sahib Subid Ali Mollah.
Khan Sahib Nurul Amin.	Khan Bahadur Muklesur Rahman.
Khan Sahib Abdul Aziz.	Mr. Yakub H. S. Sattar.
Mr. D. L. Barua.	Mr. J. W. R. Steven.
Mr. Hamidul Huq Chowdhury.	Dr. K. Talukdar.
Mr. Mohd. Habibullah Chowdhury.	
Mrs. K. D'Rozario.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 6, and the "Noes" 18, the amendment is negatived.

Mr. PRESIDENT: The House now stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 1st August, 1944.

Members absent.

The following members were absent from the meeting held on the 31st July, 1944:—

(1) Mr. Altaf Ali.
(2) Mr. Kader Baksh.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. B. C. Datta.
(5) Mr. R. W. N. Ferguson.
(6) Khan Bahadur Abdul Gofran.
(7) Mr. M. R. Jaipuria.
(8) Mr. Humayun Z. A. Kabir.
(9) Maulana Mohd. Akrum Khan.
(10) Mr. Abdul Latiff.
(11) Rai Bahadur B. M. Maitra.
(12) Mr. N. N. Mookerji.
(13) Mr. R. Pal Chaudhuri.
(14) Mr. R. S. Purssell.
(15) Dr. K. S. Ray.
(16) Rai Bahadur R. B. Roy.
(17) Mr. S. N. Sanyal.
(18) Khan Bahadur M. Shamsuzzoha.
(19) Khan Sahib Maulvi Wahiduzzaman.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 69.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 1st August, 1944, at 2-15 p.m., being the sixty-ninth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Bengali Novel "Dukkha Mochan".

248. Mr. KRISHNA CHANDRA ROY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if he is aware that Mr. Annada Sankar Roy, I.C.S., is the author of several Bengali novels including "Dukkha Mochan" published by the D. M. Library, Calcutta, and that the abovenamed fiction is full of indecent suggestions, is of a low moral tone and is full of sex appeal?

(*b*) Is there any check on the Government servants writing novels with sex appeal? If so, will Government be pleased to take action?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of the Khwaja Sir Nazimuddin): (*a*) I am aware that Mr. A. S. Roy, I.C.S., is the author of several Bengali novels including "Dukkha Mochan". I am not aware that there is any special emphasis of an indecent character on the subject of sex in the book mentioned.

(*b*) No; Government servants who write novels are subject to exactly the same restrictions in regard to the moral tone of their work as are non-official writers.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether he has gone through the book "Dukkha Mochan"?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No; but it was examined by the Government Librarian and passed as not objectionable.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state who is the authority who examined it?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Bengal Librarian.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether he or the Home Minister took the trouble of reading the book and see if it is a fit book for publication?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The matter was referred to the Bengal Librarian and he said that there was nothing objectionable. But if the honourable member desires that it should be further examined by some other officer, it will be done.

Mr. LALIT CHANDRA DAS: May I know if it was personally examined by the Hon'ble Minister in charge and if it is his opinion that such a book is fit for publication?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: He may not be a competent man to give any opinion. Sir Nazimuddin is not so conversant with the Bengali language as to give an opinion.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Is the Hon'ble Minister aware that while good books are being proscribed without proper examination, more objectionable books are being allowed to be published and sold like hot cakes.

Mr. PRESIDENT: I do not think that question arises.

Khan Bahadur NAZIRUDDIN AHMAD: It has been stated in the answer that Government are not aware that there is any special emphasis of an indecent character on the subject of sex in the book. Will the Hon'ble Minister be pleased to state if there is anything approaching indecent in this book?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: From the report we find that there is nothing objectionable in the book.

Khan Bahadur NAZIRUDDIN AHMAD: Are we to understand from the answer (*a*) that the book is partly objectionable and partly not objectionable?

Mr. PRESIDENT: Will you please repeat your question?

Khan Bahadur NAZIRUDDIN AHMAD: In answer (*a*), the reply is "I am not aware that there is any special emphasis of an indecent character on the subject of sex in the book mentioned." The Hon'ble Minister said that there was nothing of an objectionable character in the book. So, will he please reconcile the two answers?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not think there is any discrepancy in the two answers. I have made it quite clear.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state if the book will be further examined by Government?

Mr. PRESIDENT: That question has already been answered.

Adjournment motion.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, there is an adjournment motion standing in my name.

Mr. PRESIDENT: Regarding your adjournment motion, Rai Bahadur, I am afraid you have not taken the earliest possible opportunity, because yesterday there was a notice of an adjournment motion particularly on the same lines and on the same subject and the motion was not moved. So, you have lost the chance. The practice is, as you know, that it must be moved at the first available opportunity.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I would like to explain the position. So far as I am concerned——

Mr. PRESIDENT: There is no question of your being concerned or others being concerned. The motion should have been moved yesterday. As a matter of fact, there was a notice to this effect but the motion was not moved. So, I am afraid it cannot be moved today.

Mr. NAGENDRA NATH MOHOLANABISH: On a point of information, Sir. An adjournment motion was before the House yesterday and we expected that the honourable member who gave notice of that adjournment motion would move that: but for reasons best known to him and which we cannot guess the motion was not moved. I want to know whether this 24 hours' delay will technically debar the motion being moved.

Mr. PRESIDENT: If I admit an adjournment motion after the first available opportunity has been missed, that will be creating a rather bad precedent.

Mr. NAGENDRA NATH MOHOLANABISH: I was going to ask whether there is any rule which prevents this motion being moved today simply because it could not be moved yesterday but which is otherwise an urgent matter of public importance. This is only a delay of 24 hours.

Mr. PRESIDENT: Mr. Moholanabish, I may just refer you to a decision of the President of the Central Assembly in which he held that the member should move a motion at the earliest available opportunity; and in the present case the earliest opportunity was yesterday. So we must stick to the practice.

Mr. HARIDAS MAZUMDAR: Sir, on many occasions urgency question was waived and you gave opportunities to the members of the Ministerial party to bring such things at a suitable time.

Mr. PRESIDENT: Order, order. Mr. Mazumdar, I think you know that I have never given any opportunity to the Ministerial party; they do not bring adjournment motions, but the Opposition does it. So, if the question of urgency was waived, it was waived in favour of the Opposition.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that at the end of the proviso to sub-clause (3) of clause 7 of the Bill, the following be added, namely:—

"or any law for the time being in force".

Sir, it is provided in the proviso to sub-clause (3) of the Bill that the interest allowable under this clause shall not exceed the interest which the assessee is liable to pay in respect of such mortgage, charge or capital as a borrower under section 30 of the Bengal Money-lenders Act, 1940. I want to add the above-mentioned words to it. My reason is: that if this clause is amended, as suggested, the interest is to be an allowance in calculation of agricultural income for which taxes are levied. I think that following the example of the Bengal Money-lenders Act, 1940, the words "or any law for the time being in force" should be there.

Mr. PRESIDENT: Amendment moved: that at the end of the proviso to sub-clause (3) of clause 7 of the Bill, the following be added, namely:—

"or any law for the time being in force."

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. The Money-lenders Act is confined to those classes of cases where the money-lender is a professional money-lender. When a man lends money only casually, he is not a money-lender within the meaning of the Money-lenders Act. The assessee may, therefore, have to pay interest not only at the prescribed rate under the Money-lenders Act but also at much higher rates. Then in the Money-lenders Act there are a number of exceptions. The Scheduled Banks are entitled to charge any rate of interest without any restriction. Similarly, various other bodies are exempted from the operation of the Money-lenders Act. If it is intended to allow exemption to an assessee on the ground of payment of higher rates of interest under any Act, the addition of the words would seem to be necessary. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The Money-lenders Act prescribes the maximum rate of interest that can be charged and neither the honourable mover nor his supporter gave us any indication as to which other Act which might be mentioned here. We have allowed exemption with regard to interest up to the limit prescribed by the Bengal

Money-lenders Act, 1940. If debts are incurred at higher rates, then the borrower will be obliged to pay higher interest. I do not see any necessity of an additional clause like the one which has been moved, namely, "or any law for the time being in force".

Mr. LALIT CHANDRA DAS: But if the Money-lenders Act goes, then what will happen?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Then it will be for the Legislature to look after the poor borrowers.

Mr. PRESIDENT: The question before the House is: that at the end of the proviso to sub-clause (*3*) of clause 7 of the Bill, the following be added, namely:—

"or any law for the time being in force."

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in sub-clause (*4*) of clause 7 of the Bill, the words "as interest" in line 1, be omitted.

I am reading sub-clause (*4*) which runs as follows:—

"(*4*) any sum paid by him in the previous year as interest on any loans taken by him under the Agriculturists' Loans Act, 1884, or the Land Improvement Loans Act, 1883, in respect of such land."

Sir, if the words "as interest" be left out, it would read as follows: "any sum paid by him in the previous year on any loans taken by him under the Agriculturists' Loans Act, 1884, or the Land Improvement Loans Act, 1883, in respect of such land."

The reason why I say, Sir, that these allowances should be made is that when such loans are taken by the agriculturist, it is for the purpose of improving his land which will bring forth an agricultural income upon which tax will be imposed. It is for this purpose that loans are generally taken, although loans may also be taken under the Agriculturists' Loans Act in times of great distress to keep body and soul together. Under these circumstances, when loans are taken under the Agriculturists' Loans Act, whatever is paid by the agriculturist should be deducted in calculating the agricultural income upon which assessment is made.

With these words, I move this amendment.

Mr. PRESIDENT: Order, order. Amendment moved: that in sub-clause (*4*) of clause 7, of the Bill, the words "as interest" in line 1, be omitted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to support the amendment moved by my friend Mr. Lalit Chandra Das. Now, everyone knows that when an agriculturist approaches the Agriculture Department or the Government for land improvement loan, he is really in dire distress and has not been able to procure loans from anywhere else. As a matter of fact, we know that when loans under this Agriculturists' Loans Act are advanced there are various procedures the poor cultivator has to follow before he can actually get the amount of the loan from the Government authorities. As a matter of fact, these loans are incurred: firstly, for the purpose of maintaining themselves; and secondly, for the purpose of cultivating the lands and purchasing seeds, cattle and other things. Now, so far as the land improvement loan is concerned, this is merely for the purpose of improving the agricultural lands so that the lands which are not yielding any food crops may yield some crops. In such cases, I submit, that not only the interest but any amount which the agriculturist has to pay to the Government either towards interest or towards principal should be remitted by way of allowance. With these few words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment on the ground that it is only on the interest on the loan that we are allowing an allowance. In this clause, we do not propose to take into consideration any amount of loan incurred by a cultivator to maintain himself and his family.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*4*) of clause 7 of the Bill, the words "as interest" in line 1, be omitted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 7 of the Bill, for sub-clause (*5*), the following sub-clause be substituted, namely:—

"(*5*) any sum paid by him in the previous year for the maintenance of any irrigation or protective work or other capital asset."

The amendment, I submit, is only a rearrangement of the words in the sub-clause. A mere reading of the sub-clause in the Bill would show the necessity of this amendment. In the Bill the sub-clause stands thus:—"in respect of the maintenance of any irrigation or protective work or other capital assets the amount paid in the previous year on account thereof". And the amendment stands thus: "any sum paid by him in the previous year for the maintenance of any irrigation or protective work or other capital asset". I think this will give the reader the least amount of trouble in appreciating the sub-clause. On a plain comparison of the Bill-clause with the amendment, it would appear that the amendment is better and simpler. The House may be pleased to consider some classic Acts of India. They are written in the plainest style. The sequence is so natural that no effort is needed to appreciate them. Law is already sufficiently intricate and abstruse; therefore, the responsibility of the draftsmen is very great and no pains should be spared to make the enactment simple and logical. In these circumstances, in the hope of making the text simpler and more intelligible, I have submitted the amendment before the House.

Mr. PRESIDENT: Amendment moved: That in clause 7 of the Bill, for sub-clause (*5*), the following sub-clause be substituted, namely:—

"(*5*) any sum paid by him in the previous year for the maintenance of any irrigation or protective work or other capital asset."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sub-clause (*5*) of clause 7, corresponds to sub-clause (*4*) of clause 6 and in speaking on a similar amendment on the last occasion I pointed out that our draftsmanship in regard to this clause is not at all at fault. I can understand the English quite clearly.

Mr. PRESIDENT: The question before the House is: that in clause 7, of the Bill, for sub-clause (*5*), the following sub-clause be substituted, namely:—

"(*5*) any sum paid by him in the previous year for the maintenance of any irrigation or protective work or other capital asset;"

(The amendment was negatived.)

Mr. NAGENDRA NATH MOHOLANABISH: I beg to move that in sub-clause (*5*) of clause 7 of the Bill, for the word "assets" in line 2, the word "asset" be substituted.

Sir, the amendment is so clear and its purpose so free from any ambiguity that I need not at all speak at length on the purpose of this amendment. The fact that this amendment was tabled by two members of the Government party shows that they very much realised the necessity of this amendment. I think the substitution of the word "asset" for the word "assets" will give a clear meaning to the clause. With these words, I move this amendment for the acceptance of the House.

Mr. PRESIDENT: Amendment moved: That in sub-clause (5) of clause 7 of the Bill, for the word "assets" in line 2, the word "asset" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to support the amendment which had been tabled by Mr. Biren Roy but has just been moved by my friend Mr. Moholanabish. I do not know why Government changed their mind and did not want to proceed with the amendment which they proposed deliberately. There cannot be any doubt that the word "assets" is a mistake and the word "asset" should be the proper word which ought to be there. If that is so, the amendment ought to have been moved by the Government party and with the support of the minority party it would have been unanimously passed by the House without any obstacle. But apparently the only objection is that the Hon'ble Finance Minister will have to go to the Lower House if an amendment is accepted by him and he is afraid of facing the Lower House. Either the Government has got a majority or not. If they have a majority, they might accept these amendments and face the Lower House and get the Bill passed; but if they have not got a majority, they should clear the position and say that they have no majority and that they do not want to go to the Lower House. The Hon'ble Finance Minister thinks that he has a clear majority in the Lower House. If that is so, why is he afraid of going to the Lower House and get through the Bill as a perfect thing with all the mistakes corrected?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I may tell Mr. Bankim Chandra Mukherjee that we have a very fair majority in the Lower House and not only I am not afraid of the Lower House but in due course and at the right time we shall show him that it is so. Now, Sir, my point is that an unnecesary amendment should not be accepted. The time of the House is valuable, the time of the Government is valuable and it is also necessary that the Bill should be passed without avoidable delay. That is the only reason why it is not at all necessary to accept this amendment in order to make the meaning clear. Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (5) of clause 7 of the Bill, for the word "assets" in line 2, the word "asset" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in clause 7 of the Bill, in the Explanation to sub-clause (5), for the word and inverted commas " 'Maintenance' " in line 1, the words and inverted commas "The expression 'maintenance' " be substituted.

Here also in the text the word "maintenance" begins with a small letter. But in the definition clause, contrary to the usual practice in such cases the word has begun with a capital letter. If the offending word is removed from the beginning of the sentence by the interposition of these two words, the rules of grammar and the etiquette of draftsmanship would be met. In these circumstances, I move the amendment.

Mr. PRESIDENT: Amendment moved: That in clause 7 of the Bill, in the Explanation to sub-clause (5), for the word and inverted commas " 'Maintenance' " in line 1, the words and inverted commas "The expression 'maintenance' " be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the advice of our drafting expert is that the amendment is unnecessary.

Mr. PRESIDENT: The question before the House is: That in clause 7 of the Bill, in the Explanation to sub-clause (5), for the word and inverted commas " 'Maintenance' " in line 1, the words and inverted commas "The expression 'maintenance' " be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in clause 7 of the Bill, in the *Explanation* to sub-clause (*5*), for the words "other natural causes" in lines 5 and 6, the words "other causes beyond his control or not arising out of his default" be substituted.

Sir, this is not a drafting amendment: it is really an important amendment. The Bill-clause says that "the expenses of current repairs" and "maintenance from year to year" and "cost of repairing damage or destruction caused by flood or other natural causes" shall be included in "Maintenance". Natural causes, as are known to the law, are "acts of God", those which are irresistible acts of nature, which cannot be foreseen and if foreseen cannot be prevented. Flood is one of such natural causes. In the books we find that the natural causes are, storm, tempest, earthquake, excessive rain, severe flood, etc. The Bill-clause allows expenses for repairing damage caused by these natural causes. But exemption should also be given for the damage caused by other causes beyond one's own control or not arising out of his own default. Natural causes are not opposed to unnatural causes. Natural causes point to acts done by Nature and not by human agency. But damages may also be caused by wild boars and wild elephants as well as human enemies and mischief-makers. Damage caused to protective dykes by these agencies and causes are legitimate charges on the income and should be excepted. The Bill-clause does not include these causes but they come within the amendment. If an assessee has to incur expenditure for improving a dyke or repairing a damage, it should not be confined to natural causes. I have therefore attempted to introduce the expression "other causes beyond his control or not arising out of his default". Exemption should be granted for cost of repairing damages which are caused by agencies which are not natural causes. In fact, if the assessee is not at fault and if the damage has not occurred by his own default, then there is no reason why the exemption should not be allowed. In the circumstances, I submit that the amendment should be carefully considered and should be accepted.

Mr. PRESIDENT: Amendment moved that in clause 7 of the Bill, in the *Explanation* to sub-clause (*5*), for the words "other natural causes" in lines 5 and 6, the words "other causes beyond his control or not arising out of his default" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: I rise to support the amendment moved by Khan Bahadur Naziruddin Ahmad. I do not want to repeat the arguments which have been advanced. I only want to add that I do not appreciate Khan Bahadur's appeal only to the lawyer members of this House because every one having some knowledge of the cultivators' work in the villages knows it very well, and I hope the Hon'ble Finance Minister if he does not know it will try to know it from his friends and supporters, that it is not merely natural causes that cause damage to the cultivators' land but there are other causes; and therefore the amendment should be accepted in order that allowance might be obtained by these unfortunate cultivators when calamities other than natural causes destroy their lands and huge sums are required for the purpose of improving and restoring their land to the previous condition. With these words, I support the amendment.

Mr. NAGENDRA NATH MOHOLANABISH: With regard to the exemption I beg to point out that under the Income-tax Act in cases of assets or income lost by human agencies and mischief by similar cause, allowances are not allowed and if you follow that principle, this amendment should not be accepted. But my submission will be that that principle should not be followed here; because, so far as the Income-tax Act is concerned, you can keep money or assets well guarded and therefore if there is any loss by theft to a certain extent you are responsible for your negligence. Therefore, under the Income-tax Act that allowance is not granted.

One cannot, similarly, guard his lands or fields. It is not possible or feasible for any man to guard his fields in such a way that no mischief-maker can do any mischief or that wild elephants may not come and destroy the bunds or embankments or things of that nature. So I think that there ought to be a sensible difference between the principle adopted under the Income-tax Act and the principle that is to be adopted in this Act. I, therefore, support this amendment but on different grounds.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the relief sought by this amendment is beyond the scope of the Income-tax Bill. Any compensation for damages caused by agencies other than natural should be found elsewhere than in the Income-tax Officer's office.

Mr. PRESIDENT: The question before the House is that in clause 7 of the Bill, in the *Explanation* to sub-rule (*5*), for the words "other natural causes" in lines 5 and 6, the words "other causes beyond his control or not arising out of his default" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*7*) of clause 7 of the Bill, for the words "loss of or damage to" in lines 2 and 3, the words "loss or damage to" be substituted.

Sir, in the Bill-clause the contraction "loss of or damage to" has been used. But it should be seen whether the word "of" or "to" would really apply to the case. Analysing the passage in the text it should stand thus: "insurance against any loss of such land or any damage to such land." I submit that what is meant in the context is that if any loss occurs to land and if there is any insurance against this and if any premium is paid, then that payment of the premium would be allowed as an exemption. The whole point of this amendment lies in a short compass. It is whether any "loss to land" should be preferred to "loss of land." The House will be pleased to consider the difference and the effect of the difference. The authorities say that the word "loss" is applicable where a thing is lost altogether. If a lady loses her husband the whole of the husband is gone and if a ship is lost, it is gone altogether. But if the husband is damaged or if the ship is damaged, the thing remains but only there is some loss or damage——

Mr. PRESIDENT: Khan Bahadur Sahib, is husband a thing?

Khan Bahadur NAZIRUDDIN AHMAD: Sir, in the hands of powerful lady a husband is sometimes less than a thing (laughter).

Sir, in the circumstances, the question is: whether you would be permitted to say "loss of land", for that would mean that the land is entirely gone. This view is supported by an authoritative book on the subject, namely, Ferland's English Synonyms and Antonyms. It is an American publication and is meant for persons like us who have not much knowledge of the English language, that is as much knowledge as my friend Mr. Hamidul Huq Chowdhury claims—for them the best thing is to use these standard books. There is the other book—Crabbe's Synonyms which is also equally authoritative book. It is held in these books that "loss" is applicable to complete vanishing of a thing and "damage" to partial loss. In any case the question here is: whether we are permitted to use "loss of land". I submit that the meaning that the draftsman wants to convey is really loss "to" land or damage "to" land. Instead of repeating the word, the usual contraction, which is a favourite drafting device, has been employed in the amendment. That is, for the words "loss of or damage to land" it has been attempted to substitute "loss or damage to land". The result would be in exact accordance with the accurate use of the English language. Accordingly, this humble amendment, which is backed by the highest authorities, should evoke the sympathy at least of the literary section of this House. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in sub-clause (7) of clause 7 of the Bill, for the words "loss of or damage to" in lines 2 and 3, the words "loss or damage to" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I beg to submit that our drafting experts meant exactly what they have written, namely,—against loss of or damage to such land or any crops, so that there is no case for making a change in the wording of the sub-clause. I oppose the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: On a point of personal explanation, Sir. I never suggested that the draftsmen did not mean what is implied by the sub-clause. The question is whether they succeeded in making the meaning clear in the expression which they have used. It was not for me to suggest that their draft was unintelligible or their intention could not be understood.

Mr. PRESIDENT: The question before the House is that in sub-clause (7) of clause 7 of the Bill, for the words "loss of or damage to" in lines 2 and 3, the words "loss or damage to" be substituted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: I beg to move that the following be inserted after sub-clause (7) of clause 7 of the Bill:—

> "(7*a*) any sum spent by him in the previous year for charitable purposes not falling within section 4(*b*) out of his total agricultural income from agriculture of that year"

Sir, charitable purpose has been defined in clause 4 of the Bill as relief of the poor, education, medical relief, and advancement of any other object of general public utility. If recognition is given to such sums which are spent by the agriculturists for charitable purposes, then I think it would be of great encouragement to charitably disposed persons. A limit has been put to expenditure for charitable purposes by the words "trust or legal obligation;" so that when sums are spent by the agriculturists not under trust or under legal obligation, they would not be taken into account in giving allowance while calculating the agricultural income. Therefore, I think provision for allowance should be made for relieving the agriculturists in calculating income whenever they spent any sum for charitable purposes even though that expenditure may not be covered by any trust or legal obligation. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved that the following be inserted after sub-clause (7) of clause 7 of the Bill:—

> "(7*a*) any sum spent by him in the previous year for charitable purposes not falling within section 4(*b*) out of his total agricultural income from agriculture of that year;"

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I move a short-notice amendment to this amendment?

Mr. PRESIDENT: I am afraid that would be rather difficult. I am not inclined to permit you to do so.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I want the deletion of the——

Mr. PRESIDENT: Are you supporting the amendment?

Khan Bahadur NAZIRUDDIN AHMAD: I was proposing to delete the words——

Mr. PRESIDENT: I cannot allow you to do so.

Khan Bahadur NAZIRUDDIN AHMAD: In that case, I support the amendment as it is. My intention was to improve the amendment further. But I think the House is not in a mood to make any improvement at all. The amendment is very desirable. In fact, we have accepted amounts spent for charitable purposes and religious purposes. But we have been careful in confining our exemption for charitable purposes in recognised trust. As is well-known, acts of charity are common in Hindu, Muslim, Christian or other religion. In the circumstances, if charities created by document are to be exempted, I do not see why charities not created by document should not also be exempted. The point is that the amount spent on charity should be exempted. The exemption should not be in respect of only charities recommended by document and not of those not recommended by document. Both are charities—one supported by a document and the other without a document. But if charity is to be protected and encouraged, this amendment should be accepted. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, it is necessary to make a distinction between income alienated by trust or other obligation for the purpose of charity and casual expenditures on charitable objects. This is a definition without which we cannot successfully administer an Income-tax Act. Some casual acts of charity may have other effects than slight relief from the income-tax authorities. Persons will, for instance, not even be called in Heaven without them.

Mr. PRESIDENT: The question before the House is: That the following be inserted after sub-clause (7) of clause 7 of the Bill:—

"(7*a*) any sum spent by him in the previous year for charitable purposes not falling within section 4(*b*) out of his total agricultural income from agriculture of that year."

(The amendment was negatived.)

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I beg to move: That the proviso to sub-clause (8) of clause 7 be omitted.

Now, sub-clause (8) speaks of allowing depreciation on account of plants and machinery, but it is subject to a proviso which says "Provided that such amount is actually written off in the books of the assessee". We want to delete this proviso for the simple reason that in the first place you may, in assessing the agriculturists find that there are persons who are not in the habit of keeping accounts or others who are illiterate and do not employ clerks to write out their accounts. Therefore, in the cases of these agriculturists perhaps no allowance will be given under this head. That, I submit, is rather unkind and improper. Then, with regard to the main idea of having written down values of plants and machinery, I may say at once that this theory or this idea of keeping accounts has been very recently introduced in the Indian Income-tax Act. For half a century the Indian Income-tax did not make any provision for this writing down values and depreciation were allowed on a certain well-known basis. At the time of submitting returns, the assessees used to send the particulars of acquisition of such plants and machinery and upon that deductions used to be made. I think on the basis of this new idea the Hon'ble Minister wants to introduce the idea of the writing down of values of plants and machinery; but the Hon'ble Minister should take into account the difference between the assessees who have to pay income-tax and the assessees who shall pay the Bengal Agricultural Income-tax. There is a good deal of difference between the two classes of assessees. I should, therefore, like to say that if you like to give any allowance on account of depreciation of plant and machinery, you should omit this proviso. You are showing on paper that you are allowing certain depreciation; but the proviso takes away the allowance. Perhaps more than half of the assessees will fail to write down on their books of account the depreciation value

and thereby lose the benefit of the allowance. So I submit, there should be a certain percentage of depreciation for different classes of plant and machinery and that allowance should be given automatically, and you should not insist on writing it down in the books of account. With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that the proviso to sub-clause (8) of clause 7 of the Bill be omitted

Khan Bahadur NAZIRUDDIN AHMAD: I support this amendment. There are very good reasons. The mover of the amendment has clearly indicated the reasons behind. Neither the Agricultural Income-tax Act nor the Indian Income-tax Act makes it obligatory on the part of any assessee to maintain an account and there are many persons, many agriculturists who do not keep any regular account. The proviso will only be taken advantage of by big companies like the Midnapore Zemindary Company and not the semi-literate and illiterate agriculturists who require more protection. In fact, as Mr. Mohola-nabish explained, the depreciation will be allowed to well-known companies only. This proviso would shut out many from securing depreciation and its deletion would harm no one, while ordinary house-holders would be able to take advantage of this clause. We have not yet been able to make primary education compulsory, 93 per cent. of our people are still uneducated and to expect such men to keep regular accounts of machinery and other things in their books would be to ask them to do the impossible. In these circumstances, the proviso will be a stumbling block to many. If the proviso is deleted, no harm will be done. A very beneficent principle has been enacted in sub-clause (8) which, I believe, is taken away entirely in the case of those persons who require protection, namely, the ordinary cultivators. In these circumstances, I submit that the deletion of the proviso would be desirable on grounds of expediency and convenience. I, therefore, support this amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment. It has been rightly said that a similar proviso occurs in the Indian Income-tax Act. Sir, I submit that sub-clause (8) of clause 7 applies to people who use machinery, and it is not likely that the proviso will make the agriculturist poorer. I see, therefore, no point in having the proviso deleted.

Mr. PRESIDENT: Order, order. The question before the House is that the proviso to sub-clause (8) of clause 7 of the Bill be omitted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 7 of the Bill, sub-clause (10) be omitted.

Sir, sub-clause (10) is an all-embracing mischief. My honourable friends will be pleased to see the elaborate provisions beginning with sub-clause (1) and ending with sub-clause (9). These nine clauses prescribe with meticulous care the provisions which should be complied with in order to earn an exemption. But all this care and all this nice advertisement of wisdom is entirely thrown away by the introduction of sub-clause (10). Sub-clause (10), I submit, will have the effect of nullifying all the sub-clauses that lie before it. Sub-clause (10) exempts "any other sum which may be prescribed". This means that exemption can be granted capriciously by the rule-making power. If that is so, I think, a case has been made out for deleting the sub-clauses (1) to (9) outright. It is no use making elaborate provisions and then nullifying the whole by enacting an all-embracing clause like this. This sub-clause (10) raises an important question, and as the Hon'ble Minister has been pleased to refer to the Indian Income-tax Act, I submit, that this all-embracing power has not

been given to the Central Government. This is a power which should never be given on principle. In fact, taxation is a matter for the Legislature. Principles of exemption should never be left to the Executive. Control over taxation is a most important right, and I submit that this taxation should really be controlled by the Legislature. I submit that sub-clause (*10*) gives absolute, arbitrary and irresponsible power to the Executive. They can say "Well, we like that such and such things should be exempted", and a rule will accordingly be made under this sub-clause. Thus, through this small loophole, anything may be done. We know that in these days of Provincial Autonomy when parties are growing strong, members are acquiring influence and pressure is put by the party on the Executive, very unsatisfactory result is bound to occur unless a limit is set to their scope of activities in this matter. I think on principle this sub-clause (*10*) is the most mischievous sub-clause. You cannot arm the Executive with an all-embracing power. I think Adolph Hitler did not acquire greater power in Germany than these rule-making authorities are going to acquire under this sub-clause. This sub-clause is a most inoffensive-looking but at the same time a most dangerous sub-clause. Sir, yesterday a small comma created so much trouble in this House, and this small sub-clause may create similar trouble afterwards. What is the use of defining exemptions with meticulous care and then again keeping the door open to undo the work? Just like locking the *sadar* door and keeping open the *khirki* door. You are particularly careful in enacting inclusions and exclusions; but at the same time you are going to draft rules which may undo the whole thing. In these circumstances, I oppose this sub-clause as the most mischievous provision in the Bill. With these words, I move the amendment.

Mr. PRESIDENT: Amendment moved: That in clause 7 of the Bill, sub-clause (*10*) be omitted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment moved by my friend Khan Bahadur Naziruddin Ahmad. As has been pointed out, the words "any other sum which may be prescribed" seems to be analogous to another clause in the Bill, which is clause 49, where also the Provincial Government may by notification in the *Official Gazette* make provision for the granting of relief in respect of agricultural income and so forth. I do not know what is the hidden idea behind this clause; but I would remind my friend the Finance Minister of his attitude when we wanted to move amendments which would have really given some relief to the agriculturists; opposition was meted out to those amendments and all the amendments which we moved making specific provisions with regard to relief of the agriculturists were opposed and negatived. I do not know what is the meaning of the words "or any other sum which may be prescribed". Either you have not specified everything which an agriculturist is entitled to under the previous clause or you have specified it. As a matter of fact, I heard the Hon'ble Finance Minister saying that under sub-clause (*9*) everything that was not covered by the other clause would be given effect to. If so, then why is this provision made for the purpose of enabling the Provincial Government to prescribe sums as allowance in respect of a particular class of assessees?' I think it is only a weapon which Government want to keep in their hand for some ulterior motive and I hope that specially my European friends will consider the vague provision of this clause carefully.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I submit that sub-clause (10) is very appropriate here. No one denies that a taxation measure is entirely a matter for the Legislature. But I would just point out that the provision of this sub-clause relates to the possibility of some additional relief. Therefore, that principle does not apply. The honourable mover of this amendment may think that it would leave a loophole, but it is a loophole in the right place. Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in clause 7 of the Bill, sub-clause (*10*) be omitted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 7 stand part of the Bill.

(The motion was agreed to.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move: That after clause 7 of the Bill, the following clauses be inserted, namely: —

"7A. The Assessee if he proves that for the year of assessment he has his wife living with him, or that his wife is wholly maintained by him during the year of assessment, and that he is not entitled in computing the amount of his income for that year for the purposes of the Income-tax under this Act and the Indian Income-tax Act of 1922, to make any deduction in respect of the sums paid for the maintenance of his wife, shall be entitled to a deduction of Rs. 1,200 annually from the amount of which tax is payable under this Act.

7B. If the Assessee proves that he is a widower and that for the year of assessment a person being a female relative of his or of his deceased wife is resident with him for the purpose of having the charge and care of any child of his, or he proves that he has no female relative of his own or of his deceased wife who is able or willing to take such charge and that he has employed some other female person to undertake the same, he shall, subject as hereinafter provided, be entitled to a deduction of Rs. 300 in respect of that female relative or other female person per year:

Provided that—

(*a*) no deduction shall be allowed under this section unless the Assessee proves that no other individual is entitled to a deduction in respect of the female relative under the provision of this Act or, if any other individual is so entitled, that the other individual has relinquished his claim thereto; and

(*b*) no deduction shall be allowed under this section where the female relative is a married woman living with her husband, and the husband has claimed and been allowed a deduction of Rs. 1,200 under the provisions of this clause;

Explanation.—In this Section the expression 'child' means a child in respect of whom a deduction is allowed under this section;

(*c*) this section shall apply to a Assessee being a widow as it applies to an Assessee being a widower, with the substitution of 'her deceased husband' for 'his deceased wife'.

7C. If the Assessee proves that he is un-married and that he has living with him either his mother, being a widow or a person living apart from her husband, or some other female relative, for the purpose of having the charge and care of any brother or sister of his, being a child in respect of whom a deduction is allowed under this section, and that he maintains the mother or other relative at his own expense; and that neither he nor any other individual is entitled to a deduction in respect of the same person under this section or if any other individual is entitled to any such deduction that the other individual has relinquished his claim thereto, he shall be entitled to a deduction of Rs. 300.

7D. If the Assessee proves that he has been living at the year of commencement of assessment any child who is either under the age of 16 years or who, if over the age of 16 years at the commencement of that year, is receiving full-time instruction at any University, college, school or other educational establishment, he shall, subject to the provisions of this section,

be entitled in respect of one child to a deduction of Rs. 360 and in respect of each subsequent child to a deduction of Rs. 240. The expression 'child' in this section includes a step-child.

7E. If the Assessee proves that for the year of assessment he has the custody of and maintains at his own expense any child who is under the age of 16 years at the commencement of that year, or who, if over the age of 16 years at the commencement of that year is receiving such full-time instruction as aforesaid, and that neither he nor any other individual is entitled to a deduction in respect of the same child under the foregoing provisions of this section or under any of the other provisions of this Act, or, if any other individual is entitled to such a deduction, that that other individual has relinquished his claim thereto, he shall be entitled in respect of the child to the same deduction as if the child were a child of his.

Explanation.—No deduction shall be allowed under this section in respect of any child who is entitled in his own right to an income exceeding Rs. 360 a year:

Provided that in calculating the income of the child for the purposes of this section no account shall be taken of any income to which the child is entitled as a holder of a scholarship, or other similar educational endowments:

Provided further that if any question arises as to whether any Assessee is entitled to an allowance under this section in respect of a child who is over the age of 16 years, as being a child who is receiving such full-time instruction as aforesaid, the Assistant Commissioner of Income-tax may consult the Head of the institution.

7F. (*1*) If the Assessee proves that he maintains at his own expense any person being a relative of his or of his wife who is incapacitated by old age or infirmity from maintaining himself, or his wife's widowed mother, whether incapacitated or not, and being a person whose total income from all sources does not exceed Rs. 360 a year, he shall be entitled to a deduction of Rs. 240 in respect of each person whom he so maintains, and a like deduction shall be made in the case of an Assessee who by reason of old age or infirmity, is compelled to depend upon the services of a daughter resident with and maintained by him or her.

(*2*) Where two or more persons jointly maintain any such person as aforesaid, the deduction to be made under this section shall be apportioned between them in proportion to the amount or value of their respective contributions towards the maintenance of that person.

(*3*) This section shall apply to an Assessee being a female person as it applies to an Assessee being a male person with the substitution of 'husband' for 'wife'.

7G. The deductions to be allowed under the foregoing sections would be allowed only where the Assessee proves that the agricultural income of the Assessee assessable under this Act and the total income of the Assessee under the Indian Income-tax Act of 1922 does not exceed Rs. 12,000."

Sir, although this is a very long amendment, it is necessary that honourable members should appreciate its importance. I was, indeed, very sorry when my honourable friend Mr. Hamidul Huq Chowdhury stated that the amendment should be taken as read and need not be read out in the House. I do not know whether that attitude was proper.

I would like to refer the honourable members of this House to chapter 40 of the English Income-tax Act, 1918, being 8 and 9 George V. On referring to section 1, we would find that there the tax is levied in respect of all property, profits or gains described or comprised in the Schedules A, B, C,

D and E of the First Schedule to the Act. Turning to the Schedule itself, we would find that the following classes of profits, gains and property are included therein:—

Schedule A deals with tax to be charged in respect of property on all lands, tenements, hereditaments and heritages in the United Kingdom. In looking to the details with reference to the assessment on the annual value of lands, tenements, hereditaments or heritages we would find that the tax is assessed on rack-rent of the property at which they are let and if not let at rack-rent they are worth. With regard to other kinds of lands and properties, various provisions are made, details of which I need not refer to the honourable members of this House.

Schedule B deals with tax to be charged in respect of occupation of lands, tenements, etc. The rules are prescribed in the said schedule.

Schedule C deals with tax to be charged in respect of all profits arising from interest, annuities, dividends, shares or annuities payable out of public revenue.

Schedule D deals with tax to be charged in respect of annual profits or gains arising or accruing (*i*) to any person residing in the United Kingdom from any kind of property whatever situate in the United Kingdom or elsewhere, (*ii*) to any person residing in the United Kingdom from any trade, profession, employment or vocation whether the same be respectively carried on in the United Kingdom or elsewhere (*iii*) and to any person whether British subject or not although not resident in the United Kingdom from any property whatever in the United Kingdom or from any trade profession, employment or vocation exercised within the United Kingdom (*iv*) and also on interest of money, annuities and other annual profits of gains not charged under schedules A, B, C or E and not specially exempted from tax. Various rules are made with regard to assessment under Schedule D, details of which it is not necessary for me to refer to the honourable members.

Under *Schedule E* tax shall be charged in respect of every public office or employment or profit and in respect of every annuity, pension or stipend payable by the Crown or out of the public revenue of United Kingdom other than annuities charged under Schedule C for every 20*s* of the annual amount thereof. Now if we look to the Provincial Legislative list under the Government of India Act 7th Schedule list II, we would find that items 41, 42, 43, 44, 45, 46, 47, 48, 48(*a*), 48(*b*) and 50 provide for taxation by the Provincial Government with respect to various classes of income. So far as agricultural income is concerned, it is specifically provided for in item No. 41. Looking to the report of the Indian Taxation Enquiry Committee of 1924, we find at page 37 the system of land taxation of other countries summarised. So far as taxation imposed is concerned, the following features are mentiond therein: (*a*) a flat rate on capital or annual value, (*b*) a progressive tax on income which includes the income derived from the land, (*c*) in most cases a death duty or other capital tax, in some cases both, and (*d*) a local rate. The principles underlying taxation may be stated in the words of Professor Seligman: "The relation of the individual to the local community is somewhat different from his relation to the State at large. The town is to a certain extent an association of business interest. While therefore the obligation of the citizen to contribute to the general burdens should be regulated by the principle of faculty or ability, it is eminently proper that in the case of the local bodies more tax should be paid to the principle of benefits. A tax on real state is a real tax, a tax on product. It is not a personal tax. The real State tax is a specially good local tax."

If we compare the system of land taxation in Britain and in British India, we will find that so far as land is concerned in Britain, it is taxed only

once: the rate may be high or low. So far as British India is concerned, the Taxation Enquiry Committee considered the question as to whether land revenue is a tax or rent, in paragraph 78 of their Report and the following paragraphs. The Report examines critically the position with regard to land revenue and in paragraph 84 we find the following statement:—

"The contention that land revenue is a tax is reinforced by the facts that the State has never claimed universal ownership; that it has conferred proprietory rights in permanently-settled areas; and that it imposes no restriction of sale or mortgage and in the case of *raiyatari* land. The argument that the levy differs from a tax and resembles a rent in the fact that it cannot be altered to suit the requirements of the State, in the long period for which it is fixed, and in the amenities given to the payers of land revenue in the shape of rent-free house-sites; the use of common lands, the grant of loans and otherwise is necessary by the fact that there are many functions of a landlord which the State does not perform"—I would pause here for a moment and would request the honourable members to consider this aspect of the question very carefully. It is clear that the State will not perform all the functions which are necessary for the protection of the people generally within the Province—"and that the process of assessment and collection is akin to that of a tax-collector".

Sir, if we look to the history of Bengal during the last 150 years since the inauguration of the Permanent Settlement in 1793, we would find that the landlords are responsible for the establishment, maintenance and development of educational institutions, hostels, charitable dispensaries and other institutions for the benefit of the public which are ordinarily the functions of the Government. In the majority of cases the landlords also excavated tanks for the benefit of the agricultural population and had it not been for the help which the landlords ungrudgingly gave for the cause of public welfare specially education, I do not know what would have been the position of education in this country. We may quote the instance of the primary education tax and the attempt of the present Government to make primary education compulsory. I am sorry to say, Sir, that the Government have failed to introduce compulsory primary education in the whole Province and the way in which primary education is being conducted is far from satisfactory. The Report of the Indian Taxation Enquiry Committee has after referring to the two decisions of the Privy Council indicated that at the time of the Permanent Settlement the British Government were not the proprietors of the permanently-settled areas and that in accordance with the ancient Hindu law as also the Muhammedan law they were entitled to a certain share of the produce of the lands and so this was really a tax and nothing else. I will, however, warn my honourable friends through you, Sir, that they must not suppose that I am opposing the agricultural income-tax on that ground. My object is to show that this is really nothing but double taxation. Let us consider now what the landholders of Bengal have to pay in the shape of taxes by reason of their occupation of land. The first tax, as I have indicated above, is land revenue in the case of zamindars and rent in the case of subordinate tenants. They have next, Sir, to pay road cess and public works cess for the maintenance of roads and public works at a certain rate per rupee. They have next, Sir, to pay an education cess for the primary education of their children and also of the children of the locality. Next, Sir, these people have to pay the chowkidari tax which now is known as the union board tax. With reference to the chowkidari tax, the report of the Indian Taxation Enquiry Committee has mentioned various aspects from which the tax should be considered. The Report states that the chowkidari tax in Bengal sometime in the year 1924-25 amounted to 65·6 lakhs of rupees. The Report further states that the upper limit of the tax was raised from rupee one to rupees four, to be levied and spent by the union boards for improving local sanitation and disposal of civil and criminal cases. I do not know the amount of the union board tax now levied in Bengal from the landholding classes

in the villages. I would request the Hon'ble Finance Minister to look up and see for himself the total amount of union board tax paid by the land-holding classes in Bengal. Thus, Sir, one finds that the Government is realising from the zemindars taxes in the shape of land revenue, in the shape of road and public works cesses, in the shape of education cess and in the shape of union board tax. These are the four different taxes levied on the cultivating classes in Bengal. Agricultural income-tax is the fifth tax that the cultivators have to bear and therefore in assessing the tax you have to consider most carefully whether or not the tax would hit the middle class and affect them seriously. I might remind the Hon'ble Finance Minister that in the amendment I have proposed I have fixed the maximum limit of income of persons to be Rs. 12,000 when they would be entitled to the deduction proposed by me. Sir, if I now refer once against to the English Statute, we find that the principle of the tax there is to have a portion of the surplus income of the assessee after making provision for the expenses of maintaining themselves and the members of their family. It is commonly said that the British people are groaning under the heavy tax of 10*s*. in the £. But even then, Sir, what is the actual position there? There is a surplus amount which is left to an assessee after meeting all primary expenses, which I have indicated and the scale there is much heavier than the one that I have proposed here, for it may be assumed without contradiction that we generally require less than the British people. Sir, I would request my honourable friends to my left, I mean the members of the European group, to consider the amendments which I have now proposed. I say, Sir, that they are on their trial today and it is up to them to support these amendments of mine, so that when they themselves claim relief from double taxation under the provisions of clause 49 of the Bill, they might make out a more plausible case. It would not be for the Hon'ble Finance Minister to say that the rate of tax he is levying is small compared with the tax that is being levied under the British Act. It is not uncommon to find in this country that the head of an ordinary middle-class family has got to maintain about 15 heads. If we look to the present ratio of expenses for maintaining with bare sustenance 15 men, the minimum requirements would be about Rs. 1-8 per day which means that he is to spend at least Rs. 700 per month for maintenance alone. Besides this, he has got to meet the expenses for clothing, medical expenses, expenses for repairing house, etc. I am not including the other expenses of cultivation because they have been deducted and the balance is only to be taxed. We would thus find that a man having an income of even Rs. 5,000 per annum cannot carry on without hardship if he is to pay the tax from the amount which is required for his maintenance. If however reasonable allowances are granted for the maintenance of himself, his wife and the other members of his family, and only the surplus income is assessed as in the British Act, I do not think, even if the tax is double, treble, quadruple or even levied for the fifth time, there should be any objection. In this connection, I would particularly request the Finance Minister to consider the plight of the middle-class people with an income from Rs. 5,000 to Rs. 15,000, having to meet all sorts of expenses, the most important of the expenses is the higher education of his children. Sir, if you want to raise the standard of living and the economic condition of the people of Bengal and if you want to give them some respite from worries and suspense, you will have to consider the allowances which I propose in my amendments relating to clauses 7(*a*) to 7(*b*). I hope, Sir, honourable members of this House will consider this amendment in a reasonable spirit. I would assure them that this is not meant as a censure on the Government in any way. They would only be giving due consideration to the requirements of the assessee whom they have the good fortune of representing in this House. I would like the honourable members supporting the Government to consider this matter from this point of view and not be carried away by the feeling that because the amendment happens to be moved by a member of the Opposition it must

be turned down, no matter whether it is reasonable or not. Sir, I think the Hon'ble Finance Minister had stated in connection with his reply to the debate on the circulation and Select Committee motions that he was not suggesting that the tax was being levied on account of the inflated income of the people, although I tried to suggest that this was so. I submit Sir, if it is conceded that this tax is not going to be justified on account of temporary inflation due to war, I would ask him to consider whether or not these allowances should be granted. In considering the amendment to the schedules, the honourable members will find that I have proposed that in the case of incomes exceeding certain limit the tax may be raised up to 2-9 pies in the rupee. I hope, Sir, that in this way the loss which may accrue on account of the allowances I have proposed will be recouped to a certain extent from the increase of tax I have proposed from people who can afford to pay from their income. Hon'ble members will also consider that in this country we have no legislation making provision for the unemployed they have in Britain under the Unemployment Insurance Act. The number of unfortunate people in villages who cannot maintain themselves with barest necessaries of life is not inconsiderable; they fall back upon their neighbours who are more fortunate and who are charitably disposed. As a matter of fact, we note the well-known Hindu idea that the guest is to be honoured above all people. I would remind the honourable members of the well-known Sanskrit sloke: সর্ব্বত্র ভাগতো গুরু:

There are similar provisions in the Muhammadan law as well and they do not turn away a person who comes praying for some dole for their maintenance. If you hit these people by taxing them beyond their capacity, they will be compelled to refuse the help which they were giving so long. You will have to maintain poor houses and work houses: you will have to take the responsibility and hold yourself liable if a single individual dies of starvation. The deficit of the present year has been met from the grant which His Excellency the Governor has succeeded in obtaining from the Central Government of Rs. 10 crores of rupees and we must thank him for that. I must say, however, that by granting 10 crores of rupees to the Government of Bengal the Central Government does not in any way deserve to be congratulated. Sir, there cannot be any doubt that the deficit of the present year is due to the famine conditions that prevailed in Bengal during the last year and the acute condition that is now prevalent in Bengal. If it is once conceded that this deficit is due to war conditions and the death of about 4 million people of Bengal during the last year was occasioned by shortage of foodstuff which could have been prevented, I submit, Sir, honourable members will find that it was the incumbent duty of the Central Government to come to the assistance of the people of Bengal long before. As a matter of fact, Sir, we feel that but for the highly injudicious declaration of the Hon'ble Minister for Civil Supplies during the last year after the present Ministry assumed office that there was no shortage of foodstuffs, the Government could have prevented the death of so many people and the money which came subsequently from the other parts of India and from the other parts of the world would have to a certain extent relieved the situation. But I am not referring to these matters now to condemn the action or inaction of the Ministry during the last year. Past is past and it is no use referring to the past for the purpose of criticism merely. We refer to the past only for the purpose of preventing such recurrence in future and our experience of the past is only a guide for that purpose. I am referring to the grant of the Central Government of a sum of Rs. 10 crores enabling Bengal Government to meet its deficits. Once it is conceded, as I have stated above that this deficit is due to war conditions: once it is conceded that Bengal was in the forefront of the war during the last year and during the present year, Bengal is actually in the midst of war, a grant of Rs. 10 crores by the Central Government is nothing. I hope, Sir, I have said enough for the purpose of inducing honourable members to accept the amendment that I have proposed and I hope they would accede to my request and accept the amendment proposed.

Mr. PRESIDENT: Amendment moved: That after clause 7 of the Bill, the following clauses be inserted, namely:—

"7A. The Assessee if he proves that for the year of assessment he has his wife living with him, or that his wife is wholly maintained by him during the year of assessment, and that he is not entitled in computing the amount of his income for that year for the purposes of the Income-tax under this Act and the Indian Income-tax Act of 1922, to make any deduction in respect of the sums paid for the maintenance of his wife, shall be entitled to a deduction of Rs. 1,200 annually, from the amount of which tax is payable under this Act.

7B. If the Assessee proves that he is a widower and that for the year of assessment a person being a female relative of his or of his deceased wife is resident with him for the purpose of having the charge and care of any child of his, or he proves that he has no female relative of his own or of his deceased wife who is able or willing to take such charge and that he has employed some other female person to undertake the same, he shall, subject as hereinafter provided, be entitled to a deduction of Rs. 300 in respect of that female relative or other female person per year:

Provided that—

(*a*) no deduction shall be allowed under this section unless the Assessee proves that no other individual is entitled to a deduction in respect of the female relative under the provision of this Act or, if any other individual is so entitled, that the other individual has reliquished his claim thereto; and

(*b*) no deduction shall be allowed under this section where the female relative is a married woman living with her husband, and the husband has claimed and been allowed a deduction of Rs. 1,200 under the provisions of this clause;

Explanation.—In this Section the expression 'child' means a child in respect of whom a deduction is allowed under this section;

(*c*) this section shall apply to a Assessee being a widow as it applies to an Assessee being a widower, with the substitution of 'her deceased husband' for 'his deceased wife'.

7C. If the Assessee proves that he is un-married and that he has living with him either his mother, being a widow or a person living apart from her husband, or some other female relative, for the purpose of having the charge and care of any brother or sister of his, being a child in respect of whom a deduction is allowed under this section, and that he maintains the mother or other relative at his own expense; and that neither he nor any other individual is entitled to a deduction in respect of the same person under this section or if any other individual is entitled to any such deduction that the other individual has relinquished his claim thereto, he shall be entitled to a deduction of Rs. 300.

7D. If the Assessee proves that he has been living at the year of commencement of assessment any child who is either under the age of 16 years or who, if over the age of 16 years at the commencement of that year, is receiving full-time instruction at any University, college, school or other educational establishment, he shall, subject to the provisions of this section, be entitled in respect of one child to a deduction of Rs. 360 and in respect of each subsequent child to a deduction of Rs. 240. The expression 'child' in this section includes a step-child.

7E. If the Assessee proves that for the year of assessment he has the custody of and maintains at his own expense any child who is under the age of 16 years at the commencement of that year, or who, if over the age of 16 years at the commencement of that year is receiving such full-time instruction as aforesaid, and that neither he nor any other individual is entitled to a deduction in respect of the same child under the foregoing

provisions of this section or under any of the other provisions of this Act, or, if any other individual is entitled to such a deduction, that that other individual has relinquished his claim thereto, he shall be entitled in respect of the child to the same deduction as if the child were a child of his.

Explanation.—No deduction shall be allowed under this section in respect of any child who is entitled in his own right to an income exceeding Rs. 360 a year:

Provided that in calculating the income of the child for the purpose of this section no account shall be taken of any income to which the child is entitled as a holder of a scholarship, or other similar educational endowments:

Provided further that if any question arises as to whether any Assessee is entitled to an allowance under this section in respect of a child who is over the age of 16 years, as being a child who is receiving such full-time instruction as aforesaid, the Assistant Commissioner of Income-tax may consult the Head of the institution.

7F. (*1*) If the Assessee proves that he maintains at his own expense any person being a relative of his or of his wife who is incapacitated by old age or infirmity from maintaining himself, or his wife's widowed mother, whether incapacitated or not, and being a person whose total income from all sources does not exceed Rs. 360 a year, he shall be entitled to a deduction of Rs. 240 in respect of each person whom he so maintains, and a like deduction shall be made in the case of an Assessee who by reason of old age or infirmity, is compelled to depend upon the services of a daughter resident with and maintained by him or her.

(*2*) Where two or more persons jointly maintain any such person as aforesaid, the deduction to be made under this section shall be apportioned between them in proportion to the amount or value of their respective contributions towards the maintenance of that person.

(*3*) This section shall apply to an Assessee being a female person as it applies to an Assessee being a male person with the substitution of 'husband' for 'wife'.

7G. The deductions to be allowed under the foregoing sections would be allowed only where the Assessee proves that the agricultural income of the Assessee assessable under this Act and the total income of the Assessee under the Indian Income-tax Act of 1922 does not exceed Rs. 12,000."

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to support this amendment. I have not been able to carefully study the whole amendment (Cries of "Oh, oh" from the Treasury Benches), but I have full reliance on the honourable mover who has, with painstaking care, prepared the amendment. I have, however, to discharge a very general duty, that is, to deal with the general aspect of the case. When I said that I had not studied the amendment in detail, I did not mean to say that I did not know what the amendment means or that I did not know whether that amendment should be accepted or not. My honourable friends who are very merry over this admission really interpret their own mind. They are absolutely aloof from what is being said and done here and my admission is not really due to any absent-mindedness on my part as my honourable friends on the other side really showed yesterday. (Mr. HAMIDUL HUQ CHOWDHURY: You are saying too much). However, Sir, so far as the proposed sub-clauses are concerned, the first sub-clause 7A deals with the case of a married man. 7B deals with a widower, 7C deals with an unmarried man. With regard to these three sub-clauses, the general principle underlying them is that those who have to maintain certain relations, the maintenance charges should be exempted from taxation. Then sub-clauses 7D, 7E, 7F and 7G deal with persons who maintain children under 16 years, who are studying in the University

and have not sufficient income of their own and those who maintain relations of the wife and other persons in the family. These proposed sub-clauses have been taken from the English Income-tax Act. As has been already pointed out by my friend Mr. Mukherjee that the English tax-payers though they have to pay a larger percentage of their income, still these deductions are allowed. As far as I can guess from what I know of the English society, they are not accustomed to maintain relations to the extent we Hindus and Muslims do. Every large family maintains a large number of relations and they are considered to be a legitimate charge on the estate. There are old persons having no income and there are children who have got to be provided for. Even in countries like England, where it is not as much a virtue to maintain relations, these exemptions are allowed. These exemptions should have apparently greater application to the conditions of Bengal. As has already been pointed out, this Agricultural Income-tax Act is going to be thrust upon the people all on a sudden; it will I believe create a great amount of dislocation in the income of the people and some amount of breathing time should be given to them. The difficult situation in which the landlords have been placed has very ably been discussed by my friend the mover. In fact, they have found themselves in very difficult circumstances. This agricultural income-tax will very badly affect them. I, therefore, think that the exemptions should be more equitable. Instead of allowing the Executive to create some loopholes and give exemption as they please, it is far better that exemption should be specifically mentioned on the lines indicated in the proposed amendment. It is the middle class families which will be badly affected. In the cases of a large number of middle class families with apparently good incomes which have to maintain a large number of relations, the large burdens which they have got to bear on this account have not been exempted. These natural charges deserve exemption. These proposed exemptions should be carefully studied and accepted. They are already accepted in the British Income-tax Act and there is no reason why you should not accept them here, specially in view of the fact that the relations have got to be maintained which is the moral duty of every family in the difficult circumstances through which the middle classes are now passing. It is all the more desirable that amendments of this type should be accepted, and exemptions should be allowed really on a more equitable manner. As I have already said, I support the principle of this tax but, at the same time, I give my support to the generous and legitimate exemptions. Income-tax should be levied on real income. Incomes charged with large burdens are only paper incomes. Net incomes alone should be charged with income-tax. In the circumstances, I believe, these exemptions should be accepted on principle. The amendment is based on humanitarian considerations. It is calculated to determine the real income of the people according to the condition of the country and to the feelings and sentiments of the people and they should therefore be accepted. With these few words, I support the amendments.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, unlike the sponsor of the amendment, I have devoted all attention to the amendment that it deserved. I may at the outset say that I have a certain amount of sympathy for the amendment. But let us consider the amendment carefully. The proposed amendment seeks to introduce a few new clauses in the Bill. These new clauses are intended to provide that as long as a man's income, both under this Bill and under the Income-tax Act, does not exceed 12,000 rupees a year, he shall be entitled to a certain amount of fixed allowance in respect of his wife, women relatives, children, incapacitated relatives, etc. These suggestions take after the provisions for personal allowances in respect of wife and child in the British Income-tax Act. I would, however, like the House to consider certain points which would show the difference between the system

adopted in the Bill, namely, the Indian system and the British system. In our Bill there is an exemption limit of 3,500 rupees as against the exemption limit of only £110 under the British Act—I take the figure of the year 1941-42. Secondly, in our Bill as well as in the Indian Income-tax Act, there is a free-slab of Rs. 1,500, although there is no free-slab in the British system. On account of these two points of difference in the two systems, there is no room for providing for personal allowance in our Bill. The free-slab provides for this adequately.

Finally, it may be pointed out that the impact of the British income-tax on the British tax-payer is much more than the impact of this Bill on the Bengal tax-payer. Even when an assessee in the United Kingdom has a big family and all his income is earned income, the effective rate of income-tax may rise as high as 19 shillings in the pound, I take the 1941-42 rates. The maximum rate in our Bill is only a few annas and six pies in the rupee and the effective rate is certainly much lower. In these circumstances, the criticism of the Bill on the lines that personal allowances are not provided for in it, as in the British Income-tax Act, is entirely unreal. This Bill not only provides for a much higher exemption limit and a complete free-slab—features which are not present in the British Income-tax Act,—but the effective rate of the tax in the case of the assessees is very much lower in our Bill in spite of the absence of express provision for personal allowances. Taking all these things into consideration, I would ask the honourable member who has moved this amendment to consider seriously whether the taxation measure, as it appears in the Bill, is not fair and just. I would, therefore, ask him not to press his amendment to a vote, or in the alternative we must oppose it as best as we can.

Mr. BANKIM CHANDRA MUKHERJEE: On a point of information, Sir. Hon'ble Finance Minister stated that there was no tax on the first 3,500. As a matter of fact, I find that in Schedule A to the proviso to sub-clause (*2*), the figure given is Rs. 3,500; but according to the provision of sub-clause (*1*), the tax is to be levied after the first Rs. 1,500. Will the Hon'ble Minister please clear up this anomaly?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I will explain that when I come to explain the slab system.

Mr. PRESIDENT: The question before the House is: That after clause 7 of the Bill, the following clauses be inserted, namely:—

"7A. The Assessee if he proves that for the year of assessment he has his wife living with him, or that his wife is wholly maintained by him during the year of assessment, and that he is not entitled in computing the amount of his income for that year for the purposes of the Income-tax under this Act and the Indian Income-tax Act of 1922, to make any deduction in respect of the sums paid for the maintenance of his wife, shall be entitled to a deduction of Rs. 1,200 annually from the amount of which tax is payable under this Act.

7B. If the Assessee proves that he is a widower and that for the year of assessment a person being a female relative of his or of his deceased wife is resident with him for the purpose of having the charge and care of any child of his, or he proves that he has no female relative of his own or of his deceased wife who is able or willing to take such charge and that he has employed some other female person to undertake the same, he shall, subject as hereinafter provided, be entitled to a deduction of Rs. 300 in respect of that female relative or other female person per year:

Provided that—

(*a*) no deduction shall be allowed under this section unless the Assessee proves that no other individual is entitled to a deduction in respect of the female relative under the provision of this Act or, if any other individual is so entitled, that the other individual has relinquished his claim thereto; and

(*b*) no deduction shall be allowed under this section where the female relative is a married woman living with her husband, and the husband has claimed and been allowed a deduction of Rs. 1,200 under the provisions of this clause;

Explanation.—In this section the expression 'child' means a child in respect of whom a deduction is allowed under this section;

(*c*) this section shall apply to a Assessee being a widow as it applies to and Assessee being a widower, with the substitution of 'her deceased husband' for 'his deceased wife'.

7C. If the Assessee proves that he is unmarried and that he has living with him either his mother, being a widow or a person living apart from her husband, or some other female relative, for the purpose of having the charge and care of any brother or sister of his, being a child in respect of whom a deduction is allowed under this section, and that he maintains the mother or other relative at his own expense; and that neither he nor any other individual is entitled to a deduction in respect of the same person under this section or if any other individual is entitled to any such deduction that the other individual has relinquished his claim thereto, he shall be entitled to a deduction of Rs. 300.

7D. If the Assessee proves that he has been living at the year of commencement of assessment any child who is either under the age of 16 years or who, if over the age of 16 years at the commencement of that year, is receiving full-time instruction at any University, college, school or other educational establishment, he shall, subject to the provisions of this section, be entitled in respect of one child to a deduction of Rs. 360 and in respect of each subsequent child to a deduction of Rs. 240. The expression 'child' in this section includes a step-child.

7E. If the Assessee proves that for the year of assessment he has the custody of and maintains at his own expense any child who is under the age of 16 years at the commencement of that year, or who, if over the age of 16 years at the commencement of that year is receiving such full-time instruction as aforesaid, and that neither he nor any other individual is entitled to a deduction in respect of the same child under the foregoing provisions of this section or under any of the other provisions of this Act, or, if any other individual is entitled to such a deduction, that that other individual has relinquished his claim thereto, he shall be entitled in respect of the child to the same deduction as if the child were a child of his.

Explanation.—No. deduction shall be allowed under this section in respect of any child who is entitled in his own right to an income exceeding Rs. 360 a year:

Provided that in calculating the income of the child for the purposes of this section no account shall be taken of any income to which the child is entitled as a holder of a scholarship, or other similar educational endowments:

Provided further that if any question arises as to whether any Asesseee is entitled to an allowance under this section in respect of a child who is over the age of 16 years, as being a child who is receiving such full-time instruction as aforesaid, the Assistant Commissioner of Income-tax may consult the Head of the institution.

7F. (*1*) If the Assessee proves that he maintains at his own expense any person being a relative of his or of his wife who is incapacitated by old age or infirmity from maintaining himself, or his wife's widowed mother, whether incapacitated or not, and being a person whose total income from all sources does not exceed Rs. 360 a year, he shall be entitled to a deduction of Rs. 240 in respect of each person whom he so maintains, and a like deduction shall be made in the case of an Assessee, who by reason of old age or infirmity, is compelled to depend upon the services of a daughter resident with and maintained by him or her.

(2) Where two or more persons jointly maintain any such person as aforesaid, the deduction to be made under this section shall be apportioned between them in proportion to the amount or value of their respective contributions towards the maintenance of that person.

(3) This section shall apply to an Assessee being a female person as it applies to an Assessee being a male person with the substitution of 'husband' for 'wife'.

7G. The deductions to be allowed under the foregoing sections would be allowed only where the Assessee proves that the agricultural income of the Assessee assessable under this Act and the total income of the Assessee under the Indian Income-tax Act of 1922 does not exceed Rs. 12,000".

(The amendment was negatived.)

Clause 8.

Mr. PRESIDENT: Clause 8 stand part of the Bill.

Now, Khan Bahadur, do you want to move your amendment No. 191?

Khan Bahadur NAZIRUDDIN AHMAD: Yes, Sir; but I am afraid that amendment No. 189 has been passed over.

Mr. PRESIDENT: No, this will re-appear as 193A. As regards this amendment of yours, I find that the House has already given its decision sometime ago on a similar amendment of yours. So I do not think you can move it.

Khan Bahadur NAZIRUDDIN AHMAD: I will simply move it without any speech. It was defeated indeed, but it was in another context.

Mr. PRESIDENT: But it is the very same amendment.

Khan Bahadur NAZIRUDDIN AHMAD: That may render the passage of the amendment difficult——

Mr. PRESIDENT: But it is a mere matter of drafting as you observed on the last occasion. I am afraid, therefore, you cannot move it. You can move amendment No. 192, if you like.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: That in sub-clause (2) of clause 8 of the Bill, the words "as long as" in line 5 be omitted.

The words complained of by me appear in sub-clause (2) of clause 8. If the honourable members would read the clause, they would find that the words "as long as" have no definite meaning or purpose in the sub-clause. Perhaps the words "as long as" have some connection with certain later expressions. If the expression later on is inelastic, interposition of certain other words after them has separated these words from the context in which they should stand. I shall read the sub-clause so much as is necessary: "* * * * the agricultural income derived therefrom shall, as long as for the purposes of assessment of income-tax under the Indian Income-tax Act, 1922, the income derived therefrom * * * *. I think a man of ordinary intelligence would stumble over this clause and would have great difficulty in understanding what is meant. After very careful consideration, I have come to the conclusion that the words "as long as" are connected with the words "income derived * * * *" so on and so forth. But the interposition of these words is parenthetical and the other words connected with these words are hopelessly separated. Only the words and the parenthesis would have been better. With all the experience that I can claim of reading and interpreting statutes, my first impression was that the words "as long as" were absolutely necessary. But later on, after a great deal of thought, I found that they

are connected with some later words and the confusing interposition of several other words have created havoc. That is another example of hasty and careless drafting. With these words, I beg to move my amendment simply to draw the attention of the Government to the difficult state of affairs that has been created by the introduction of the parenthetical expression in a wrong manner.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 8 of the Bill, the words "as long as" in line 5 be omitted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I was glad to hear from my friend Khan Bahadur Naziruddin Ahmad that he realised that the words "as long as" were necessary and that they had a purpose. In that view, I oppose the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I have your consent to withdraw the amendment? It will take some time to ascribe any meaning to the passage. That was why I tabled this amendment. (The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is not my fault.)

Mr. PRESIDENT: Has the honourable member leave of the House to withdraw his amendment?

(VOICES: Yes.)

(The amendment was then by leave of the House withdrawn.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 8 of the Bill, in the *Explanation* to sub-clause (*2*), for the words "attributable to" in line 4, the words "derived from" be substituted.

The passage where these words occur reads like this: ".....such portion of that income as is attributable to lands in Bengal.....". The words "attributable to" seem to me to be rather loose and vague. They are too general for the purpose in hand. I submit that the substitution of these words would really improve the draft. With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in clause 8 of the Bill, in the *Explanation* to sub-clause (*2*), for the words "attributable to" in line 4, the words "derived from" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment.

Mr. PRESIDENT: The question before the House is: That in clause 8 of the Bill, in the *Explanation* to sub-clause (*2*), for the words "attributable to" in line 4, the words "derived from" be substituted.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move: That in the *Explanation* to sub-clause (*2*) of clause 8 of the Bill, for paragraphs (*i*) and (*ii*), the following paragraphs be substituted, namely:—

"(*i*) according to the proportion of the area in Bengal as compared with the total area within Bengal and without Bengal.

(*ii*) notwithstanding anything contained in this Act, in the case of tea [the plant Camellia Thea (Linn)] grown in Bengal and sold by the grower himself or his Agent after manufacture, the agricultural income derived therefrom shall be payable on the whole of such agricultural income."

I beg also to move: That in sub-clause (*2*) of clause 8 of the Bill, paragraph (*ii*) of the *Explanation* be deleted.

I would like to point out in support of my amendments that the clause as it stands in the Bill suggests that the proportion fixed by the authorities under the Indian Income-tax Act of 1922, is inflexible and as such must be

accepted by the authorities assessing the agricultural income-tax. I would like to emphasise the fact that the Provincial Government should not be bound by the determination of the authorities under the Indian Income-tax Act of 1922 and the officers appointed under the said Act. Sir, it may be that many things escaped the attention of those authorities which our officers will be able to detect and it would not be fair to bind the Bengal Government with decisions arrived at by the officers appointed under the Indian Income-tax Act of 1922. The determination by the authorities of the Indian Income-tax Act may be received as *prima facie* evidence, but should not be taken as conclusive. I submit that with regard to tea, the officers appointed under the Provincial Government should have a free hand in the matter of assessing income-tax derived from tea planters and they should not be hampered in any way by any decision arrived at by any other authority. We should have a uniform system of assessment throughout the Province with regard to all sorts of cases and should not allow one class of assessees to be guided by decisions arrived at by a different machinery. I would submit, Sir, that if the amendments that I have proposed are carefully looked at, it will be found that they are really giving the authorities assessing the tax under the Bengal Agricultural Income-tax Act better scope for examining the income of persons who are charged under the Indian Income-tax Act. This affects the growers whether they are Indians or Europeans and therefore I submit that in these cases my amendment should be accepted so that the decision of the Income-tax authorities may not be binding upon the provincial authorities. With these few words, I move my amendment.

Mr. PRESIDENT: Amendments moved: that in the *Explanation* to sub-clause (*2*) of clause 8 of the Bill, for paragraphs (*i*) and (*ii*), the following paragraphs be substituted, namely:—

"(*i*) according to the proportion of the area in Bengal as compared with the total are within Bengal and without Bengal.

(*ii*) Notwithstanding anything contained in this Act, in the case of tea [the plant Camellia Thea (Linn)] grown in Bengal and sold by the grower himself or his agent after manufacture, the agricultural income derived therefrom shall be payable on the whole of such agricultural income."

Also, that in sub-clause (*2*) of clause 8 of the Bill, paragraph (*ii*) of the *Explanation* be deleted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: This *Explanation* deals with the question of apportionment of agricultural income where such income is derived from lands partially in and partially without Bengal. It would be better where an apportionment on the basis of accounts has been made by Central Income-tax authorities to adopt that apportionment in Bengal rather than apportion them on the basis of area and I submit that paragraph (*a*) of amendment 193 is irrelevant in this context and hardly means anything.

As regards amendment 194, I submit that if this paragraph is deleted, as proposed, it would be necessary to provide for the cases where the Central Income-tax authorities do not make the apportionment and I submit that such cases will not be infrequent.

(The amendments were negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in sub-clause (*3*) of clause 8 of the Bill, the words, commas and figures "a certified copy of an order of an assessment under the Indian Income-tax Act, 1922, or" in lines 2 and 3 be deleted.

Sir, the purpose of my amendment is that the Bengal Agricultural Income-tax authorities should not be bound by any decision of the authorities under the Indian Income-tax Act, but they should be able to look for

themselves as to what would be the amount for which the assessee is to be taxed. I do not think it is necessary to add anything to what I have stated in respect of my previous amendments.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*3*) of clause 8 of the Bill, the words, commas and figures "a certified copy of an order of an assessment under the Indian Income-tax Act, 1922, or" in lines 2 and 3 be deleted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the words, commas and figures which the mover of the amendment proposes should be deleted are necessary and therefore they must be retained. I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*3*) of clause 8 of the Bill, the words, commas and figures "a certified copy of an order of an assessment under the Indian Income-tax Act, 1922, or" in lines 2 and 3 be deleted.

(The amendment was negatived.)

Clause 8.

Mr. PRESIDENT: The question before the House is: that clause 8 stand part of the Bill.

(The motion was agreed to.)

Clause 9.

Mr. PRESIDENT: The question before the House is: that clause 9 stand part of the Bill.

(The motion was agreed to.)

Clause 10.

Mr. PRESIDENT: Clause 10 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 10 of the Bill, after the words "shall not" in line 1, a comma be inserted.

Sir, as enough controversy has already been raised on a similar amendment, I would simply say that the introduction of this comma would rather make things clear. That is the only object of this amendment. I submit that it should be accepted. It would be an insult to the intelligence of this House to repeatedly submit sound amendments to be repeatedly voted down.

Mr. PRESIDENT: Amendment moved: that in clause 10 of the Bill, after the words "shall not" in line 1, a comma be inserted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 10 of the Bill, in paragraph (*a*), for the words "has paid or will pay" in line 3, the words "is liable to pay" be substituted.

Sir, the reason for this amendment is that tax or its exemption would depend upon the liability to pay rather than actual payment. In the Bill-clause both the standards have been laid down, viz., "has paid or will pay". So, an anticipated payment will also be exempted. The best expression which will convey both will be "is liable to pay". The expression "will pay" is vague and indeterminate. The expression in the amendment is, I think, more simple and more accurate. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in clause 10 of the Bill, in paragraph (*a*), for the words "has paid or will pay" in line 3, the words "is liable to pay" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 10 of the Bill, in paragraph (*a*), for the words "has paid or will pay" in line 3, the words "has paid or is liable to pay" be substituted.

This is an alternative form of the last amendment: it is more comprehensive and may be the least unacceptable to the Hon'ble Minister. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in clause 10 of the Bill, in paragraph (*a*), for the words "has paid or will pay" in line 3, the words "has paid or is liable to pay" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 10 of the Bill, after paragraph (*b*), the following new sub-paragraph be inserted, namely:—

"(*bb*) any sum which he receives as a member of an association of individuals, the agricultural income-tax of which has already been taxed."

Sir, by sub-paragraph (*b*), any sum which a man receives as a member of a Hindu undivided family, which has been already taxed has been exempted on the ground that it would be double taxation. By this short amendment, I desire to extend the relief from similar double taxation to those people who do not come within the meaning of the "Hindu undivided family". A "Hindu undivided family" according to this Bill, as will appear from the definition section, really means a Hindu undivided family belonging to the *Mitakshara* school. It is well-known that Bengali Hindus do not generally form part of the *Mitakshara* family. Thus, the exemption allowed by sub-paragraph (*b*) to Hindu joint families belonging to the *Mitakshara* school will not get the benefit of this exemption. The exemption is just and should be extended to all persons who are members of a joint *Dayabhaga* family as well as to joint Muslim families. If double taxation is to be relieved, it should be relieved for all persons concerned. The Bill-clause exempts only *Mitakshara* family. Ordinary Bengali families, both Hindu and Muslim families, may be described as an association of individuals. If several persons belonging to a joint family have formed an association of individuals, and if their income has already been subjected to taxation, they should be relieved from further taxation. I submit that the principle of the amendment is just and should be accepted.

Mr. PRESIDENT: Amendment moved: That in clause 10 of the Bill, after paragraph (*b*), the following new sub-paragraph be inserted, namely:—

"(*bb*) any sum which he receives as a member of an association of individuals, the agricultural income-tax of which has already been taxed;"

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, if the honourable mover of the amendment carefully reads paragraph (*a*), he will find that the case of *Mitakshara* family has been considered.

Mr. PRESIDENT: The question before the House is that in clause 10 of the Bill, after paragraph (*b*), the following new sub-paragraph be inserted, namely:—

"(*bb*) any sum which he receives as a member of an association of individuals, the agricultural income-tax of which has already been taxed;"

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 10 stand part of the Bill.

(The motion was agreed to.)

Clause 11.

Mr. PRESIDENT: Clause 11 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I move amendment No. 205 standing in the names of Mr. Biren Roy and Mr. Mesbahuddin Ahmad?

Mr. PRESIDENT: That has been disposed of as neither of them wanted to move the amendment. If you wanted to move the amendment you should have stood up at the time when I called out the names.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the difficulty is that we have to wait to see whether the amendment standing in the names of the Government Whips is moved or not——

Mr. PRESIDENT: Order, order, I am afraid the amendment cannot be moved now.

The question before the House is that clause 11 stand part of the Bill.

(The motion was agreed to.)

Clause 12.

Mr. PRESIDENT: Clause 12 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move: That clause 12 of the Bill be deleted.

Sir, in this connection I may read out clause 12 of the Bill. Clause 12 stands thus: "In computing the total agricultural——

Mr. PRESIDENT: Mr. Mukherjee, your amendment is a negative one.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, it is not a negative motion so far as the whole Act is concerned.

Mr. PRESIDENT: You can oppose the clause, but you cannot move that the clause be deleted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I submit that the decision of the Chair on previous occasions has been that if a clause is to be deleted, there should be a motion to that effect.

Mr. PRESIDENT: The question before the House is that clause 12 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would like to oppose this motion. Clause 12 reads thus:—

"12. In computing the total agricultural income of any individual for the purpose of assessment, there shall be included——

(*a*) so much of the total agricultural income of a wife or minor child of such individual as arises directly or indirectly——

(*i*) from assets transferred directly or indirectly to the wife by the husband otherwise than for adequate consideration or in connection with an agreement to live apart."

The words of this clause are wide enough to catch persons who have got some properties belonging to wife or minor children. It would be a very good weapon for the Income-tax Officers; and the Assessors, who will assess the income-tax will be given a very good handle for the purpose of compelling the assessee to submit to any terms which the Agricultural Income-tax Officer might impose upon him. Now, what are the assets transferred directly or indirectly? What does "transferred indirectly" mean? I would like the Hon'ble Minister to explain what he means by expressions, such as, "indirectly to the wife" or "transferred directly or indirectly to the minor child". What is the indirect transfer which he wants to incorporate in this paragraph? A transfer is either directly made to wife or to minor child. I find the Hon'ble Minister is going to take help from the draftsman. I hope he will take proper help from him.

Now, Sir, I would submit that this clause as drafted should not be allowed to stand in the Bill. If there is any vague wording in any other Act, that should not be any ground why a vague word like this should be incorporated in the present Act, even when it is pointed out that such a word should not be incorporated in the Statute Book.

Now, Sir, I would refer the Hon'ble Minister to paragraph (*b*) which runs as follows:—

> "(*b*) so much of the total agricultural income of any person or association of persons as arises from assets transferred otherwise than for adequate consideration to the person or association by such individual for the benefit of his wife or minor child or both."

I do not understand, Sir, how an association or an individual could transfer for the benefit of his wife or his minor child? The clause gives no meaning as it stands. On the other hand, it gives wide scope to the Income-tax authorities for the purpose of compelling the assessee to submit to his terms. I submit, Sir, that the entire clause should be deleted. As a matter of fact, if the wife has got an agricultural income from properties belonging to her or if a wife has agricultural income from properties which belong to the husband and which have been transferred by the husband in favour of the wife or by the father in favour of the minor child, the Income-tax Officer can assess the wife or the minor child, if the income is sufficient for that purpose, separately under the provisions of the Act. There is no bar to that assessment; but if you want to give such a wide power, this would act really as an engine of oppression and anybody and everybody can be harassed by reason of the provision contained therein.

With these few words, I oppose the retention of this clause in the Bill.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I would like to say why clause 12 should be retained. Clause 12 has been imported from the Indian Income-tax Act, and is designed to prevent fraudulent and unfair transaction. Sir, the honourable member asked me as to how property could be indirectly transferred by a husband to his wife or *vice versa*. The object of using the word "Indirectly" is quite clear. You can make an indirect transfer to another person in various ways. You can, for instance, have a *benami* transaction and you can put up a third party who will purchase the property on the understanding that it will be re-conveyed to your wife, etc. That is how an indirect transfer can take place.

Mr. BANKIM CHANDRA MUKHERJEE: On a point of information, Sir. Will the Hon'ble Minister please state if it is his intention that a suit will have to be instituted in order that the Agricultural Income-tax Officer may ascertain whether a transaction is *benami* or *swanami*?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The whole object of clause 12 is to prevent the evasion of taxation and to see that the machinery to prevent this evasion is adequate.

Mr. PRESIDENT: I think we may stop here for today, and continue this matter tomorrow.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, before you adjourn the House, may I mention that on next Friday *Shabi-barat*, a festival of the Muhammadans, takes place, and the House may not sit that day on that account?

Mr. LALIT CHANDRA DAS: But Friday is a non-official day!

Mr. PRESIDENT: Order, order. The Hon'ble the Leader of the House says that Friday is a day of Muhammadan festival and Moslem members of the House would not like to meet that day. I take it that it is the general desire of the House that we don't meet that day—I mean Friday next?

(There was general agreement.)

All right; so there would be no meeting on Friday, the 4th August.

The House now stands adjourned till 2-15 p.m., tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 2nd August, 1944.

Members absent.

The following members were absent from the meeting held on the 1st August, 1944:—

(1) Khan Sahib Fariduddin Ahmad.
(2) Mr. Altaf Ali.
(3) Mr. Kader Baksh.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. B. C. Datta.
(6) Mr. R. W. N. Ferguson.
(7) Khan Bahadur Abdul Gofran.
(8) Mr. M. R. Jaijuria.
(9) Mr. Humayun Z. A. Kabir.
(10) Maulana Muhammad Akrum Khan.
(11) Mr. Abdul Latiff.
(12) Rai Bahadur B. M. Maitra.
(13) Mr. N. N. Mookerjee.
(14) Mr. T. B. Nimmo.
(15) Mr. R. Pal Chaudhury.
(16) Mr. R. S. Purssell.
(17) Khan Bahadur Kazi Abdur Rashid.
(18) Dr. K. S. Ray.
(19) Rai Bahadur R. B. Roy.
(20) Mr. S. N. Sanyal.
(21) Khan Bahadur M. Shamsuzzoha.
(22) Khan Sahib Maulvi Wahiduzzaman.

GGP-4415-872BA-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 70.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 2nd August, 1944, at 2-15 p.m., being the seventieth day of the First Session of 1944, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move: that in clause 12 of the Bill, in paragraph (*b*), after the words "association of persons" in line 2, the words "or the Ruler of an Indian State" be inserted.

The object of my amendment is to specifically mention the Ruler of an Indian State.

Mr. PRESIDENT: Amendment moved: that in clause 12 of the Bill, in paragraph (*b*), after the words "association of persons" in line 2, the words "or the Ruler of an Indian State" be inserted.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to support the amendment. The Ruler of an Indian State should be mentioned as other parties are mentioned, otherwise the clause would be incomplete.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment. I do not think it is necessary in the context.

Mr. PRESIDENT: The question before the House is: that in clause 12 of the Bill, in paragraph (*b*), after the words "association of persons" in line 2, the words "or the Ruler of an Indian State" be inserted.

The question being put, a division was challenged and taken with the following result:—

AYES—18.

Khan Bahadur Naziruddin Ahmad.	Mr. Humayun Z. A. Kabir.
Rai Bahadur K. C. Banerji.	Rai Bahadur B. M. Maitra.
Mr. Khorshed Alam Chowdhury.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. B. C. Datta.	Rai Sahib J. N. Ray.
Mr. N. C. Datta.	Dr. K. S. Ray.
Mr. K. K. Dutta.	Mr. A. D. Ray.
Alhadj Khan Bahadur Shaikh Mohd. Jan.	Mr. B. K. Roy Chowdhury.

NOES—21.

Mr. Mesbahuddin Ahmed.	Mrs. L. P. Dutt.
Mr. Nur Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. Sultanuddin Ahmed.	Mr. Latafat Hossain.
Khan Sahib Nurul Amin.	Mr. Mohamed Hossain.
Khan Sahib Abdul Aziz.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Khan Sahib Subdali Mollah.
Mr. Hamidul Huq Chowdhury.	Khan Bahadur Muklesur Rahman.
Mr. Mohd. Habibullah Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Mr. J. W. R. Steven.
Mr. D. J. Cohen.	Dr. K. Talukdar.
Mrs. K. D'Rozario.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 18, and the "Noes"—21, the amendment is negatived.

Clause 12.

Mr. PRESIDENT: The question before the House is: that clause 12 stand part of the Bill.

(The motion was agreed to.)

Mr. HUMAYUN KABIR: Sir, when you said "Ayes have it", the Whip of the Government Party, challenged by saying "Noes have it".

Mr. MESBAHUDDIN AHMED: No, Sir, I did not say that.

Mr. PRESIDENT: He says that he did not do it.

Mr. HUMAYUN KABIR: Sir, I cannot disbelieve my ears.

Mr. PRESIDENT: It is probably a comedy of errors.

Clause 13.

Mr. PRESIDENT: Clause 13 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 13 of the Bill, for the word "guaridan" in line 12, the word "guardian" be substituted.

Sir, the word which is objected to has no meaning whatsoever. I do not know whether it is French, or German or even Chinese. It does not, I hope, represent the Bengalee word " গৌরীদান ". The more probable word would be "guardian". You will find, Sir, that in sub-clause (*a*) in line 1, there is the word "guardian" and again at the end, six lines from the bottom, the said word "guardian" appears. These considerations as well as its relation to the words "minor, lunatic, idiot," in the clause, would show the word should be "guardian". We cannot go behind the Bill as presented to the House or to consider how it was dealt with in another place. Assuming this to be a mistake, the only thing we can do is to pass the amendment.

Mr. PRESIDENT: Amendment moved: that in clause 13 of the Bill, for the word "guardian" in line 12, the word "guardian" is substituted.

Mr. LALIT CHANDRA DAS: What is the meaning of the word, Sir?

Mr. PRESIDENT: It is meant to be "guardian", surely.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment, Sir. The mistake is obvious.

Mr. PRESIDENT: The question before the House is: that in clause 13 of the Bill, for the word "guardian" in line 12, the word "guardian" is substituted.

The question being put, a division was challenged and taken with the following result:—

AYES—17.

Khan Bahadur Naziruddin Ahmad.	Mr. Humayun Z. A. Kabir.
Rai Bahadur K. C. Banerji.	Rai Bahadur B. M. Maitra.
Mr. S. C. Chakraverti.	Mr. H. D. Majumdar.
Mr. K. A. Chowdhury.	Mr. N. N. Mohalanabish.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. B. C. Datta.	Dr. K. S. Ray.
Mr. N. C. Datta.	Mr. A. D. Roy.
Mr. K. K. Dutta	Mr. B. K. Roy Chowdhury.
Alhadj Khan Bahadur Shaikh Mohd. Jan.	

NOES—22.

Mr. Mesbahuddin Ahmed.	Khan Sahib A. Aziz.
Mr. Nur Ahmed.	Mr. H. Huq Chowdhury.
Mr. S. Ahmed.	Mr. Mohd. Habibullah Chowdhury.
Khan Sahib N. Amin.	Mr. C. E. Clarke.

Mr. D. J. Cohen.
Mrs. K. D'Rozario.
Mrs. L. P. Dutt.
The Hon'ble Khan Bahadur S. M. Hosain.
Mr. L. Hossain.
Mr. Mohamed Hosain.
Mr. W. B. G. Laidlaw.
Khan Sahib Subidali Mollaff.
Mr. T. B. Nimmo.
Khan Bahadur Muklesur Rahman.
Mr. Yakub H. S. Sattar.
Mr. J. W. R. Steven.
Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided.

The "Ayes" being 17, and the "Noes" 22, the amendment is negatived.

The question before the House is: that clause 13 stand part of the Bill.

(The motion was agreed to.)

Clause 14.

Mr. PRESIDENT: Clause 14 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in clause 14 of the Bill, the words "or trustees" in line 4 be deleted.

Sir, on a careful consideration of the Bill-clause, it appears that these words are redundant. The word "Trustee" used in singular is better than in the plural. This is not at all necessary. The Bengal General Clauses Act provides that these are redundant and therefore should be deleted.

Mr. PRESIDENT: Amendment moved: that in clause 14 of the Bill, the words "or trustees" in line 4 be deleted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 14 of the Bill, the words "or trustees" in line 4 be deleted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in clause 14 of the Bill, for the words "trustee or trustees" in line 6, the word "mutawalli" be substituted.

Sir, the words "trustee or trustees" do not convey that meaning which is conveyed by the word "mutawalli". There are many important rulings on this point.

Mr. PRESIDENT: Amendment moved: that in clause 14 of the Bill, for the words "trustee or trustees" in line 6, the word "mutawalli" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to support the amendment which has been moved by my honourable friend Khan Bahadur Naziruddin Ahmad. It is well-known that these words "trustee or trustees" do not apply in some cases, either in connection with the Hindu Endowments or the Muhammadan Endowments. So, these words should be substituted by mutawalli. As a matter of fact, I think the words "trustee or trustees" will be inappropriate in relation to a Muslim Wakf. I hope my Muslim friends will seriously consider this fact before they oppose the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, it has been said that there are many rulings in support of this amendment but none has been quoted. I am satisfied that the words "trustee or trustees" will include a mutawalli.

Mr. PRESIDENT: The question before the House is: that in clause 14 of the Bill, for the words "trustee or trustees" in line 6, the word "mutawalli" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 14 stand part of the Bill.

(The motion was agreed to.)

Clauses 15 and 16.

Mr. PRESIDENT: Clauses 15 and 16 stand part of the Bill.

The question before the House is: that clauses 15 and 16 stand part of the Bill.

(The motion was agreed to.)

Clause 17.

Mr. PRESIDENT: Clause 17 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in clause 17 of the Bill, after the words "association of individuals" in line 1, the following be inserted, namely:—

"Not being members of an undivided Hindu family governed by the *Dayabhaga* School or an undivided Muslim family."

In this clause, mention has been made of association of individuals. There are certain provisions relating to joint families belonging to the *Mitakhara* School. Obviously, "association of individuals" did not mean in the context joint families, either under the Hindu or the Muhammedan Law. This exception should be provided, otherwise it may be argued that "association of individuals" would include joint families. In the circumstances, the proposed exception should be made to prevent misunderstanding.

Mr. PRESIDENT: Amendment moved: that in clause 17 of the Bill after the words "association of individuals" in line 1, the following be inserted, namely:—

"not being members of an undivided Hindu family governed by the *Dayabhaga* School or an undivided Muslim family."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I think this is unnecessary.

Mr. PRESIDENT: The question before the House is: that in clause 17 of the Bill after the words "association of individuals" in line 1, the following be inserted, namely:—

"not being members of an undivided Hindu family governed by the *Dayabhaga* School or an undivided Muslim family".

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in clause 17 of the Bill, for the word "part" in line 8, the word "share" be substituted.

Sir, the word "part" is not precise. It does not convey any precise fraction of the income. The word "share" conveys the meaning of a specific share and so it is preferable to the word "part". That is the expression used in similar contexts. So I would prefer the word "share". With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in clause 17 of the Bill, for the word "part" in line 8, the word "share" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, in this context "part" is a more proper word. Therefore, I oppose the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, with regard to this clause I wish to say a few words——

Mr. PRESIDENT: Khan Bahadur Sahib, that is never the practice. You had your right of speech when you moved this amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I want to say with regard to the clause itself.

Mr. PRESIDENT: All right, let me first place the clause before the House.

The question before the House is: that in clause 17 of the Bill, for the word "part" in line 8, the word "share" be substituted

(The amendment was negatived.)

Mr. PRESIDENT: Khan Bahadur Sahib, now you may say what you have to say.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I find that in clause 17, in lines 6, 9 and 11, the word "share-holders" or "share-holder" has been used with hyphens between the two words. I believe this is not correct. Otherwise, landholders, householders, basketholders, etc., will have hyphens between them. In the circumstances, before passing this clause, this fact should be taken into account.

Clause 17.

Mr. PRESIDENT: Order, order. The question before the House is: that clause 17 stand part of the Bill.

(The motion was agreed to.)

Clause 18.

Mr. PRESIDENT: Clause 18 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in sub-clause (*1*) of clause 18 of the Bill, for the words "Agricultural income-tax" in line 5, the words "the agricultural income-tax" be substituted.

Sir, this is a drafting amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 18 of the Bill, for the words "Agricultural income-tax" in line 5, the words "the agricultural income-tax" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I should submit that the amendment is unnecessary.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 18 of the Bill, for the words "Agricultural income-tax" in line 5, the words "the agricultural income-tax" be substituted.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move: that in sub-clause (*1*) of clause 18 of the Bill, the word "solely" in line 8 be deleted.

Sir, I submit that the word "solely" seems to be mischievous and ought not to be kept. If we look to the clause itself, we find that it runs as follows:—

> "Save as provided for in sections 13, 14 and 17 if a person receives agricultural income derived from land and such income is derived partly for his own benefit and partly for the benefit of beneficiaries or wholly for the benefit of beneficiaries, agricultural income-tax

shall be assessed on the total agricultural income derived from such land at the rate which would be applicable if such income had been derived solely for his own benefit——"

Now, I do not know why an income which a person receives on behalf of a beneficiary and to which he has no claim should be added for the purpose of making him liable to pay higher rate of interest. He receives the income for his beneficiary and he hands it over to the beneficiary. The beneficiary is therefore to be taxed with reference to the amounts which he receives. He has absolutely no interest in the money which he simply hands over to the beneficiary. Therefore, I do not know why the words "derived solely" for his own benefit should have been used here and it has been provided that agricultural income-tax at such rate shall be leviable upon and recoverable from such person in respect of such income. The word "solely" may be omitted and then the clause will be understandable. The word "solely" seems to be a surplusage and may bring in vagueness in the interpretation of the clause itself. If the real intention is that the amount which he receives for his own benefit should be taxed, then the word "solely" should be deleted. With these words, I move my motion.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 18 of the Bill, the word "solely" in line 8 be deleted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment. The amendment is a very simple and a just one. If it is not accepted, a very great injustice will be done. Let us take the case of a person who has his own personal agricultural income, and he is also a trustee or friend or guardian of another person and receives income on behalf of the person whom he represents. The result of this would be that his own income and the income which he receives merely as a receiver or a friend or a guardian on behalf of another, would be added to his personal income for the purpose of the tax. I cannot think of a more unjust provision than this. A man who receives income for the benefit of another acts as a volunteer and he could not be taxed for another man's income. This amendment and the next one taken together will mean a complete provision. The effect of this amendment and the consequential amendment which follows it, is that if a man receives income on his own behalf and also on behalf of another, then they should be separated; that income which he receives on his own account alone will be taxed and the income which he received for another will be taxed only if it is otherwise taxable as a separate income of another individual. I think this is sheer justice and the amendment should be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It should be understood that clause 18 is intended to prevent fraudulent evasion of the tax. The cases where any person receives agricultural income on behalf of another under the provision of any law have been provided for in clauses 13, 14 and 15. I may inform the House that a similar provision occurs both in the Bihar Act (section 11), and in the Assam Act (section 12). I, therefore, oppose the amendment and shall also have to oppose the other amendments to clause 18 if they are moved.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 18 of the Bill, the word "solely" in line 8 be deleted.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move: that in sub-clause (*1*) of clause 18 of the Bill, the following be added at the end, namely:—

"according to the benefit received by himself and the beneficiary separately".

Sir, although my previous amendment has been negatived, I think this amendment makes the position more clear and it ought to be accepted by

the House. I do not know what the Hon'ble Finance Minister means by quoting Bihar and Assam Acts. We are not going to take our lesson either from Bihar or from Assam. I hope the Hon'ble Finance Minister realises that mere quoting the Bihar or Assam Agricultural Income-tax Act will not do. He must find out some other cogent and valid reason for assessing the person who does not derive any income for his own benefit. What justification is there for assessing him at a rate higher than what would be payable if the assessment were to be based on his strictly personal income? I hope the Hon'ble Finance Minister will realise this and instead of quoting Bihar and Assam Acts he will find out some other cogent reason for this. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 18 of the Bill, the following be added at the end, namely:—

"according to the benefit received by himself and the beneficiary separately".

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment moved by my friend Mr. Bankim Chandra Mukherjee. The effect of the amendment would be that the amount of his own income and the amount on behalf of another of which he is a trustee or guardian would be separated and that different incomes would be allocated to different persons. That income which appertains to his own account should be taxed against him and that part of the income which is for another person or persons, would be allocated to that person or those persons. I think it is only just that it should be so. Otherwise, not only higher rate would have to be paid but this would increase the amount of tax. In the circumstances, this amendment would remove an injustice. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I have already stated my reason for opposing all the amendments under clause 18. It is not on the analogy of Bihar and Assam that I do so; but I have given cogent reason for not accepting any of the amendments under clause 18. Clauses 13, 14 and 15 provide the necessary relief.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 18 of the Bill, the following be added at the end, namely:—

"according to the benefit received by himself and the beneficiary separately".

The motion being put, a division was challenged and taken with the following result:—

AYES—14.

Khan Bahadur N. Ahmad.	Alhadj Khan Bahadur Shaikh Mohd. Jan.
Mr. S. C. Chakraverti.	Rai Bahadur B. M. Maitra.
Mr. K. A. Chowdhury.	Mr. H. D. Majumdar.
Mr. L. C. Das.	Mr. N. N. Moholanabish.
Mr. B. C. Datta.	Mr. B. C. Mukherji.
Mr. N. C. Datta.	Mr. A. D. Roy.
Mr. K. K. Dutta.	Mr. B. K. Roy Chowdhury.

NOES—22.

Mr. Mesbahuddin Ahmed.	Mrs. K. D'Rozario.
Mr. Nur Ahmed.	Mrs. L. P. Dutt.
Mr. S. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. Mohamed Hossain.
Mr. D. L. Barua.	Khan Sahib Subidali Molla.
Mr. Moazzemali Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Rahman.
Mr. Mohd. Habibullah Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Mr. J. W. R. Steven.
Mr. D. J. Cohen.	Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 14, and "Nos" 22, the amendment is negatived.

The question before the House is: that clause 18 stand part of the Bill.

(The motion was agreed to.)

Clause 19.

Mr. PRESIDENT: The question before the House is: that clause 19 stand part of the Bill.

(The motion was agreed to.)

Clause 20.

Mr. PRESIDENT: Clause 20 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 20 of the Bill, for the word "without" in line 2, the words "out of" be substituted.

Sir, in this clause the expression used is "a person residing without Bengal". I should amend it to make it "a person residing out of Bengal". The word "without" does not convey any clear meaning unless it is contracted with the word "within". The expression "out of" would be more appropriate.

Mr. PRESIDENT: Amendment moved: that in clause 20 of the Bill, for the word "without" in line 2, the words "out of" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I think "without" is a more appropriate word than "out of". I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in clause 20 of the Bill, for the word "without" in line 2, the words "out of" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 20 of the Bill, for the words "for the purposes" in line 7, the words "for all the purposes" be substituted.

There are many purposes which the clause speaks of and the expression "all the purposes" is very complete and I have taken the expression from the corresponding section of the Indian Income-tax Act which is supposed to be so much sacrosanct. In these circumstances, the expression is not only very accurate but is supported by a great authority. I hope these words should be accepted.

Mr. PRESIDENT: Amendment moved: that in clause 20 of the Bill, for the words "for the purposes" in line 7, the words "for all the purposes" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: This is an unnecessary amendment.

Mr. PRESIDENT: Order, order. The question before the House is: that in clause 20 of the Bill, for the words "for the purposes" in line 7, the words "for all the purposes" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in the proviso to clause 20 of the Bill, for the words "an opportunity" in line 2, the words "a reasonable opportunity" be substituted.

Sir, the Bill clause requires that the Agricultural Income-tax Officer should give a party, against whom he is going to proceed, an opportunity of being heard. The usual accurate expression in the circumstances is "a reasonable opportunity". An opportunity and a reasonable opportunity are entirely different things in the eye of the law. An opportunity may not be sufficient or may not be given at an opportune moment. The Income-tax Officer may be passing by the road and he may notice an assessee and

may ask him a question point blank, "Well, what have you got to say to this and that?" The assessee may say, "I have not got the papers with me at the present moment. I have to consult a lawyer and do other things necessary before I can answer your question." As the Bill-clause stands, he has given him an opportunity. But a reasonable opportunity is a different thing altogether, and this expression has been used in many Acts, and whenever an opportunity is to be given, a reasonable opportunity is directly mentioned. Sir, instead of allowing the Income-tax Officer to act in his own way in the matter of giving opportunity, a reasonable opportunity should be mentioned. If "a reasonable opportunity" is not mentioned, injustice may follow. In the circumstances, I submit that "a reasonable opportunity" should be given, for an opportunity may be insufficient or inadequate. "Reasonable opportunity" is the stock expression used in many well-known Acts. In these circumstances, this stock expression has received the sanctity of time and so it should be accepted.

Mr. PRESIDENT: Amendment moved: that in the proviso to clause 20 of the Bill, for the words "an opportunity" in line 2, the words "a reasonable opportunity" be substituted.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I rise to support this amendment, and in supporting it I may say that this expression which is sought to be introduced is almost universal in every enactment. Whenever the law intends to give a party an opportunity for doing certain things it invariably says that the party should be given a reasonable opportunity, for an opportunity by itself does not mean a reasonable opportunity. If a man is served with a notice only two hours before for showing cause and if he fails to do that, the Income-tax Officer will in the first instance say, "Well, I gave you an opportunity but you missed it", and the Appellate Court or a Tribunal might say, "Well the law says that you should have an opportunity. You got an opportunity but you missed it and so I cannot help you." But if the expression "a reasonable opportunity" is used, then it would be necessary for the Assessing Officer to give a reasonable time which would mean a reasonable opportunity for him to show cause or to do things necessary for him to do. And if any officer unreasonably or whimsically or capriciously disposes of a case without giving a reasonable opportunity to a man, the Appellate Court will at once say, "Well, you have not given the man any reasonable opportunity and every man is entitled to have a reasonable opportunity to show cause". Therefore, the amendment proposed is not only reasonable but I should say is really absolutely necessary to protect the rights of the assessees. You cannot tax any one without giving him sufficient time, sufficient opportunity to have his say. Instances are not uncommon when the peculiar wording of a particular enactment is taken advantage of by the officers who have to administer law, specially towards the end of the financial year in March. It sometimes happens that in order to dispose of cases, they generally issue notices to parties to show cause within a short and unreasonably short time and when people cannot comply with such notices they dispose of those cases and the cases go to the Appellate Court. That is what we, as lawyers, have experienced in the administration of law, so that it would be quite proper and reasonable for the Legislature to make a provision that such action on the part of officers may not affect the persons who are going to be taxed. It is, therefore, safe and reasonable to accept this amendment so that there may not be any question that the law does not require any reasonable opportunity to be given. If, however, it is said that this opportunity should always be regarded as a reasonable opportunity, then I would ask him to kindly look up the appropriate provision in several enactments and codes which are in force in Bengal; he will then find that wherever the word "opportunity" is mentioned, the Legislature has invariably used the words "reasonable opportunity". I, therefore, whole-heartedly support the amendment and I think that it should also find favour with the Hon'ble Finance Minister.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I rise to oppose the amendment. Opportunity always means reasonable opportunity in law as well as in common usage. One honourable member said that in almost every enactment where the question of reasonable opportunity being given is considered, the words "reasonable opportunity" are precisely used. Here, Sir, I have got the Indian Income-tax Act with me, and on turning over its passages I find that in connection with a provision with regard to liability in special cases, specially with regard to persons who are not ordinarily resident in India we have in the proviso to section 43 wording of this kind: Provided further that no person shall be deemed to be an agent of a non-resident person unless he has had an opportunity of being heard by the Income-tax Officer as to his liability. This Income-tax Act is a very important enactment, Sir, it is an Indian Act and this clause relates to the liability of persons resident outside India, and only the word "opportunity" is used and not the phrase "reasonable opportunity". So you can understand that if the word opportunity did not imply reasonable opportunity, this provision of the law would have acted very harshly on the people who are not residents in India. I, therefore, oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in the proviso to clause 20 of the Bill, for the words "an opportunity" in line 2, the words "a reasonable opportunity" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 20 stand part of the Bill.

(The motion was agreed to.)

Clause 21.

Mr. PRESIDENT: Clause 21 stand part of the Bill.

Mr. NAGENDRA NATH MAHALANOBISH: I beg to move: that in clause 21 of the Bill—

(*1*) in paragraph (*b*) of sub-clause (*1*) for the words "the Assistant Commissioner" the words "one or more Assistant Commissioners" be substituted.

If you read the clause as it is, it runs—"there shall be the following classes of agricultural income-tax authorities for the purposes of this Act, namely:—

(*a*) the Commissioner of Agricultural Income-tax, Bengal;

(*b*) the Assistant Commissioner of Agricultural Income-tax, Bengal."

I propose that in place of "the Assistant Commissioner" the words "one or more Assistant Commissioners" be substituted. It is perfectly clear that it would not be possible for one Assistant Commissioner to cope with the work that will be required to be performed by the Assistant Commissioner. Therefore, under this clause as it is, if the Government want to appoint more than one Assistant Commissioner, there will be difficulty and the law will not permit them to do so. The words "the Assistant Commissioner" clearly indicate that Government contemplate to appoint only one Assistant Commissioner of Income-tax. That I submit is obviously not the intention of Government or the author of this Bill. I propose that to obviate that difficulty which is very likely to occur, you should put in "one or more Assistant Commissioners" in place of "the Assistant Commissioner". If really you can do with one Assistant Commissioner, that is a separate thing; but in view of fact that this was an amendment tabled by the Government members, Government wanted to be empowered to have more than one Assistant Commissioner. I, therefore, submit that this was an oversight on the part of the draftsmen and I think that ought to be corrected by substituting the words "one or more Assistant Commissioners of Income-tax" for "the Assistant Commissioner". With these words, I move the amendment.

Mr. PRESIDENT: Amendment moved: that in clause 21 of the Bill—

(*1*) in paragraph (*b*) of sub-clause (*1*) for the words "the Assistant Commissioner" the words "one or more Assistant Commissioners" be substituted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. My learned friend who moved the amendment gave out the conjecture that the original draft was made by mistake. But it may be that at that time, or during its passage in another place, the appointment of only one Assistant Commissioner was in contemplation. The idea of more than one Assistant Commissioner may have developed later on as the administrative problem involved became more and more clear, or it may be that there was an oversight. At any rate, the amendment is a Government amendment and it is obvious that more than one Assistant Commissioner would be required to cope with the amount of the work. In the circumstances, it is necessary that Government should be armed with more than one Assistant Commissioner. The singular includes the plural only if there is nothing in the context to go against it. In the context there is only one Commissioner of Agricultural Income-tax and it is not possible that Government would appoint more than one Commissioner but it is not so in the case of Assistant Commissioner. So, obviously they would require more than one Assistant Commissioner. In the circumstances, Government will not be able to fall back upon that safety-valve provided in the Bengal General Clauses Act. So, there is a very good reason why this amendment should be accepted.

Mr. AMULYADHONE ROY: Mr. President, Sir, I rise to usurp the function of the Hon'ble the Finance Minister as I want to oppose this amendment. My reason for opposition is merely the ground of economy. We all know that Bengal is over head and ears in debts and I do not want that Bengal should be saddled with further taxation. On this ground the amendment must be opposed. My friend, Mr. Mahalanobish, is going to give an instrument in the hand of Government and the Government will ultimately say that it is you who are in favour of appointing more Assistant Commissioners than one. No doubt it is a Government amendment but they have forsaken it for fear of meeting the Assembly. They thought of more than one Assistant Commissioner later on probably to make provision for their supporters. Therefore, Sir, apart from all other grounds, the ground of economy is the most formidable and on that ground I oppose the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: As Government's present intention is to appoint one Assistant Commissioner, I do not think we need amending this particular provision.

Mr. PRESIDENT: The question before the House is: that in clause 21 of the Bill—

(*1*) in paragraph (*b*) of sub-clause (*1*) for the words "the Assistant Commissioner" the words "one or more Assistant Commissioners" be substituted.

(The amendment was negatived.)

Mr. AMULYADHONE ROY: Sir, I beg to move: that in sub-clause (*2*) of clause 21 of the Bill, after the words "the Provincial Government" in line 2, the following be added, namely:—

"on the recommendation of the Public Service Commission and in accordance with the Communal Ratio Rules"

Sir, if my amendment is accepted,—and I am sure it will not be accepted,—it will read as follows:—

"The authorities specified in sub-section (*1*) shall be appointed by the Provincial Government on the recommendation of the Public Service Commission and in accordance with the Communal Ratio Rules."

I want to make it clear that I have no special fascination for the Public Service Commission. As a matter of fact, if records are scrutinised, it will be found that there are many cases of injustice done to the Scheduled Castes both by the Public Service Commission as well as by Government. I feel that this amendment will serve as a check or rather a brake both on the Public Service Commission and the Provincial Government and this consideration alone has prompted me to move this amendment. Sir, in the year 1940, the Communal Ratio Rules were published by the Bengal Government. Although the Scheduled Castes are entitled, on population basis, to about 20 per cent. of the services, they were given by these rules only 15 per cent. It has been our sad experience that these rules have been observed more in the breach than in their observance. I now ask the Hon'ble Minister why a Committee has not yet been appointed although a unanimous resolution was passed by this House on this question, namely, to enquire into the observance or non-observance of the Communal Ratio Rules. Why this Committee has not yet been appointed? The Hon'ble Leader of the House says that the Home Department will take action. The resolution was passed more than six months back and no action has yet been taken. There is absolutely no certainty whether the Government will at all appoint the Committee. I am afraid they will not, because that would mean examining the past records for which they are responsible. Therefore, they do not dare to appoint this Committee at all.

Then, Sir, there is rule 14 of the Communal Ratio Rules, which provides for submission of periodical reports. Sir, on many occasions, questions have been asked on the floor of this House in order to elicit information from the Government whether the Communal Ratio Rules have been actually followed or not. The Hon'ble Minister has consistently refused to give any reply whatsoever on this question, although they are morally bound to disclose how far these rules are observed. Now, Sir, my friends on my right are asking me whether candidates have already been selected for these appointments. I want a definite reply from Government whether in filling up these appointments the Scheduled Castes are going to get their proper share or not.

I cannot force the Hon'ble Minister to accept the amendment. But I must get a definite reply from Government in clear language that in making these appointments the claims of the Scheduled Castes will not be ignored at all. If a proper reply does not come, the only power I have got is to call for division of the House on all the amendments that have not yet been moved. I give this warning to the Hon'ble Minister that I shall do this if he fails to give a definite reply as to the policy which will be followed by the Government in regard to this amendment. I shall not be ashamed of going alone into the lobby if I am not followed by my friends at all. If this warning is not taken seriously by the Hon'ble Minister and by the Government, I tell them in most clear terms that I shall not——

Mr. PRESIDENT: Mr. Roy, the right of dividing the House is a privilege, but you should not divide the House just to spite some body.

Mr. AMULYADHONE ROY: Sir, the rights of the Schedule Castes are much more valuable than that.

Mr. PRESIDENT: All right, go on with your speech.

Mr. AMULYADHONE ROY: Therefore, Sir, with this warning, I resume my seat. I think he will not take it lightly.

Mr. PRESIDENT: Order, order. Amendment moved: that in sub-clause (*2*) of clause 21 of the Bill after the words "the Provincial Government" in line 2, the following be added, namely:—

"on the recommendation of the Public Service Commission and in accordance with the Communal Ratio Rules."

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment and the sentiments which have been expressed by the honourable mover of this amendment. There are only two appointments reserved in the previous sub-clauses, namely, (1) the Commissioner of Agricultural Income-tax and (2) the Assistant Commissioner, and my honourable friend in speaking on the last amendment has definitely suggested that there should be no laxity in increasing the number of officers. Sir, there are only two officers to be appointed, and if we are to give effect to the Communal Ratio Rules, there are the considerations of the Caste Hindus, of the Scheduled Castes, of Muslims, and of Christians—both Anglo-Indians and Europeans and there may be others. There are many co-sharers to share the loaves and fishes of office. In the circumstances, I believe that in order to give effect to the sentiments expressed by my honourable friend, it is necessary to increase the number of officers. After all, there is enough money in Bengal,—as a matter of fact, it has been stated by a very responsible member of the Government Party that the Agriculture Minister has more money than he can spend—there is, therefore, no dearth of money, and, in the circumstances, if more persons are appointed to derive benefit under the increased receipts of the Government, there would be so much the benefit for the different communities. Therefore, I support the sentiments expressed by the honourable mover of the amendment, and I do not in the least yield to anyone in my support to this amendment. I should ask the Hon'ble Minister in charge of the Bill to give effect to the suggestion which has been made and he should try to satisfy the claims of the community whose interests have been disregarded all along. With these words, I support the sentiments and also the amendment.

Rai KESHAB CHANDRA BANERJEE Bahadur: I rise to support the amendment moved by my friend Mr. Amulyadhone Roy. It is a very desirable amendment. I agree that persons should be appointed by the Public Service Commission, as otherwise qualified and experienced officers would not be available. It has been the practice hitherto of appointing persons to suitable posts on the recommendation of the Public Service Commission; so there is no reason why the recommendation of the Public Service Commission should not be accepted in making appointments to these posts. Besides, there is a genuine grievance of the Scheduled Castes community that their interests are not being properly looked after. Therefore, in the case of these appointments, the communal ratio rules should be observed. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I have no doubt that the Communal Ratio Rules regarding appointment will be observed in this case; but it is no duty of my department to prevent the application of the rules regarding the recommendation of the Public Service Commission and the Communal Ratio Rules in respect of appointments under this Act. They will operate automatically; there is no question of any assurance from me and therefore I think this amendment is unnecessary. The rules will automatically come into operation, and the appointments will be governed by the relevant rules. I oppose the amendment.

Mr. AMULYADHONE ROY: On a point of information, Sir. May I enquire of the Hon'ble Minister if appointments to these posts are already being made? I put this question in my speech but no reply has been given.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: No appointments have yet been made, Sir.

Mr. PRESIDENT: The question before the House is that in sub-clause (2) of clause 21 of the Bill, after the words "the Provincial Government" in line 2, the following be added, namely:—

> "on the recommendation of the Public Service Commission and in accordance with the Communal Ratio Rules".

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is; that clause 21 stand part of the Bill.

(The motion was agreed to.)

Clause 22.

Mr. PRESIDENT: Clause 22 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*1*) of clause 22 of the Bill, for the words "may be necessary" in line 2, the words "it considers necessary" be substituted.

This is something more than a drafting amendment. In the clause it is provided that "the Provincial Government shall from time to time appoint, as and when may be necessary for the purpose of hearing appeals". There is difference between the expression "may be necessary" and the expression "it considers necessary": the latter expression lays down a subjective standard. A similar expression evoked a heated controversy in the House of Lords. Sir John Anderson, who was for sometime the Governor of Bengal, was the Home Secretary at that time and he passed a detention order upon a person. This was the Liversidge case where the whole thing turned upon the difference between expressions like "may be necessary" or "considers necessary". I submit, there is a world of difference between these two expressions. There may be some difficulty in appreciating the subtle difference and it may be thought that things will be all right. But these are the places where correct drafting is required. The Bill-clause enables the Provincial Government to appoint members of the tribunal as may be necessary which will leave the question of actual necessity to a court of law. If we accept the amendment, the discretion of the Government will not be liable to be questioned by a Court. Trouble arose in the Liversidge case over a similar expression and the situation was saved by the majority of the Law-Lords by adopting special rules of interpretation for war time legislation. The present is a peace time legislation and a liberal standard will not be allowed. In the circumstances, these words are better and should be adopted.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 22 of the Bill, for the words "may be necessary" in line 2, the words "it considers necessary" be substituted.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I beg to support this amendment for the simple reason that the standard that is necessary is certainly higher than what is implied by the words "it considers necessary". I submit that in a case like this, the words "it considers necessary" are really very appropriate. With these few words, I support the amendment.

Rai KASHAB CHANDRA BANERJEE Bahadur: Sir, I beg to support the amendment. I am not a lawyer; so I am unable to cite any ruling of the High Court. But as a layman, it appears to me that the expression "it considers necessary" is much better than the words "may be necessary" which occur in the clause. I think in matters like these, legal questions are raised which ultimately prove to be embarrassing for the authorities. So, I think in order to avoid future troubles, the words "it considers necessary" should be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment, because it is a drafting amendment. We would like to stick to our own drafting.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 22 of the Bill, for the words "may be necessary" in line 2, the words "it considers necessary" be substituted.

(The amendment was negatived.)

Mr. AMULYADHONE ROY: Sir, I beg to move: that in sub-clause (*1*) of clause 22 of the Bill, after the word "members" at the end, the following be added, namely:—

"of whom one shall be a member of the Scheduled Castes."

Under section 22(*1*), an Appellate Tribunal will be appointed consisting of three members. Sir, it has been our experience that if statutory provisions are not there, members of the Scheduled Castes are not taken on a body like this. The Public Service Commission is an example on this point. The Hon'ble the Finance Minister might say that the appointment of the members of the Public Service Commission has got nothing to do with the Hon'ble the Finance Minister, and that it is made entirely at the discretion of His Excellency the Governor. It may be true; but, Sir, there are other bodies where we find that members of the Scheduled Castes do not get any chance whatsoever. Therefore, the insertion of these words is absolutely necessary. As I have already stated, Sir, I feel that unless a provision of this nature is inserted in this Bill, Government will never appoint any member of the Scheduled Castes at any time in future.

With these few words, I move my amendment

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 22 of the Bill, after the word "members" at the end, the following be added, namely:—

"of whom one shall be a member of the Scheduled Castes".

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I rise to support this amendment. The Hon'ble Minister may say that the Communal Ratio Rules are there and will automatically come into operation; but we find that appointments are being made in the various branches of the administration without regard to the provisions of the Communal Ratio Rules. So I think there should be a specific provision in the Act regarding these appointments. It is a very modest demand. Out of 3 members to be appointed, there is no reason why one of them should not be a member of the Scheduled Castes.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, there is no reason whatsoever to suppose that members of the Scheduled Castes will not find a place on the Tribunal; but it may just happen that a member of the Scheduled Castes community possessing the requisite qualifications may not be found. There is no reason, however, to suppose that the Scheduled Castes will be excluded. I, therefore, oppose this amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 22 of the Bill, after the word "members" at the end, the following be added, namely:—

"of whom one shall be a member of the Scheduled Castes".

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in sub-clause (*2*) of clause 22 of the Bill, in paragraph (*b*), for the words "High Court of Calcutta" in line 2, the words "High Court of Judicature at Fort William in Bengal" be substituted.

Sir, I venture to submit this amendment with the hope that this will receive special consideration at the hands of the members of the House. So far as the Chartered High Courts are concerned, they are always described as the High Court of Judicature and in the case of the High Court of Calcutta it is always mentioned as High Court of Judicature at Fort William in Bengal. When the High Court was established, it was described like that in the Letters Patent and in some of the Acts dealing with High Court this courtesy has always been maintained.

You know, Sir, that the establishment of the Fort William was one of the earliest acts of the East India Company, and therefore the name of the Supreme Court and then of the High Court is ever associated with this

Fort. It is due to us to show that sentiment of historical association and respect to this Court and we should describe the High Court with all the formalities due to that august tribunal. A legislative enactment is a document of the greatest amount of formality and in documents like this things should be expressed with all the necessary formality. As in this House we call each other honourable members although outside the House we do not do so, so in this Legislature it is highly necessary and extremely courteous to show courtesy to others. So far as the High Court is concerned, this is the well-known stock expression, and I think reference to a few Acts will be quite enough. There is Act V of 1936 dealing with the High Court. In these Acts High Court has been described as in the amendment. I shall briefly refer to a few other Acts, and will not dilate upon them. We have Act XIX of 1867 which is Darjeeling High Court Jurisdiction Act, 1867. It is a Central Act, and in section 2 of this Act, the High Court is described as the High Court of Judicature at Fort William in Bengal. Then there is Act XV of 1919—the High Court's Jurisdiction Act. In the Preamble of this Act the High Court is described as the High Court of Judicature at Fort William in Bengal. I have already referred to the Letters Patent of the High Court as well as the Charter of the Supreme Court where the High Court has been described as the High Court of Judicature at Fort William in Bengal and the Supreme Court as the Supreme Court of Judicature at Fort William in Bengal. Similarly, the High Courts of Madras and Bombay are invariably associated with two well-known Forts. I do not know why this time-honoured custom of mentioning the name of the High Court should be departed from. I think some respect is due to the highest and most independent Court in the Province. With these few words, I submit that this amendment should receive some amount of sympathy and at least some respect for the High Court.

Mr. PRESIDENT: Amendment moved: that in sub-clause (2) of clause 22 of the Bill, in paragraph (*b*), for the words "High Court of Calcutta" in line 2, the words "High Court of Judicature at Fort William in Bengal" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I would request the honourable mover who moved the amendment to consider the Government of India Act, 1935, which is a document of some little importance. I will refer him to section 219 of the said Act which has defined the meaning of "High Court" and which runs as follows:—

> "The following courts shall in relation to British India be deemed to be High Courts for the purposes of this Act, that is to say, the High Courts in Calcutta, Madras, Bombay, Allahabad, etc."

I do not think the British Parliament showed any disrespect to any of these august High Courts, nor is it our intention to mean any disrespect by not mentioning the Fort to which the High Court is attached. I therefore oppose the amendment.

Mr. PRESIDENT: Order, order. The question before the House is: that in sub-clause (2) of clause 22 of the Bill, in paragraph (*b*), for the words "High Court of Calcutta" in line 2, the words "High Court of Judicature at Fort William in Bengal" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: an alternative amendment to the last amendment as follows:—

> That in sub-clause (2) of clause 22 of the Bill, in paragraph (*b*), for the words "High Court of Calcutta" in line 2, the words "High Court at Calcutta" be substituted.

Sir, I am grateful to the Hon'ble Minister in charge of the Bill for referring to the section of the Government of India Act. I may say that I also had notice of that Act and this amendment in this alternative form is the result of a previous study of that very section. Now, the question is

not that the framers of the Government of India Act wanted to show disrespect to the High Courts by that sort of nomenclature. But there the legislature was really giving a list of all the High Courts in India, some of them not connected with any Fort, and therefore perhaps they gave it short names, such as the High Courts at Calcutta, Bombay, Patna and so forth. Here, however, we are dealing with one High Court associated with Fort William and the invariable precedure in India has been, from the earliest times, to use that expression which was mentioned in the last amendment. But as I knew that the Hon'ble Minister might be led to refer to the Government of India Act, I have submitted this alternative amendment. The question is a choice between the language in the Bill-clause, namely, the High Court *of* Calcutta and the High Court *at* Calcutta. The expression "High Court of Calcutta" as in the Bill-clause does not mean anything. Is there any High Court "of" Calcutta, or rather, is it not the High Court "at" Calcutta? If you rely on the terminology of the Government of India Act, then by all means, stick to it. You must then accept the present amendment. There is a High Court "at" Fort William in Bengal but there is no High Court "of" Calcutta; that would be a wrong expression, and in dealing with expressions like these we should never be slipshod in our manner. That is why I propose the alternative amendment.

Mr. PRESIDENT: Amendment moved, that in sub-clause (*2*) of clause 22 of the Bill, in paragraph (*b*), for the words "High Court of Calcutta" in line 22, the words "High Court at Calcutta" should be substituted.

Rai KESHAB CHANDRA BANERJEE Bahadur: I remember to have read my English grammar long ago but now I have managed to forget most of it for reasons which I need not explain here. But I think that as my friend Khan Bahadur Naziruddin Ahmad has pointed out, the expression "High Court of Calcutta" does not convey any meaning; the word "of" is meaningless. It would be better if it is substituted by the words "High Court at Calcutta" and my reasons are these. The High Court has its jurisdiction all over Bengal. If the word "of" is retained, it would mean that the Court's jurisdiction is only over Calcutta, the city of Calcutta only, whereas if the expression "High Court at Calcutta" is substituted for it, then it would convey a different meaning altogether. It would then mean a High Court that had its jurisdiction over the whole of Bengal and merely is located at Calcutta. These two things are different. That is why I think the amendment should be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I am afraid, there is confusion in the minds of the honourable members. I think the amendment is unnecessary.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 22 of the Bill, in paragraph (*b*), for the words "High Court of Calcutta" in line 2, the words "High Court at Calcutta" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*2*) of clause 22 of the Bill, in paragraph (*b*), for the word "professionally" in lines 3, 6 and 7, the words "as such" be substituted.

Sir, in the Bill-clause the expression occurs in the following context—"the lawyer member shall be a barrister or advocate of the High Court of Calcutta or a pleader who has practised professionally for a period of not less than 5 years....." The expression that is used, namely, "practised professionally" need not be there. It should be "practised as such". The word "professionally" implies certain restrictions. Suppose, a pleader has practised unprofessionally or not professionally, would you debar him from the appointment? Obviously, you do not intend to do so. Then, Sir,

the word "professionally" should not be used as a legal expression—lawyers should not use it, and the words "as such" are a better substitute for "professionally". In fact, it is the most artistic way of expressing the meaning. I think, therefore, that this substitute should be carefully considered and accepted. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 22 of the Bill, in paragraph (*b*), for the word "professionally" in lines 3, 6 and 7, the words "as such" be substituted.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, this is another instance of bad drafting. It is bad English. The expression "has practised professionally" is bad English, just as the expression "he appeared unsuccessful in the examination". Sir, when I was a student in the College (that was long before, about 32 years ago) the Principal of the College gave a testimonial to a certain student before he left the college and in this testimonial he wrote that so and so "is a young man of aimable disposition. Unfortunately, he appeared unsuccessfully before the examination". He was a European professor and as we were reading at that time in the 4th year class, we at once noticed the language and it occurred to us that it was a defective expression. So also the expression "has practised professionally" is defective. Personally, I would like to eliminate the word altogether But since my friend the Khan Bahadur has suggested the substitute "as such", I have no other alternative but to support it.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment that has been moved by my friend Khan Bahadur Naziruddin Ahmad. I do not know how the word "professionally" has been introduced in clause 22 and who is responsible for this introduction. I do not know whether the Hon'ble Finance Minister will now cite the Bihar Agricultural Income-tax Act or the Assam Act or even the Indian Income-tax Act in support of it.

Sir, the words used here in sub-clause (*2*) of clause 22 of the Bill are "the lawyer member shall be a barrister or advocate of the High Court of Calcutta or a pleader who has practised professionally for a period of not less than five years..... " I do not know, Sir, whether the word has been used for the purpose of giving some handle to the income-tax authorities for refusing a pleader's appearance before a tribunal on the ground that he has not professionally practised for a period of not less than 5 years. I do not know what professionally practising means. If a pleader practises in a court of law, does he practise professionally or unprofessionally? If a pleader is guilty of unprofessional conduct, there are provisions under the Legal Practitioners' Act which make him liable for punishment. I do not know whether it is intended to give some handle to the authorities so that they may keep it for the purpose of some ulterior motive. I, therefore, submit that this amendment should be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the word "professionally" is not certainly good but we have no ulterior motive. It has been similarly used in the Indian Income-tax Act. I think it is a correct expression, if my opinion is of any worth. I oppose the amendment.

Mr. PRESIDENT: Tre question before the House is: that in sub-clause (*2*) of clause 22 of the Bill, in paragraph (*b*), for the word "professionally" in lines 3, 6 and 7, the words "as such" be substituted.

The question being put, a division was challenged and taken with the following result:—

AYES—12.

Khan Bahadur Naziruddin Ahmad.	**Rai Bahadur B. M. Maitra.**
Rai Bahadur K. C. Banerjee.	**Mr. H. D. Mozumdar.**
Mr. S. C. Chakraverti.	**Mr. N. N. Moholanabish.**
Mr. L. C. Das.	**Mr. B. C. Mukharjee.**
Mr. K. K. Dutta.	**Mr. A. D. Roy.**
Mr. Humayun Z. A. Kabir.	**Mr. B. K. Roy Chowdhury.**

NOES—20.

Mr. Mesbahuddin Ahmad.	Mrs. K. D'Rozario.
Mr. Nur Ahmed.	Mrs. L. P. Dutt.
Mr. S. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. Mohamed Hossain.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. A. Momin.
Mr. Mohd. Habibullah Chowdhury.	Mr. J. W. R. Steven.
Mr. D. J. Cohen.	Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—12 and the "Noes"—20, the amendment is negatived.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I beg to move: that in paragraph (*b*) of sub-clause (*2*) of clause 22 of the Bill, for the word "five" in line 4 and line 7, the word "ten" be substituted.

The object of my amendment is very simple and straightforward. The Appellate Tribunal provided for in this clause will be a pivotal factor of the machinery for collecting agricultural income-tax. In order that the tax-payers may derive all the benefit from the Tribunal intended by the framers of the Bill, it is but fit and proper that its members should not only be experienced men but should have sufficient standing to inspire confidence in the litigant public. It is not enough that a lawyer or income-tax practitioner to be appointed to the Tribunal should have only five years' practice to his credit. Of course, I know that when actual appointments will be made, men far more experienced will ordinarily be chosen. But it is not wise to keep the opportunity legally open for the choice of a man still raw in the profession. What I desire, Sir, is to withdraw this opportunity. With these few words, I move the amendment.

Mr. PRESIDENT: Amendment moved: that in paragraph (*b*) of sub-clause (*2*) of clause 22 of the Bill, for the word "five" in line 4 and line 7, the word "ten" be substituted.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I rise to support the amendment moved by Mr. Birendra Kishore Roy Chowdhury. Sir, five years is too short a period for a member of the legal profession to acquire sufficient experience, and in connection with the constitution of an appellate tribunal, I think more experienced men should be appointed. Five years' practice at the Bar is practically nothing. Five years' time is not sufficient for a lawyer, whether he is a barrister or an advocate or an ordinary pleader, to gather sufficient experience. Even in days gone by the members of the Indian Civil Service of not less than 12 or 15 years' standing were posted as District Officers. Why? The reason was that five years' or ten years' time was not considered adequate for the purpose, and I think that in the matter of making appointments in the Appellate Tribunal due regard should be had for the experience of the persons so appointed. So I think the word "ten" should be substituted for the word "five", as suggested by Mr. Birendra Kishore Roy Chowdhury.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to support this amendment. The question is one of appointment of members of the Tribunal, and in that Tribunal lawyers of some experience would be desirable. Within the first five years of his career, a lawyer may not be able to acquire sufficient experience. Another five years is necessary to become really experienced. Before ten years a lawyer does not attain maturity, and if five years' experience is considered to be enough to entitle a candidate to sit in the Tribunal, much injustice will be perpetrated. The Bill is badly drafted, and really good lawyers would be required to interpret it. For certain extraneous reasons not connected with the merits of the drafting, good amendments are being voted down.

If a lawyer shows particular brilliance and particular industry, even then ten years would be the minimum. I say this from long experience; it takes hard study and long experience to mature. Besides, before the Tribunal clever and experienced lawyers—experienced in mercantile and commercial law—will be taking part and will raise points which might well be beyond the capacity of a 5-year lawyer to appreciate. Then again, 5 years' experience would leave a loophole for encouraging favouritism. Young men from respectable and influential families might get appointed without much consideration and they might not be able to do justice to their appointment. A great deal of legal experience would be required of the incumbent. Longer legal experience would be highly desirable and my friend the mover of the amendment has done a service by drawing the attention of the House to this matter. I had 8 or 10 days' time within which I put in amendments and now I find that the Bill should be re-written wholesale. I confess that this point escaped my attention. This is a very important clause and it affects the efficiency, independence and ability of the members of the Tribunal, for they will have to decide abstruse questions of law, much more abstruse than are thought of by many members of this House. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I think the minimum qualification should not be placed too high and a minimum practice of 5 years may be considered quite suitable. After all, there may be some brilliant young men who may make their mark within 5 years from the commencement of their professional career and they should not be shut out. In this view, I think this amendment is not necessary.

Mr. PRESIDENT: The question before the House is: that in paragraph (*b*) of sub-clause (*2*) of clause 22 of the Bill, for the word "five" in line 4 and line 7, the word "ten" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: that in sub-clause (*4*) of clause 22 of the Bill, for the words "shall be President" in line 1, the words "shall be the President" be substituted

Sir, the economy in words which has been resorted to in drafting this Bill makes the clauses suffer in accuracy and diction. "Shall be President" may be suitable in particular contexts, but if members of the House will read the passage, then it would at once be apparent to them that the word "the" is necessary. I would ask the honourable members who have not got a copy of the Bill.— (Khan Sahib NURUL AMIN: We have got copies of the Bill). I know that; that is why I said those who are not *armed* with a copy. I know every member has a copy because every member has been supplied with a copy. I meant those members who have not properly studied the Bill or are not attending to its terms I am reading to them the offending passage which runs thus: "The judicial member shall be President of the Appellate Tribunal". I think, Sir, the appropriate expression should be "The judicial member shall be the President of the Appellate Tribunal". The omission of the word "the" is a wrong economy. It seems to me that the word "the" is necessary There is nothing sacrosanct in a Government Bill and the addition of the word "the" should not offend their sentiment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*4*) of clause 22 of the Bill, for the words "shall be President" in line 1, the words "shall be the President" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the proposed amendment would not be an improvement on our draft. I oppose it.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*4*) of clause 22 of the Bill, for the words "shall be President" in line 1, the words "shall be the President" be substituted.

The motion being put, a division was challenged and taken with the following result:—

AYES—7

Khan Bahadur Nazirudddin Ahmad.	Mr. N. N. Moholanabish.
Mr. S. C. Chakraverti.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Mr. A. D. Roy.
Mr. K. K. Dutta.	

NOES—20.

Mr. Mesbahuddin Ahmed.	Mrs. K. D'Rozario.
Mr. Nur Ahmed.	Mrs. L. P. Dutt.
Mr. S. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. Mohamed Hossain.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. A. Momin.
Mr. Mohd. Habibullah Chowdhury.	Mr. J. W. R. Steven.
Mr. D. J. Cohen.	Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—7 and the "Noes"—20, the amendment is negatived.

Clause 22.

Mr. PRESIDENT: The question before the House is: that clause 22 stand part of the Bill.

(The motion was agreed to.)

Clause 23.

Mr. PRESIDENT: Clause 23 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move: that clause 23 of the Bill be re-numbered sub-clause (*1*) of clause 23 and the following new sub-clause be added as sub-clause (*2*), namely:—

"(*2*) the person referred to in section 18 shall furnish to the beneficiary a certificate of the amount of tax paid by him or to be paid by him on account of agricultural income for the share of the profits of the beneficiary.

Sir, I submit that the clause as it stands gives authority to the principal officer of every company at the time of distribution of dividends out of agricultural income received by such company to furnish every person receiving such dividend with a certificate to the effect that the company has paid or will pay agricultural income-tax on the agricultural income which is being distributed in the way of dividends.

Now, Sir, if we look to clause 18, we find that sub-clause (*2*) runs as follows:—

"(*2*) Any person receiving agricultural income as referred to in sub-section (*1*) may, before paying to any beneficiary any share of such agricultural income to which such beneficiary is entitled, deduct from such share the amount of agricultural income-tax or its equivalent value in kind if such share is paid in kind rateably paid in respect of such share."

Therefore, really the tax which he has to pay is for the income of the beneficiary even though it may be at an enhanced rate to which the beneficiary may not be liable or the person receiving the income may not be liable. I submit, Sir, that the amount which he pays on account of the beneficiary and which he takes from the share of the money payable to the beneficiary, he should be authorised to give a certificate to the beneficiary that he has paid income-tax to the extent of the amount which he has paid or which he will pay for the beneficiary on account of the beneficiary's share of the income. It may be that the beneficiary is not liable to be taxed at all, and in that case the beneficiary will be entitled to a refund of the entire amount from the Government on the basis of the certificate

which he receives from the person who has paid the income-tax on the basis of the income which he received himself. Although my amendment with regard to clause 18 was not accepted, I think this amendment should be accepted because it is of the same nature as the existing clause—with regard to shareholders in companies from whose share of the dividend the income-tax is paid by the company. I think either there was an omission or if it was not thought of I would like the Finance Minister to consider this so that it would be consistent with the other provisions of the Bill.

Mr. PRESIDENT: Amendment moved: that clause 23 of the Bill be re-numbered sub-clause (*1*) of clause 23 and the following new sub-clause be added as sub-clause (*2*), namely:—

"(*2*) the person referred to in section 18 shall furnish to the beneficiary a certificate of the amount of tax paid by him or to be paid by him on account of agricultural income for the share of the profits of the beneficiary".

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, as the tax would be collected from the recipients of the income and as no refund is allowable to the beneficiary, no provision for a certificate is necessary. I, therefore, oppose the amendment.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 23 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, although my amendment to clause 23 has been negatived, I would like to say a few words with regard to the clause——

Mr. PRESIDENT: May I suggest, Mr. Mukherjee, that you continue tomorrow. I think that would be better.

Mr. BANKIM CHANDRA MUKHERJEE: All right, Sir.

Mr. PRESIDENT: Before I adjourn today, I would inform the House as regards the ruling that I proposed to give on the difficulty that has arisen due to my slip in putting one of the amendments to vote and declaring the decision, I am still considering the question and I propose to give my ruling later.

The House stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 3rd August, 1944.

Members absent.

The following members were absent from the meeting held on the 2nd August, 1944:—

(1) Khan Sahib Fariduddin Ahmad.
(2) Mr. Altaf Ali.
(3) Mr. Kader Baksh.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. R. W. N. Ferguson.
(6) Khan Bahadur Abdul Gofran.
(7) Mr. M. R. Jaipuria.
(8) Maulana Mohammed Akrum Khan.
(9) Mr. Abdul Latiff.
(10) Mr. N. N. Mookerjee.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur Kazi Abdul Rashid.
(13) Rai Bahadur R. B. Roy.
(14) Mr. S. N. Sanyal.
(15) Khan Bahadur M. Shamsuzzoha.
(16) Khan Sahib Maulvi Wahiduzzaman.

BGP-44/5-8910A-750

First Session, 1944—No. 71.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, 3rd August, 1944, at 2-15 p.m., being the seventy-first day of the First Session of 1944, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. PRESIDENT: The question before the House is that clause 23 stand part of the Bill.

The motion being put, a Division was challenged.

(When the Division bell was ringing.)

Mr. LALIT CHANDRA DAS: On a point of order, Sir.

Mr. PRESIDENT: There cannot be any point of order when the Division bell is ringing.

Mr. LALIT CHANDRA DAS: Sir, amendment No. 254 should have been put to vote but you have put the whole clause.

Mr. PRESIDENT: No, I remember Mr. Bankim Chandra Mukherjee spoke yesterday on this amendment and after that the amendment was put to vote and negatived

The question before the House is that clause 23 stand part of the Bill.

(Division was not pressed and the motion was agreed to.)

Clause 24.

Mr. PRESIDENT: Clause 24 stand part of the Bill.

Mr. NAGENDRA NATH MOHOLANABISH: I beg to move that in sub-clause (2) of clause 24 of the Bill, for the word "may", in line 4, the word "shall" be substituted.

In clause (1) it is laid down that the Agricultural Income-tax Officer shall publish in the newspapers notification calling upon persons to submit returns. Then in clause (2) it is said that if the Agricultural Income-tax Officer is of opinion that any person is liable to agricultural income-tax, he may serve notice upon him. The implication of both these clauses seems to be that the issue of a personal notice for submission of return is optional. That provision in the Indian Income-tax Act has been very recently adopted on the basis of the English Act, and during all these years—more than half a century—that provision was not in the Income-tax Act. In this country illiteracy is about 95 per cent. and newspaper-reading public is less than half per cent. Notices in newspapers are not very useful and issue of personal notices is incumbent and therefore I propose to substitute the word "shall" for "may". With these words, I propose this amendment.

Mr. PRESIDENT: Amendment moved that in sub-clause (2) of clause 24 of the Bill, for the word "may" in line 4, the word "shall" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: In the context the word "may" is correct, as it is not contemplated that a notice shall be served in every case. I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 24 of the Bill, for the word "may" in line 4, the word "shall" be substituted.

The motion being put, a division was challenged and taken with the following result:—

AYES—17

Khan Bahadur Naziruddin Ahmad.	**Mr. Humayun Kabir.**
Rai Bahadur K. C. Banerji.	**Rai Bahadur B. M. Maitra.**
Mr. S. C. Chakraverti.	**Mr. H. D. Majumdar.**
Mr. K. A. Chowdhury.	**Mr. N. N. Moholanabish.**
Mr. L. C. Das.	**Mr. B. C. Mukherji.**
Mr. B. C. Datta.	**Dr. K. S. Ray.**
Mr. N. C. Datta.	**Mr. A .D. Roy.**
Mr. K. K. Dutta.	**Mr. B. K. Roy Chowdhury.**
Alhadj Khan Bahadur Shaikh Mohd. Jan.	

NOES—22

Mr. Mesbahuddin Ahmed.	**Mrs. K. D'Rozario.**
Mr. Nur Ahmed.	**Mrs. L. P. Dutt.**
Mr. S. Ahmed.	**The Hon'ble Khan Bahadur S. M. Hosain.**
Khan Sahib N. Amin.	**Mr. L. Hossain.**
Khan Sahib A. Aziz.	**Mr. Mohamed Hossain.**
Mr. D. L. Barua.	**Mr. W. B. G. Laidlaw.**
Mr. H. Huq Chowdhury.	**Khan Sahib Subidali Mollah.**
Khan Bahadur A. H. Chowdhury.	**Mr. T. B. Nimmo.**
Mr. Mohd. Habibullah Chowdhury.	**Mr. Yakub H. S. Sattar.**
Mr. C. E. Clarke.	**Mr. J. W. R. Steven.**
Mr. D. J. Cohen.	**Dr. K. Talukdar.**

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—17, and the "Noes"—22, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: I wish to speak on this clause, Sir. In this clause no arrangement has been made as to the person upon whom the notice should be served where the assessee is the ruler of an Indian State. This difficulty was thoroughly discussed in the House on an earlier occasion. Here the word person, which also includes the ruler of an Indian State, does not include his agent. According to the Civil Procedure Code, there is an arrangement for serving notices upon the agent of a Ruler of an Indian State. That was discussed at the time when the point of order was raised. There is this difficulty here also. There was an amendment which was not moved on account of the absence of the member at the time; but still there is this difficulty and it should be remembered at the time of passing this clause.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I also want to speak on this clause. Clause 24 appears in Chapter V which is the machinery of assessment chapter. Here for the first time we find that assessment is to be made upon the ruler of an Indian State on a certain principle and a return of agricultural income should be called for from such a ruler of State, like other assessees. If we look to the clause itself, we find that the Agricultural Income-tax Officer shall, on or before such date in each year as may be prescribed, give notice by publication in such newspapers and in such other manner as may be prescribed—requiring every person, etc. We have in the definition of the word "person" included the ruler of an Indian State. Therefore, the ruler of an Indian State is going to be assessed under notice served by the Agricultural Income-tax Officer under the provisions of this clause. I submit that if we look to the definition section itself, we will find that according to sub-clause (*12*) of clause 2, "Principal Officer" used with reference to an Indian State, a company or any other association means the manager or agent in Bengal of the Ruler of the Indian State. I submit that you cannot in the first instance require the ruler of an Indian State to submit a return. If the Income-tax Officer proposes to call upon the ruler of an Indian State by publication in the *Gazette* that he should furnish the return of his agricultural income within a period of 60 days, and if he does

not comply with the notice, there is no provision for enforcing it and therefore I submit that clause 24 as it stands is defective and we oppose the retention of the clause in its defective form. With these words, I say that the clause ought not to remain.

Mr. PRESIDENT: The question before the House is: that clause 24 stand part of the Bill.

(The motion was agreed to.)

Clause 25.

Mr. PRESIDENT: Clause 25 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in clause 25 of the Bill, in sub-clause (2), after the word "person" in line 2, the words "or the recognised agent of an Indian State" be inserted.

Sir, I warn the Hon'ble Finance Minister and the supporters of the Bill that it would be dangerous if the Bill is allowed to stand in the form in which it stands at present. After all, we the members of this House have accepted the principle of the Bill and we want that as much tax as is possible should come to the coffers of the provincial exchequer from those who are able to pay. I am sorry that my attempt to give some relief to the middle class who are the backbone of the society has not been approved by the House. But in this case it is not a question of assessing persons who are unable to pay. We have got about 5 or 6 Rulers of State in Bengal and the amount we expect from them is considerable. If that is so, we ought to see that the provision for the enforcement of the tax and realisation of the same are not kept in a state in which the Rulers of Indian States may escape payment altogether. As a matter of fact, the question as to whether the Rulers of the Indian States are liable to pay this tax was raised and discussed and we agreed to the principle that the Ruler of an Indian State is liable to pay this tax. Now, Sir, you cannot by serving a notice on the Ruler of an Indian State enforce either assessment or payment of the money. We have also pointed out that there is a provision in the Civil Procedure Code for service of notices with regard to the cases against Ruler of an Indian State. I therefore submit that so far as this chapter—the chapter of assessment, is concerned, we ought to be very careful. I warn the Hon'ble Finance Minister to consider seriously whether he should not accept this amendment in order that he may not find it difficult afterwards to realise this tax from the Ruler of an Indian State.

Mr. PRESIDENT: Amendment moved: That in clause 25 of the Bill, in sub-clause (2), after the word "person" in line 2, the words "or the recognised agent of an Indian State" be inserted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support this amendment. If we want to tax the Ruler of an Indian State, some serious constitutional question may arise. For this purpose there are provisions in the Civil Procedure Code which are analogous to that which is sought to be introduced by this amendment. If we interpose an agent or if we could arrange by correspondence with the Government of India, then we shall be able to fix up a man who would be responsible to the Ruler of the Indian State. In these circumstances, if this amendment is not accepted, the provision to tax the Indian Princes may remain a pious wish. In order to make the provision effective, this amendment should be accepted; otherwise there will remain a gap and the solemn provision for taxing the Indian Princes may become absolutely impotent and inoperative. Therefore, in order to strengthen the decision of the House to tax the Indian States, it is necessary to insert a provision like this. I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I am indeed glad to find that my honourable friend Mr. Bankim Chandra Mukherjee has at

last come round to the view that Rulers of Indian States should not escape assessment. That is a good sign; but I wish to assure my honourable friend that we have taken sufficient care in devising a machinery for assessing and collecting taxes from the Indian States. I do not think the Rulers of Indian States would be able to escape assessment. I oppose the amendment.

Mr. PRESIDENT: The question before the House: that in clause 25 of the Bill, in sub-clause (*2*), after the word "person" in line 2, the words "or the recognised agent of an Indian State" be inserted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in sub-clause (*2*) of clause 25 of the Bill, for the words, commas and figures "produce, to cause to be there produced" in line 7, the words "produce or cause to be produced" be substituted.

The passage which is affected by this amendment runs thus:" .....a notice requiring him.....to produce, to cause to be there produced, any evidence....." I think the word "to" is a mistake for the word "or". This mistake crept into the Bill as it was originally published in the *Gazette*. To rectify this mistake Government has given notice of this amendment. There is no difference of opinion among the different sections of the House that it is a mistake and the mistake has been acknowledged by the Government by their notice of this amendment. Government amendments are drafted by their experts; they are then passed by the Department concerned before being approved by the Hon'ble Minister and then they are given notice of by members acting on behalf of the Government. Therefore, this notice is a *pucca* guarantee that the amendment is a necessary one, and I hope this amendment would be accepted.

Mr. PRESIDENT: Amendment moved that in sub-clause (*2*) of clause 25 of the Bill, for the words, commas and figures "produce, to cause to be there produced" in line 7, the words "produce or cause to be produced" be substituted.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I rise to support the amendment. It is unfortunate that although Government realised their own drafting errors and although notice was given on behalf of the Government by a Parliamentary Secretary, the Hon'ble Minister is reluctant, as we have seen in connection with another amendment, to improve the language or remove any apparent defect in the drafting. As the Khan Bahadur has rightly pointed out, the word "there" is unnecessary and if retained would be meaningless. Evidently, it means the office of the Agricultural Income-tax Officer. Certainly, the amendment before the House, namely, "produce or cause to be produced" would be a distinct improvement on the expression that appears in the body of the clause. Therefore, I think that the amendment should be accepted.

Mr. HUMAYUN KABIR: I rise to support this amendment and for reasons which are obvious, at any rate, to the Hon'ble Finance Minister. I would ask him if he has any defence whatsoever for the position which, I am afraid, he is going to take up in a minute or two in respect of this particular amendment. It is not a mere drafting amendment: and if the sentence of the Bill-clause is read as a whole, particularly the clause as it stands now, it does not make any sense whatsoever. The undesirable clause was described by my friend Rai Bahadur Keshab Chandra Banerjee as an error but I think it can be more correctly characterised as a schoolboy howler. I shall read the relevant sentence as it stands. Sir, the clause as it now stands reads—I will leave the earlier portion governing the clause, because this is only a qualifying clause and does not affect the structure of the sentence as a whole. This is the substantive portion of the clause—".....he shall serve on such person, a notice requiring him, on a date

to be therein specified, either to attend at the Agricultural Income-tax Officer's office or to produce, to cause to be there produced, any evidence on which such person may rely in support of the return." Now, Sir, I ask you what exactly does this mean? In the earlier half of the sentence, there is a notice which requires him to attend at the Agricultural Income-tax Officer's office. This is quite intelligible. The alternative is that the officer requires him to produce any evidence on which such person may rely in support of his return. This also makes sense. But as the clause now stands, it reads that he shall require him "to produce, to cause to be there produced,....." What is this "to cause to be there produced" which is again protected by two commas on either side? Commas have now become of historic importance in this House. These two commas take it outside the general flow of the sense of the sentence. Protected by these two commas, it is quite formidable. It has become a formidable obstacle to any interpretation of the clause as a whole, because, taken apart from the movement of the sentence as a whole, this "to cause to be there produced" governs the particular word "produce". Anyone with the least idea of either English grammar or English usuage would simply wonder as to what it would mean if this particular clause "to cause to be there produced" governs the word "produce". I do not know if the Hon'ble Finance Minister, however subtle he might be, can skate over the difficulties into which his own drafting experts have landed him. I do not know how he is to pirouette out of this labyrinth. Government themselves felt it necessary to give notice of amendments to take out, first of all, the two commas which if removed will change the whole meaning of the sub-clause. Now, if the Government amendment were carried, then it would read quite simple as follows: "he shall serve on such person, a notice requiring him. .....to produce or cause to be produced any evidence on which such person may rely in support of the return." This is quite intelligible. The officer shall serve on the assessee a notice and in virtue of this notice he shall appear there in person or he shall produce through some intermediary any evidence which he might have in order to justify the correctness of his return. But this is as it would be if the Government amendment were carried. If the Government amendment is not carried, and the clause remains as it stands now, that interpretation would not be open to the Hon'ble Finance Minister. I do not think any amount of verbal jugglery will permit him to say that this is a grammatical mistake or that it is a drafting amendment, and therefore it would be corrected either by the office or that there would be no difficulty in its interpretation. I think I have placed it sufficiently clearly, and I am confident that I have convinced you at any rate, although I may have failed to convince the Hon'ble Finance Minister who refuses to be convinced. There is a Bengali saying that if a man is asleep you can wake him, but if he is fully awake and feigns sleep, you cannot wake him and even Hercules would fail to wake him. That is the attitude which is being taken up by the Hon'ble Finance Minister. He fully realises that the clause as it now stands is not only nonsense but worse. It is mischievous and is liable to all kinds of misinterpretation and all kinds of difficulties. I have no doubt that many of my lawyer friends will be glad if these anomalies remain, and my friends on my left may also be glad if they remain in the Bill. They might therefore support this sort of—shall I say—mis-delivery of the departmental draftsmen of the Government. All those who are concerned with common sense and all those who are concerned with bringing out the Bill in a proper, healthy and normal manner, will, I am sure, feel that this clause as it stands now would simply not make sense. It is simply nonsense. Unless these two offending commas and the word "there" and the word "to" are taken out, I submit it is not going to make any sense at all. I will submit further that Government themselves would be landed in difficulties and I am sure the High Court itself will find it very difficult to give any interpretation whatsoever. I am here on safer grounds, for it is not a case of trying to wake up a man who is feigning sleep. If this matter is taken up to the High Court, I am quite sure the High Court will say that

sub-clause (2) of clause 25 of the Bill does not make any sense. If it does not make sense, the whole Bill may be made inoperative. Since this is one of the operative clauses of the Bill, Government in their mortal terror of another place, in their reluctance to face public opinion, in their anxiety to avoid summoning the Lower House, might find that they are faced with a deadlock, which not all their ingenuity will be able to overcome. There are some other clauses in the Bill whose defects might not hamper the operation of the Bill as a whole; but this is a sub-clause which deals with the question of assessment and the method of determining the assessment. If there is any dispute on the question of the method of assessment and of compelling the person assessed to submit to whatever assessment is made by Government, if the clause dealing with these questions were held up and proved inoperative, then the whole purpose of the Bill would be defeated. The Finance Minister often tells us that he will not get a subvention from the Government of India unless this Bill is passed within a particular date. I can assure him that if the High Court rules that this sub-clause in the Bill is inoperative, the result might be just the same. The result might be that the Government of India might also say that since the most important clause in the Bill is not only defectively drafted but drafted in a manner which makes its operation impossible, then what would be the conclusion? (Mr. HAMIDUL HUQ CHOWDHURY: we will have to amend the Act). Well, Sir, you cannot correct the Act without amending it. And that is what we are suggesting to the Government. I am very glad that my friend Mr. Hamidul Huq Chowdhury, who has some legal acumen and perhaps some legal conscience, realises that amendment is necessary and corrections should be made if necessary. He thus realises the necessity in spite of a certain amount of discomfort because he is afraid of what the consequences might be if the Government were forced to face the Assembly. In spite of his discomfort he is not very vehement in his opposition to this amendment. I discern some reluctance in him to support Government in this case. When a member of his status who is ready to support Government reasonably or unreasonably,—when I find a member of that type rather reluctant to support the Bill-clause and willing to accept the amendment moved on behalf of the Opposition, I take it that the position of Government is rather serious. It is pretty bad indeed and if it were not so, then there would be no reason why he should not have been much more vehement in his opposition to this amendment. I would conclude by saying——

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. Can the honourable member speak for himself and for another member opposite at the same time?

Mr. PRESIDENT: It depends on his ingenuity.

Mr. HUMAYUN KABIR: I am glad, Sir, that you find nothing in the point of order. I certainly give the palm to my friend whose ingenuity in the House is quite well-known. However, to proceed with what I was saying, I may say that the Government themselves felt that the clause as it stands is just nonsense. That is why Government asked two of their Parliamentary Secretaries to give notice of an amendment—an amendment which was approved by them and drafted by the Legislative Department. In the normal course of events, that amendment would have been carried without doubt. But unfortunately Government have allowed extraneous considerations—the question of their waning strength, their fear of losing the position which they occupy today if they face the Lower House, to prevail over their duty. This is the burden of the song of the Hon'ble Finance Minister. Whenever he gets up to speak, a whisper goes on in his mind. That whisper says, "Do not take us back to the other Chamber which is so hot and out of which we escaped with so much difficulty and skill. Once we have come

out of that ordeal, do not push us back to that purgatory". If that is the argument of the Hon'ble Finance Minister, I leave it to the House to accept or reject that argument for what it is worth.

I know, Sir, that so far as my friends to the left—I mean the European Party, are concerned, they are not afraid of any violation of their mother-tongue so long as it serves the purpose of saving this particular Government from facing the ordeal of the Lower House. They submitted to a violation yesterday when an outrage was committed on the English language. By their vote a meaningless word "guaridan" was accepted and obtained legislative sanction. Whatever little chance there was to correct the spelling mistake, that has disappeared after the vote of the House yesterday. This word has been kept and its special spelling. The sound of it is something like "guaridan" and that has been accepted by my friends to the left. They will submit to a new violation of the English grammar today if this amendment is not accepted by them. This will be another violation of their mother-tongue. After all, I am a foreigner, and if I express any regret for such outrage it would be a half-hearted regret. Great difficulty will be created for them if the clause remains as it is. What I feel is that it is for them to decide what they should do about this amendment.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I rise to support this amendment. But I shall not recapitulate the reasons already given by the honourable mover and the other two honourable members Rai Bahadur Keshab Chandra Banerjee and Mr. Humayun Kabir. I do not like to repeat those reasons for the simple reason that I consider it an insult to the intelligence of the honourable members of this House to explain to them over again that this amendment is necessary. It is so simple, it is so clear that it ought not to require any argument to convince any reasonable man with an ordinary knowledge of the English language to show that the amendment is necessary. During the last few days we have heard the debate in this House with regard to some of the amendments and we have found that apart from the question of principle on the question of drafting amendments when amendments were really necessary the House has turned them down for the simple reason that they will not allow any amendments to be passed.

Hereafter when the proceedings of this House will be published, people who would peruse them would perhaps think that the honourable members of this House were absolutely ignorant of the English language and would perhaps consider that no European members of the House were present in the House when all these drafting amendments were being discussed. We have not yet heard them speaking on this amendment or on the amendment which sought to correct the word "guaridan" yesterday. I do not know how any honourable member of this House could oppose an amendment like this. I do not consider that it is a matter which could be lightly talked out. It is a very serious matter and this House I consider is a House consisting of responsible gentlemen with education and experience. We are trying to improve the Bill by correcting the mistakes that are there. It is no use saying that I will have "guaridan" instead of "guardian", because that does not matter. I do not know whether the Hon'ble the Finance Minister was a student of merit or not in his younger days, but I can say that as he is not looking so dull now he was not dull either in his younger days and he ought to understand that the posterity will think of him as one who never cared for the dignity of this House or for the dignity of the business of the House. I do not know what any gentleman with a grain of common sense, with a grain of self-respect would think of this House when they will peruse the proceedings of this House. With these few words, I support the amendment.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment that was given notice of by Mr. Biren Roy and Mr. Mesbahuddin

Ahmed and which has actually been moved by Khan Bahadur Naziruddin Ahmad who is the sponsor of all amendments intended to remove all drafting defects in the Bill. Now, Sir, I do not like to say anything with regard to the question whether this amendment should or should not be accepted by the House. I think the fact that it was put as an amendment to be moved on behalf of Government sufficiently warrants, the conclusion that at one time the Government wanted that this amendment should be moved and passed by this House. I cannot exactly say what was the point of time when this was decided. But before the amendments were taken up, a considerable time lapsed as the question of the competency of the Bengal Legislature to tax the Ruler of an Indian State arose and the consideration of the Bill had to be postponed for about a month, I believe, and then there was some uncomfortable developments that took place in the Lower House and suddenly that House was prorogued. We are not going to give the reasons why that House was prorogued but soon after the prorogation of that House, the Hon'ble the Finance Minister stated on the floor of this House that Government do not propose to move the amendments which have been tabled on their behalf. I need not say anything on the question whether this amendment should be accepted or not. The fact is clear that the amendment is necessary. The only question is, as Mr. Humayun Kabir pointed out, as to the attitude my European friends are going to take up. It has been stated by Mr. Kabir that they have supported the Government in opposing an amendment which was sought to be introduced yesterday with regard to the word "guaridan". Possibly the European members could not support the Opposition but had to go to the Government Lobby because otherwise there would be some disaster which I need not disclose again. But when I met the Leader of the House yesterday I was told that this mistake should be corrected as a clerical mistake. I must say that it can no longer be treated as a clerical mistake in view of the fact the amendment relating to this word was actually moved but was voted down by the Government majority. I do not know what the courts will think when they will consider the clauses of the Bill in which the amendments were opposed. As a matter of fact, the proceedings of the Chamber are not open to the courts and therefore they will think that the members of the Legislature were careless, were sleeping and were not attending to their business when this Bill was passed. It is for this reason that we are moving these amendments and are placing our views with regard to some of the mistakes which seem to be obvious. As a matter of fact, if courts find that no meaning can be attached to a particular clause of the section, then it will throw it out and possibly the whole thing may be thrown out as unintelligible and the machinery of assessment may fail on that account alone. If we look to the clause itself, I mean, clause 25, and also look to the offending place where the words stand, then, as pointed out by my friend Mr. Humayun Kabir in a very forceful language, we see that it does not make any meaning and that it seems to have no sense—I do not like to use the word "nonsense"—but I would like to use the words that it does not make out any sense. If that is so, I think the Hon'ble the Finance Minister should consider whether he should allow this mistake to remain in the Bill or whether he should not even now agree to have it rectified in the way proposed in the amendment. With these words, Sir, I support the amendment.

Dr. KUMUD SANKAR RAY: On a point of order, Sir. I am not conversant with law, but I want to know as a layman whether the President has not the right to disallow a question if that question is put in such a way as to convey no meaning at all; or whether, if a resolution or a clause of a Bill is introduced in a language which is neither English nor Greek nor French, the President has the inherent right to disallow that resolution or that clause on that ground.

Mr. PRESIDENT: As I am speaking offhand, I may not be very accurate; but I think that the President can only disallow a clause of a Bill

if it is *ultrà vires* of the Legislature; the President cannot re-draft the Bill or make correction in the drafting of a Bill.

Dr. KUMUD SANKAR RAY: If a particular clause of a Bill appears to be meaningless, can the President allow that particular clause to be discussed in the House until it is modified in such a way as to convey some meaning?

Mr. PRESIDENT: The President has no power to do so. As regards questions, the President can disallow them if they appear to be defective or meaningless; but as regards Bills, except on the general question of *ultra vires*, I do not think the President has any power to modify them in any way.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, this obvious printing mistake does not reflect any discredit on the drafting capacity of Government draftsmen. The printing mistake is obvious, and I think that the administration of the Act will not be hampered by this obvious printing mistake. I think the amendment will be taken note of in the amending Bill that will come.

Khan Bahadur NAZIRUDDIN AHMAD: The Hon'ble Minister will please note that the same mistake appears in the copy of the Bill which was published first in the *Calcutta Gazette*. So it is not a printing mistake. The same mistake appears in the *gazette* copy as well as in the original copy and in another copy which was passed by the Assembly. So there are three copies in which the same mistake appears. Therefore, this is no printing mistake at all.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, as the Hon'ble Minister himself accepts that it is an obvious mistake, can he after that oppose the amendment? He says that it would be corrected in the amending Bill that will come. Therefore, having admitted that it is a mistake he cannot oppose the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I will not vote.

Mr. PRESIDENT: He has no vote in the House.

The question before the House is that in sub-clause (2) of clause 25 of the Bill, for the words, commas and figures "produce, to cause to be there produced" in line 7, the words "produce or cause to be produced" be substituted.

The question being put, a division was challenged and taken with the following result:—

AYES —16

Khan Bahadur Naziruddin Ahmad.	Alhadj Khan Bahadur Sk. Mohd. Jan.
Rai Bahadur K. C. Banerji.	Mr. Humayun Z. A. Kabir.
Mr. S. C. Chakraverti.	Mr. H. D. Mojumdar.
Mr. K. A. Chowdhury.	Rai Bahadur B. M. Maitra.
Mr. L. C. Das.	Dr. K. S. Ray.
Mr. B. C. Datta.	Mr. A. D. Roy.
Mr. N. C. Datta.	Mr. B. K. Roy Chowdhury.
Mr. K. K. Dutta.	

NOES —24

Mr. Mesbahuddin Ahmed.	Mrs. K. D'Rozario.
Mr. Nur Ahmed.	Mrs. L. P. Dutt.
Mr. S. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. Mohamed Hossain.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. Hamidul Huq Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Mr. T. B. Nimmo.
Mr. Mohd. Habibullah Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Mr. J. W. R. Steven.
Mr. D. J. Cohen.	Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—16, and the "Noes"—24, the amendment is negatived.

Dr. K. S. RAY: Sir, before you take up the next amendment may I refer to the point of order I raised? I still think with due deference to your ruling that the matter requires further consideration and I hope you will give your considered ruling on the point.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, a similar matter was raised in the House of Commons and the Speaker observed that the combined wisdom of the whole House will prevail——

Mr. PRESIDENT: That will do. Thank you. It is an interesting point and it should be looked into. In fact, I did not give any ruling.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I may point out that——

Mr. PRESIDENT: I do not think it is necessary to pursue this matter further. Mr. Das——

Mr. LALIT CHANDRA DAS: I beg to move that sub-clause (*4*)——

Khan Bahadur NAZIRUDDIN AHMAD: On a point of order, Sir. Before my friend, Mr. Das, proceeds with his amendment, I propose to raise a point of order. It is about sub-clause (*4*), which Mr. Lalit Chandra Das wants to delete.

Khan Bahadur NAZIRUDDIN AHMAD: The point of order is that sub-clause (*4*) is *ultra vires*.

Mr. PRESIDENT: That amendment is not yet before the House. Let him first move the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I explain the situation?

Mr. PRESIDENT: There is no proposal before the House, and your point of order cannot be on nothing. There must be something before the House on which you can raise a point of order.

Mr. HUMAYUN KABIR: There is something before the House as you, Sir, have already said that clause 25 do stand part of the Bill.

Mr. PRESIDENT: But his objection is with regard to the particular amendment.

Khan Bahadur NAZIRUDDIN AHMAD: No, Sir, the object is the same but we differ in the manner of approach. Sir, sub-clause (*4*) says in effect that "if assessment of any agricultural income is made under section 8(*2*), then that may be reopened by the Agricultural Income-tax Officer with the consent of the Commissioner." This clashes with the decision which you have already given. Sub-clause (*2*) of clause 8 deals with an important matter. It deals with the valuation or rather the assessment of the income in case of tea. It is well known that tea is a subject of cultivation and then it is subjected to a process of manufacturing. So far as the manufacturing profit is concerned, it is taxable by the Centre and so far as the agricultural profit is concerned, it is to be taxed by the Province.

Mr. PRESIDENT: What is your point of order?

Khan Bahadur NAZIRUDDIN AHMAD: The point of order is this: under sub-clause (*2*) of clause 8 it has been conclusively settled what is to be allocated to the Province and what is to be taxed by the Centre. So, this matter cannot be reopened as it has already been decided by the House. Now, by this sub-clause, the whole thing will be reopened by the Agricultural Income-tax Officer with the consent of the Commissioner. You cannot pass a sub-clause which conflicts with an earlier sub-clause.

Mr. PRESIDENT: What you say is a conflict in law. I am afraid I cannot allow you to speak on this matter again.

Khan Bahadur NAZIRUDDIN AHMAD: The point of order arises in this way that the present sub-clause clashes with what we have decided already. We cannot pass conflicting provisions.

Mr. PRESIDENT: If it clashes, that may be decided in a court of law, it is not for the Chair to decide that.

Mr. LALIT CHANDRA DAS: Sir, I beg to move: That sub-clause (*4*) of clause 25 of the Bill be deleted.

Sir, I shall not repeat the arguments which have just now been advanced by my honourable friend Khan Bahadur Naziruddin Ahmad as to why this sub-clause should be declared *ultra vires*. In sub lause (*2*) of clause 25 the Agricultural Income-tax Officer.....shall serve on such person a notice requiring him on a date to be therein specified either to attend at the Agricultural Income-tax Officer's office or to produce, to cause to be there produced any evidence on which such person may rely in support of the return. This is the procedure. Sub-clause (*3*) of the section lays down how assessment has to be made by the Agricultural Income-tax Officer. Now, Sir, I do not understand the reason why this procedure should not be followed in connection with a person who is an assessee under sub-clause (*2*) of section 8. I do not understand why the permission of the Commissioner should be at all necessary. So my submission is: that if this sub-clause is really deleted, then all advantages of the procedure of rules 2 and 3 will automatically go to a person whose agricultural income has to be assessed under the provision of sub-clause (*2*) of section 8 of this Bill. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved that sub-clause (*4*) of clause 25 of the Bill be deleted.

Mr. BANKIM CHANDRA MUKHERJEE: I support the motion of my friend Mr. Lalit Chandra Das that sub-clause (*b*) be deleted. Now the point that was raised by Khan Bahadur Naziruddin Ahmad is not altogether without any substance. I am not going against your ruling, Sir, but I am going to refer to what you observed a few minutes ago when Dr. Ray mentioned about the previous amendment, namely, that you can only rule out a clause if it is *ultra vires*. The question is that if it is pointed out to the House that one clause is repugnant to the other I am not going to say that it is——

Mr. PRESIDENT: I will just explain. I said that the Chair can only give its decision on a point of order which raises the question as to whether a particular clause or a particular Bill is *ultra vires* of the powers of the Legislature or not; but if there is repugnancy between two clauses, it is an entirely different question and that has to be interpreted by the courts of law.

Mr. BANKIM CHANDRA MUKHERJEE: What I was going to say is that if repugnancy is detected on the floor of the House when we consider this Bill, we should do our duty in clearing up the mistake and removing the repugnancy. The Hon'ble Minister should seriously consider whether he should allow the repugnancy to remain although it is pointed out by the members. It may not have been detected in the Lower House. We are not concerned with that. We are going to place a Statute permanently in the Statute Register of the Province of Bengal. The Bill will remain for ever even if the Government changes and even if the form of the Government changes; and thus we will leave a legacy to the posterity showing that we have passed a Bill with repugnant clauses although we knew that the clauses were repugnant. That is why I ask the honourable members and the Hon'ble

the Finance Minister to consider whether or not the clause is repugnant. For that purpose it is necessary to look more closely to the Bill.

Now, Sir, let us consider what is there in sub-clause (*3*) of clause 8 which runs as follows:—

> "(*3*) For the purpose of the assessment of agricultural income-tax under this section or any rule made thereunder a certified copy of an order of an assessment under the Indian Income-tax Act, 1922, or a certified copy of an order of any appellate or revising authority or of the High Court or of His Majesty in Council altering or amending such order of assessment under the provisions of that Act shall be conclusive evidence of the contents of such order".

Clause 25 appears in a chapter which deals with the machinery of assessment, and sub-clauses (*2*) and (*3*) of clause 25 provide for machinery of assessment and obtaining returns from the assessee. Sub-clause (*2*) reads as follows:—"If the Agricultural Income-tax Officer is not satisfied without requiring the presence of the person who made the return or the production of evidence that a return made under section 24 is correct and complete, he shall serve on such person, a notice requiring him, on a date to be therein specified, either to attend at the Agricultural Income-tax Officer's office or to produce, to cause to be there produced, any evidence on which such person may rely in support of the return." Sub-clause (*3*) also provides that "on the day specified in the notice issued under sub-section (*2*) or as soon afterwards as may be, the Agricultural Income-tax Officer, after hearing such evidence as such person may produce and such other evidence as the Agricultural Income-tax Officer may require on specified points, shall, by an order in writing, assess the total agricultural income of the assessee, and determine the sum payable by him on the basis of such assessment." Then sub-clause (*4*) says that "the powers conferred by sub-sections (*2*) and (*3*) shall not, except with the permission of the Commissioner, be exercised by the Agricultural Income-tax Officer in the case of agricultural income which is assessed under the provisions of sub-section (*2*) of section 8 and regarding which an assessee has submitted together with his return under section 24 a certified copy of an assessment order under the Indian Income-tax Act, 1922."

Now, possibly the honourable members may question: where is the repugnancy? I would point out the repugnancy immediately. In sub-clause (*3*) of clause 8, it is decided that "the order shall be conclusive evidence of the contents of such order." There is nothing for the Income-tax Officer to do after the order of the authorities under the Indian Income-tax Act, 1922. Why it is written then in sub-clause (*4*) "the powers conferred by sub-sections (*2*) and (*3*) shall not, except with the permission of the Commissioner.....". If you leave that power that he is entitled to go into the question under sub-clauses (*2*) and (*3*) of clause 25, in that case the position would be that if the Commissioner authorises him to do so, he is entitled to revise the order and take steps under sub-clauses (*2*) and (*3*). But so far as sub-clause (*3*) of clause 8 is concerned, it also deals with conclusive evidence of agricultural income of the assessee. Therefore, I submit that this clause should be deleted, not only because it is unnecessary but because it is repugnant. I may remind the honourable members of the House that so far as this clause 8 is concerned, I moved an amendment that so far as the words "a certified copy of an order of an assessment under the Indian Income-tax Act" being conclusive should be deleted and treated as evidence only. That amendment was not accepted however, and I therefore want to remove the repugnancy which is there in clause 25. I find that was not accepted and I propose that the repugnancy which is here should be removed. As the House has not accepted the previous amendment, here I want to do so and give the Provincial Government authority to have some check on the assessment order made by the

uthorities under the Indian Income-tax Act, 1922. As a matter of fact, t may be said that attention was not drawn to certain things which might e detected by the Income-tax Officer under the Province of Bengal and therefore I want to remove the word conclusive evidence and want to say hat it shall be treated as evidence only, pure and simple. With these few words, I support the amendment.

Mr. HUMAYUN KABIR: Mr. President, Sir, I beg to support the mendment though I might say that when the amendment was first moved was not clear about the purpose which this amendment had in view. he discussions that have followed and particularly the point to which eference was made by Khan Bahadur Naziruddin Ahmad has convinced ne that an amendment of the type would be necessary if the Bill is not to e open to dispute and probably stultification. You have ruled that whenver there is any conflict between any two pieces of legislation or different arts of a particular Act, the question of interpretation of that conflict will e left to the courts of law. That ruling is quite proper and that is as t should be. I want to draw your attention to another aspect of the matter, amely, that when this House has taken a particular decision in the course f a session, does it lie with it to go against that decision within the ame session? Another aspect of the matter will have to be considered, nd there you, Sir, are the final authority, not the court. So far as there s any repugnancy between different Acts of the Legislature or between ifferent parts of the same Act, these would no doubt be interpreted by the ourts of law; but when a decision has been taken in a session and that ecision is sought to be modified and violated during a later part of the ame session, it is for you to decide the question .. .. .. As I was submitting, when a decision has been taken and if later on during the same ession that decision is sought to be altered, then, Sir, as the custodian f the rights of the House it would lie in your power to decide whether here is any such violation or not. I take it that Khan Bahadur Naziruddin Ahmad had in view this aspect of the matter to which he wanted to raw your attention. In clause 8 (2) we have already decided the procedure or the assessment of agricultural income-tax on income derived from land n which tea is cultivated. It has definitely been laid down that this ssessment will be made by the Income-tax Officers acting under the Indian ncome-tax Act of the Government of India and the Provincial Government will have no say in the matter. The assessment there will be clearly emarcated into two portions. The income due to the Government of India nd the agricultural income-tax. In clause 8 we have already decided in his House that so far as agricultural income on tea is concerned, the Income-ax Officer of the Government of India will decide how much of that income to be assessed as industrial income under the Government of India ncome-tax Act and how much will be left out of computation for the purposes of Indian Income-tax as income derived from agriculture. Therefore, a finality has already been reached. We have already decided that gricultural income from tea will not be assessed by the Income-tax Officer f the Government of India. Now, in clause 25 (2) and (3) taken together, e find a new aspect of the same matter. Here, income derived from tea ill no longer be determined by the Income-tax Officer acting under the overnment of India. Here, the income-tax on tea will be decided, so far s the purposes of this Act is concerned, by the Agricultural Income-tax fficer. That I submit is an anomaly, for it is violating or upsetting a ecision which the House has already taken. It cannot be said that there s any question of oversight here, because when clause 8 was considered, ttention was drawn to this aspect of the matter, namely, that so far as he income from tea is concerned, the Provincial Government have practically iven up all their rights. An amendment was moved by which the returns f the Income-tax Officer would have been recorded only as evidence, but ot as a conclusive evidence. Government did not accept that amendment nd took up the position that so far as the income from tea is concerned,

the decision of the Income-tax Officer will be final. Thus, an opinion which had definitely been given is now sought to be modified. That is why we are drawing your attention to the question whether in the course of the same session and in considering the same piece of legislation, the House can give two contradictory opinions. There are degrees of contradiction. There is in philosophy contradiction as well as contrariety. There are certain points which may not be completely opposed to each other. Here it has been definitely laid down that the income derived from tea will be finally decided by the Income-tax Officer of the Government of India. That is a final and definitive position and the upsetting of that would, by implication, be contradictory. If it were a case of partial contradiction and if it were not a case of clear-cut opposition, then it could be said that in a case of partial contradiction both may be wrong though both cannot be true. But here a definite position has been taken that assessment will be under clause 8 and to alter that in any way is to deny it. The House is thus being asked to go back upon its own vote. I would draw this fact to your attention and to the attention of the members of this House.

It is for you to decide whether the House can vote upon a matter which has already been decided upon in this House. A decision has been taken and that decision is now sought to be upset by a back-door method, by a qualifying clause. I can see that one argument may be advanced on behalf of the Government. They may say that the Agricultural Income-tax Officer will not necessarily modify the return, but may actually accept the findings of the Income-tax Officer of the Government of India. To say this is to admit that he *may* but need *not* necessarily in every case do so. Whatever happens, it is going to contradict an earlier decision of the House. It is for you, Sir, to decide whether it is not actually upsetting the earlier decision of the House. In this view of the matter, I feel forced to support this amendment which has been moved by my honourable friend Mr. Lalit Chandra Das.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to support the amendment. I had partly discussed this matter when I raised the point of order. Now, the question is: whether we should pass sub-clause (*4*) of clause 25 in view of the repugnancy, and also on other grounds—on the ground of drafting anomalies which I shall point out shortly. Sir, it has already been decided by this House by the acceptance of clause 8(*2*) that so far as tea is concerned, the manufacturing income and agricultural income shall be determined according to the Indian Income-tax Act by the Indian Income-tax authorities. They shall decide or some higher authority under that Act shall decide what will be the manufacturing income and what will be the agricultural income in the case of tea. An upper hand is given to the Indian Income-tax authorities for the simple reason that the agricultural income has been defined in the Government of India Act to be as it is defined in the Indian Income-tax Act. The Indian Income-tax authorities have, therefore, been given the upper hand in this matter. The Hon'ble the Finance Minister, at an earlier stage of the debate, at the time of the first reading of the Bill, said that 60 per cent. of the income has been calculated as agricultural income and 40 per cent. as manufacturing income. Suppose, a tea company has an income of Rs. 1,00,000, Rs. 60,000 would be agricultural income and Rs. 40,000 would be manufacturing income. Sub-clause (*3*) of clause 8 says, "A certified copy of an award made by the Indian Income-tax authority will be conclusive evidence of the contents of such order" that the total income of the company is so much and such portion of that income is agricultural and such portion of it is manufacturing income. This has been accepted by clause 8 (*3*). Now, Sir, as has been pointed out by Mr. Bankim Chandra Mukherjee, this amendment would have softened the rigours of the law, but that has been successfully negatived. The rigorous character of the power of the Central taxing authorities, which was already conceded by this House by clause 8, has again been reaffirmed in the proviso to sub-clause (*1*) of

clause 24. Now, Sir, let us examine the effect of sub-clause (*4*) which is attempted to be deleted. Under sub-clause (*4*) the whole thing is bound to be reopened by the Agricultural Income-tax Officer and the only formality required to undo what has been done is the consent of the Commissioner. All that will be necessary for the Agricultural Income-tax Officer to reopen the matter would be just to get the consent of the Commissioner under clause 25. Sub-clause (*2*) of clause 25 provides that when a return is submitted, the Income-tax Officer is to give notice to the party to attend his office and produce or cause to be produced accounts. Under this clause the agricultural income is assessed. But an exception has been made with regard to sub-clause (*4*) that in case the tax is levied under sub-clause (*2*), the Income-tax Officer cannot reopen the case unless with the consent of the Commissioner. That is another way of saying that he can exercise powers to ask for returns, giving notice to attend and produce account books and then reopen the assessment made by the Central Income-tax authorities. Now, Sir, there are, therefore, two provisions in the Act—one is the power given to the Income-tax authority in accordance with the provisions of the Government of India Act. Sir, having conceded final powers to the Indian Income-tax authorities to conclusively decide the agricultural income in case of tea, and having provided that a production of a certified copy of their order shall be conducive evidence of the contents of such order, it is clear that the production of a certified copy would absolutely paralyse the Agricultural Income-tax Officer. He has no power to question it. The valuation is complete and cannot be reopened. Yet that is what the present sub-clause (*4*) attempts to undo. Then again, the amount of agricultural income is not determined under clause 8(*2*) but it is decided under the Indian Income-tax Act, 1922, by the Indian Income-tax authorities and clause 8(*2*) really allows the valuation to be accepted as a matter of course. So the valuation is not made under clause 8(*2*) but it is a mere acceptance of the valuation made by the Indian Income-tax authorities. So the phraseology used here wrongly assumes that the valuation is made under clause 8(*2*). Clause 8 is so far behind clause 25, and so many clauses intervene, that the real logic of connection between clause 8 and clause 25 has been lost sight of. The draftsman was under the impression that the decision as to valuation was made under clause 8(*2*) and he was also under the impression that it was revisable by the Agricultural Income-tax Officer; but if he had carefully considered clause 8(*2*), he would have found that the valuation was made by the Indian Income-tax authorities under the Indian Income-tax Act and not under clause 8(*2*). In fact, the interposition of so many clauses between clause 8 and clause 25 has caused this confusion. In these circumstances, the drafting of sub-clause (*4*) is defective. I think that if the whole clause is paraphrased, then sub-clause (*4*) will run like this: I suggest a way of re-drafting of sub-clause (*4*). I cannot amend it in this way but I would like to show that draft would have been better and would have avoided many objections and on a comparison with that draft the present draft of sub-clause (*4*) will be rejected. I have redrafted sub-clause (*4*) simply for the purpose of comparison and to give point to my argument. The draft should read like this.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, that draft is not before the House and can he refer to that draft?

Mr. PRESIDENT: I think, Khan Bahadur, you cannot do so. You can only speak on the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: The wording of the present sub-clause is defective, Sir.

Mr. PRESIDENT: But you have managed to speak so long even on that defective draft, please do not try to redraft.

Khan Bahadur NAZIRUDDIN AHMAD: My object is not to have the draft before me accepted by the House; that I cannot do and I know that; I do not wish to do any such thing. My only object is to show to the House a better sample.

Mr. HAMIDUL HUQ CHOWDHURY: We do not want that.

Khan Bahadur NAZIRUDDIN AHMAD: We know that you do not like many good things.

Mr. PRESIDENT: Please do not talk of your draft any more, Khan Bahadur. It is not consistent with the amendment we are discussing. The amendment now being discussed is the deletion of sub-clause (*4*). So what is the good of your producing a re-draft when you are going to delete it altogether?

Khan Bahadur NAZIRUDDIN AHMAD: For the simple reason that on the ground of drafting also the sub-clause should be rejected and I can give the House a better draft for comparison.

Mr. PRESIDENT: Khan Bahadur, you are not re-drafting but you are doing away with the sub-clause altogether.

Khan Bahadur NAZIRUDDIN AHMAD: Well, Sir, I can show the House what an ugly boy is like, if I produce a handsome boy——

Mr. PRESIDENT: I am afraid that is not the question before the House. You need not pursue the point further.

Khan Bahadur NAZIRUDDIN AHMAD: All right, Sir. My learned friend Mr. Hamidul Huq Chowdhury has said that he will not have a good draft, he does not like it. Sir, I know that good things are not liked by many people. Quinine is good for people suffering from malarial fever, but it is not liked by many. My learned friend has repeatedly interrupted me. I think he has said that the collective wisdom of the House has rejected my proposals. I do not think, Sir, that it is the collective wisdom of the House that has rejected my amendments; rather it is the wisdom of the majority of the House that has done so. Of course, with regard to my European friends they too have joined the majority. In fact, the Europeans have joined the majority but the question is whether they are right. Is it the collective wisdom or the collective unwisdom of the House that is being displayed here? I would like to point out to them by an analysis as to what the draft contains. I think the matter would be brought to a short finish if I read the re-draft as a whole.

Mr. PRESIDENT: I think that is absolutely irrelevant, and I have said so more than once. I again suggest that you need not pursue the point. Please resume your seat.

Khan Bahadur NAZIRUDDIN AHMAD: Your direction will be absolutely binding on me. But I am arguing as long as I think there is any room for argument; but as soon as you give your final ruling or direction, then it will be absolutely binding on me and you may be sure, Sir, that no one is more willing to obey your ruling than my humble self.

Mr. PRESIDENT: But you should not pursue the point about re-drafting please.

Khan Bahadur NAZIRUDDIN AHMED: Sir, may I reproduce it from memory? I know it so well that I can almost reproduce it——

Mr. PRESIDENT: Order, order, I am constrained to say Khan Bahadur that it is pure waste of time. The time of the House is too valuable to be wasted like this.

Khan Bahadur NAZIRUDDIN AHMAD: I am sorry, Sir. Then I must say that the drafting of the sub-clause is very bad. I may, however, ask the honourable members to apply for copies of the draft which I have prepared——

Mr. PRESIDENT: Khan Bahadur, I must ask you to resume your seat. I cannot allow you to go on in this way. Either you speak on the amendment or resume your seat. These are all irrelevant arguments that you are trying to advance.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, it is extremely regrettable that you think so. Of course, your ruling is binding on me and I bow to it——

Mr. HAMIDUL HUQ CHOWDHURY: Sir, he is challenging your ruling.

Khan Bahadur NAZIRUDDIN AHMAD: I am not challenging the ruling of the Chair. I have some objection to the clause and I am addressing the House giving various reasons and——

Mr. PRESIDENT: Khan Bahadur, a man of your education and your station of life should have more respect for the decision of the Chair.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, in that case I am absolutely helpless. I may simply say that the sub-clause is badly drafted and on this ground it should be rejected. On the ground of repugnancy as well as on the ground of inconsistency, I support the deletion of sub-clause (*4*) of clause 25. Then, Sir, I would ask my European friends if they agree to the systematic defilement of their language. English is the greatest language in the world. The Europeans who are opposing these amendments know that the amendments are right. In the circumstances, I would ask them to consider whether they would be silent witnesses and be real abettors to the defilement of their own mother-tongue. I have always a feeling that the English language is the greatest language and am always for its propagation. As a matter of fact, it has been rapidly spreading. It is much more widely used than it was 20 years ago. English is the official language of India; English is spoken all over the continent. But the rate at which the English language is being spoilt, the Englishmen will have some day to go away from India. Boycott, non-co-operation and civil disobedience could not do anything to them but the way in which defilement of their mother-language is going on will compel them to give up this country in disgust. I think they should help us in our attempt to improve the English language and make it the *lingua franca* of India. We have great interest in maintaining the dignity and purity of the English language. But I think Europeans have a strong commonsense—they have a powerful conscience—and I ask them to apply them to the second reading of this Bill. With these words, I support the amendment.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, except the point raised by Mr. Humayun Kabir I do not want to enter into the learned discourse that was given in this House by Mr. Bankim Chandra Mukherjee and by the last speaker in the midst of so many "circumstances". In his anxiety to support the amendment, the last speaker has overlooked certain things altogether. Something is meant for the Income-tax Officers appointed under this Act to do besides what has been done by the Officers under the Indian Income-tax Act. If you will kindly refer to that sub-clause which speaks of cases of "gardens" falling in more than one province, you will find that this task is left to the Officer appointed under this Act and in that case he will have to assess not only the portion of income that will fall in this province but he will also have to assess the total agricultural income. Section 8 lays down the procedure by which the income is to be

settled. It says ".....in certain assessment the assessment made by the officer under the Indian Income-tax Act shall be conclusive....." but somebody will have to assess. So, some function is left even after the assessment is made by the officer under the Indian Income-tax Act. In the circumstances, he will be entitled not only to exercise the general power of calling the assessee to produce evidence regarding his agricultural income derived from the tea gardens but also other income and the assessee will also be called upon to produce evidence for his exemption. Therefore, the officer has been given the power to take evidence of apportionment of exemption between the provinces and for this purpose the officer will have to take the permission of the Commissioner. Therefore, Mr. Kabir's argument that there has been a decision on a similar motion as is now proposed by clause 25(*4*) and so there cannot be another decision is incorrect. There is no provision by which the Chair can intervene in a matter like this even if contradictory decisions——

Mr. HUMAYUN KABIR: On a point of order, Sir. What has just fallen from the honourable member is not correct, because there is a definite rule, rule 43(*4*) of our Council Procedure Rules, which says: "An amendment on a question must not be inconsistent with the previous decision on the same question given at the same stage of any Bill or motion". Therefore, what has been just now said that you, Sir, have no power to rule out an inconsistency or contradictory decision is not correct.

Mr. HAMIDUL HUQ CHOWDHURY: I stand corrected. The other day it was pointed out that provisions made in respect of a motion are different from the provision made for Bills. Therefore, I overlooked it.

My point is that clause 8 is not negative and, therefore, it is not repugnant and so far all the arguments advanced on this basis are absolutely baseless.

Mr. KAMINI KUMAR DUTTA: Sir, I rise to support the amendment. I should like to do it on a different ground altogether. I do not at all agree with the contention that this sub-clause (*4*) is unnecessary and repugnant to sub-clause (*2*) of clause 8. As a lawyer, I can only say that sub-clause (*2*) of clause 8 lays down a substantive law as to the principle of taxation on agricultural income and also lays down the procedure as to how the income is to be assessed. One is substantive and the other is procedural. But at the same time I support the amendment. This amendment would tend to avoid distinction between tax-payers and tax-payers. This sub-clause was added apparently to give protection to the tea planters. The same procedure should be adopted everywhere and no distinction should be made between tax-payers and tax-payers. Apparently, this sub-clause (*4*) is only intended to placate the tea planters.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I submit that sub-clause (*4*) of clause 25 is neither *ultra vires* nor repugnant. Sub-clause (*3*) of clause 8 provides that a certified copy shall be conclusive evidence of the contents of the order, i.e., it shall be necessary to prove them under the Indian Evidence Act. But it does not take away the power of the Agricultural Income-tax Officer to make enquiries. On that point the Hon'ble Leader of the Opposition is in agreement with me. I submit that the object of this sub-clause is neither to protect any particular class of assessee nor to enact some inconsistency with other provisions of the Bill. The object of this sub-clause is simply this: that the order of the Income-tax Officer of the Government of India will be conclusive so far as the order of the officer is concerned. That order may be revised by higher authorities. Our Agricultural Income-tax Officer may supply information to the Indian Income-tax authorities if there is very good ground for their suspicion that the returns submitted by the assessees in question were faulty. It is the nature of administration of Income-tax law to be to some extent

inquisitorial but it is necessary that there should not be too much inquisitiveness on the part of our Agricultural Income-tax Officers, because unless there is very good ground for suspicion there should not be unnecessary inquisitiveness. After all, we are accepting assessment made by the Indian Income-tax authorities. In most cases we have to presume that those orders are just, but there may be cases and we reserve for ourselves a power of enquiry into the returns submitted by a particular class of assessees to the Indian Income-tax authorities. If we did not take this power, it would have been impossible for our officers to enquire even when there were grounds of suspicion. So that far from protecting a particular class of assessees we are taking power to ourselves to see that obviously false returns are not made on the basis of which our portion of the income would be assessed, and there is both reason and justification for sub-clause (*f*) of clause 25. I hope the House will be completely satisfied with what I have said.

Mr. PRESIDENT: The question before the House is that sub-clause (*f*) of clause 25 of the Bill be deleted.

The motion being put, a division was challenged and taken with the following result:—

AYES—12

Khan Bahadur Naziruddin Ahmad.	Mr. H. Kabir.
Rai Bahadur K. C. Banerji.	Rai Bahadur B. M. Maitra.
Mr. S. C. Chakraverti.	Mr. H. D. Mozumdar.
Mr. K. A. Chowdhury.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Dr. K. S. Ray.
Mr. K. K. Dutta.	Mr. A. D. Roy.

NOES—23

Mr. Mesbahuddin Ahmed.	Mrs. K. D'Rozario.
Mr. Nur Ahmed.	Mrs. L. P. Dutt.
Mr. S. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. Mohamed Hossain.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. Mohd. Habibulla Chowdhury.	Mr. J. W. R. Steven.
Mr. C. E. Clarke.	Dr. K. Talukdar.
Mr. D. J. Cohen.	

Mr. PRESIDENT: Order, order. The House has divided the "Ayes" being—12, and the "Noes"—23, the amendment is negatived.

Mr. PRESIDENT: As regards the next amendment of the Khan Bahadur, namely, amendment No. 262A, I do not think it can be moved, because we find it stated in Halsbury's Laws of England, page 164, that the House of Parliament have nothing to do with the marginal notes. The same thing was also stated by Lord Hanworth in another case. In that view of the matter, I rule that this amendment cannot be moved at all.

Khan Bahadur NAZIRUDDIN AHMAD: The word "assessment" is the marginal note on the left side—this is in reference to the statute which is mentioned in the text. This is just to facilitate the search——

Mr. PRESIDENT: But it is in the same position—marginal note on the left side and reference to statute on the right margin.

Khan Bahadur NAZIRUDDINN AHMAD: Previously, such amendments were allowed——

Mr. PRESIDENT: If some mistake was made in the past, there is no reason why we should continue it. I think it is better not to move this amendment.

Mr. BANKIM CHANDRA MUKHERJEE: I refer to clause 24 as it stands. There we have in the right margin at the end "XI of 1922", and Khan Bahadur's proposal is that the same thing should be done in this case also.

Mr. PRESIDENT: The mariginal references are in the same position in the left. What is the difference? Do you move your amendment, Mr. Mukherjee?

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir.

I beg to move that in clause 25 of the Bill, after sub-clause (*5*) the following new sub-clause be added, namely:—

"(*6*) In the case of the Ruler of an Indian State the Agricultural Income-tax Officer shall, in case of the failure of the recognised agent of the Ruler of an Indian State to submit the return required by any notice given under sub-secion (*2*) of section 24, or when the recognised agent has not made a return or a revised return under sub-section (*3*) of the same section or the recognised agent fails to comply with all the terms of the notice issued under sub-section (*4*) of the same section or the recognised agent having made a return fails to comply with all the terms of a notice issued under sub-section (*2*) of this section, ascertain the amount at which the Ruler of the Indian State shall be assessed for the purpose of Agricultural Income-tax Act and determine the sum payable by the Ruler of an Indian State on the basis of such assessment."

Sir, the purpose of the amendment would be clear when I refer to the clause itself. You will find in sub-clauses (*2*) and (*3*) that if the Agricultural Income-tax Officer is not satisfied without requiring the presence of a person to show that the return or the production of the evidence is correct and complete, he shall serve on such person—by person I mean here also the Ruler of an Indian State according to the definition—a notice requiring him on a date to be therein specified, either to attend at the Agricultural Income-tax Officer's office or to produce, to cause to be there produced, any evidence on which such person may rely in support of the return. There cannot be any doubt with regard to the position that we cannot require the Ruler of an Indian State to attend in person. That would be altogether *ultra vires* of the Legislature and of the officer concerned. In this connection, I would remind the Hon'ble the Finance Minister that I did not agree at any stage that a Ruler of an Indian State is liable to be taxed. As a matter of fact, I expressed doubt in the beginning and I expressed doubt throughout but I have proceeded on the basis that the Ruler is liable to assessment, leaving the matter to be decided in a court of law. As a matter of fact, so far as the Assam Agricultural Income-tax Act is concerned, I think litigations have already cropped up and this Act will also give rise to litigations between the Province of Bengal and Rulers of Indian States and it will be a gold mine to the profession to which I belong. Therefore, I may disabuse the Hon'ble the Finance Minister if he has any misapprehension that I have agreed with him that a Ruler of an Indian State is liable to be taxed. The question is: if you are entitled to tax the Rulers, then under clause 25(*2*) an Agricultural Officer may cause him to appear in person. That is a thing which you cannot attempt. Therefore, I want to make it legal by providing that if the Agricultural Officer is not satisfied he need not ask the Ruler of an Indian State to appear in person but he may assess "for the purpose of Agricultural Income-tax Act and determine the sum payable by the Ruler of an Indian State on the basis of such assessment". Now you have not provided any machinery under which you can compel a Ruler of an Indian State to appear before you and if they do not appear, you cannot assess them in terms of this Bill. Therefore, I say this new clause

should be incorporated in order that there might be a legal provision for the purpose of assessing the Rulers of Indian States. With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved that in clause 25 of the Bill, after sub-clause (*5*) the following new sub-clause be added, namely:—

"(*6*) In the case of the Ruler of an Indian State the Agricultural Income-tax Officer shall, in case of the failure of the recognised agent of the Ruler of an Indian State to submit the return required by any notice given under a return or a revised return under sub-section (*3*) of the same section or the recognised agent fails to comply with all the terms of the notice issued under sub-section (*4*) of the same section or the recognised agent having made a return fails to comply with all the terms of a notice issued under sub-section (*2*) of this section, ascertain the amount at which the Ruler of the Indian State shall be assessed for the purpose of Agricultural Income-tax Act and determine the sum payable by the Ruler of an Indian State on the basis of such assessment."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the House has already negatived an amendment moved by the honourable Mr. Bankim Chandra Mukherjee (Amendment No. 44A) on the appointment of the recognised agent of the Ruler of an Indian State, and in view of that fact I do not think the House will now consider the amendment which has now been moved. In any case, I oppose the amendment on the same ground which was advanced by me in the case of the previous amendment.

Mr. PRESIDENT: Order, order. The question before the House is that in clause 25 of the Bill, after sub-clause (*5*) the following new sub-clause be added, namely:—

"(*6*) In the case of the Ruler of an Indian State the Agricultural Income-tax Officer shall, in case of the failure of the recognised agent of the Ruler of an Indian State to submit the return required by any notice given under sub-section (*2*) of section 24, or when the recognised agent has not made a return or a revised return under sub-section (*3*) of the same section or the recognised agent fails to comply with all the terms of the notice issued under sub-section (*4*) of the same section or the recognised agent having made a return fails to comply with all the terms of a notice issued under sub-section (*2*) of this section, ascertain the amount at which the Ruler of the Indian State shall be assessed for the purpose of Agricultural Income-tax Act and determine the sum payable by the Ruler of an Indian State on the basis of such assessment."

(The amendment was negatived.)

Clause 25.

Mr. PRESIDENT: The question before the House is that——

Mr. BANKIM CHANDRA MUKHERJEE: May I speak a few words on this clause, Sir?

Mr. PRESIDENT: But I am already on my legs, putting the clause to vote. You should have got up before I got up to put it.

Mr. BANKIM CHANDRA MUKHERJEE: I did so, Sir.

Mr. PRESIDENT: You did so when I was going to put it to vote.

Mr. BANKIM CHANDRA MUKHERJEE: I submit that the question of consideration of a clause comes in only when you have put it.

Mr. PRESIDENT: Sub-clause (*4*) was moved in the very beginning and then amendments were moved. And when I was on my legs and was going to put the motion to vote then you stood up. I am sorry you cannot speak now; you are too late. So I must put the clause now.

The question before the House is that clause 25 stand part of the Bill.

(The motion was agreed to.)

Clause 26.

Mr. PRESIDENT: Clause 26 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: May I suggest that we adjourn now?

Mr. PRESIDENT: Why?

Khan Bahadur NAZIRUDRIN AHMAD: Because, I think we have done enough business today.

Mr. HAMIDUL HUQ CHOWDHURY: No, Sir, we would like to proceed.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in sub-clause (*2*) of clause 26 of the Bill, for the figure "1945" the figure "1947" be substituted.

I would like to speak on this amendment by referring to the clause itself. Sub-clause (*2*) of clause 26 runs thus—"Where the total sum computed under both heads of agricultural income as that on which agricultural income-tax is payable by an assessee in any year, being a previous year not earlier than the previous year for the assessment for the year ending on the 31st day of March, 1945, is a negative quantity the assessee shall be deemed to have sustained a loss to that extent in that year, and such loss shall be carried forward to the following year and set off against the sum on which agricultural income-tax is computed to be payable in such year, and if such loss cannot be wholly set off in such year, the amount of such loss not so set off shall be carried forward in the same manner to the next following year and so on, but no amount of such loss shall be carried forward for more than six successive years."

Now, Sir, I would submit that the total sum computed under both heads of agricultural income is that on which agricultural income-tax is payable by an assessee in any year. I propose that for the year 1945, the figure 1947 should be incorporated, as we should leave two years during which the agricultural income should not be assessed. Therefore, the first year that I propose for the collection of this tax is 31st March, 1947.

Now, the words are "being a previous year not earlier than the previous year for the assessment for the year ending on the 31st day of March, 1945". The "previous year" would be the year ending 31st day of March, 1944. I submit that would mean that the Act comes into operation on the 1st day of April, 1944. What I propose in my amendment is that if we make it 1947, then we will have two years after the passing of the Act in which the loss and other things have got to be calculated. That is the reason why I propose the figure 1945 should be changed to 1947. Of course, strictly speaking, I may point out that as the amendment of the opposition was negatived to make it postpone the operation of the Act, this ought to have been 1946; but that does not matter. 1945 as it stands seems to be either a mistake or an oversight, because previous year will be 31st March, 1944. Therefore, I submit that my amendment should be accepted.

Mr. PRESIDENT: Amendment moved that in sub-clause (*2*) of clause 26 of the Bill, for the figure "1945" the figure "1947" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, there is no reason why the figure 1945 should be changed. I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 26 of the Bill, for the figure "1945" the figure "1947" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The House stands adjourned till 2-15 p.m. on Monday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 7th August, 1944.

Members absent.

The following members were absent from the meeting on the 3rd August 1944:—

(1) Khan Sahib Fariduddin Ahmad.
(2) Mr. Altaf Ali.
(3) Mr. Kader Baksh.
(4) Mr. Humayun Reza Chowdhury.
(5) Mr. R. W. N. Ferguson.
(6) Khan Bahadur Abdul Gofran.
(7) Mr. M. R. Jaipuria.
(8) Maulana Mohd. Akrum Khan.
(9) Mr. Abdul Latiff.
(10) Mr. N. N. Mookerji.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur Mukhlesur Rahman.
(13) Rai Bahadur R. B. Roy.
(14) Mr. S. N. Sanyal.
(15) Khan Bahadur M. Shamsuzzoha.
(16) Khan Sahib Maulvi Wahiduzzaman.

BGP-44/5-8921A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 72.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 7th August 1944, at 2-15 p.m. being the seventy-second day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Obituary Reference.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, it is my melancholy duty to refer to the death of one of the sitting members of our House, Nawabzada Altaf Ali. Sir, he was only 57 years of age and after a short illness of only five days he passed away in his Calcutta residence. He was an old Parliamentarian and was a member of the pre-Reform days Council. He was the Chairman of the Bogra District Board and also the Chairman of the Municipality of Bogra. He was a keen sportsman and a well-known social figure in the city of Calcutta. Sir, this House mourns his loss which came so suddenly; nobody expected that he would be going away so soon. I should now like to move the resolution which runs as follows:—

> "This Council records its sense of sorrow at the demise of Nawabzada Altaf Ali, a sitting member of the Council, who was a scion of an old aristocratic zemindar family, a public man of long standing, a prominent social figure, a keen sportsman and, above all, a perfect gentleman."

I hope this resolution will be accepted by the whole House.

Mr. PRESIDENT: Resolution moved: That this Council records its sense of sorrow at the demise of Nawabzada Altaf Ali, a sitting member of the Council, who was a scion of an old aristocratic zemindar family, a public man of long standing, a prominent social figure, a keen sportsman and, above all, a perfect gentleman.

Mr. KAMINI KUMAR DUTTA: Sir, on behalf of my Party, I associate myself with the resolution of condolence moved by the Leader of the House. Nawabzada Altaf Ali was indeed a person who was well-known for his non-communal and liberal outlook in regard to political issues. He was connected with almost all the beneficent public activities in this province and was loved and admired by all sections of the people for his charming manners and unfailing courtesy. With these words, I support the resolution which has been placed before the House.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, on behalf of myself and the party to which I have the honour to belong, I associate myself with the resolution of condolence which has been moved by the Leader of the House on the death of Nawabzada Altaf Ali, of Bogra. Sir, the late Nawabzada has been taken away by a short illness of five days. Sir, it is our unfortunate lot that in almost all sessions of the House we have to mourn the loss of one or other members of this House. *It reminds* us that we really are living in the midst of death,—a fact *which we so often* forget. Sir, the Nawabzada was a *gentleman to the tip of his fingers. He* was the pink of courtesy and a man of very liberal views. *Many of his* endowments benefited evenly both the *Hindus and Muslims. He* was

above all communal feelings. He was a scion of a premier zemindar family of Bengal, but his sympathies were always with the poor. Indeed, he was never ashamed to call himself a member of the Krishak-Proja Party in Bengal. If sorrow shared is sorrow relieved, I can assure his son, Khan Bahadur Muhammad Ali, Parliamentary Secretary to the Chief Minister, that he and his brothers, his mother and his sisters, in fact, all the rest of his family have our fullest sympathy in their great bereavement. May his soul rest in peace!

Mr. SACHINDRA NARAYAN SANYAL: Sir, with profound sorrow and grief I rise to associate myself with the condolence resolution which has been moved regarding the sudden death of Mr. Altaf Ali. I have seldom taken part in a matter like this before. But in spite of my ill-health I have come today to pay my tributes to the memory of the deceased. Mr. Altaf Ali needs no introduction. We knew each other for more than 20 years, and our cordial relationship has continued since then. This relationship grew more intimate since 1926 as both of us belonged to the same party in the Bengal Legislative Council.

Sir, regarding his political career, you personally know better than we do. He was born in the noble Nawab family of Bográ. His father was the late Nawab Nawab Ali Chowdhury Bahadur of Dhanbari, Mymensingh. Although he was born with a silver spoon in his mouth, he always rendered yeoman's service to the less fortunate section of the public. Mr. Altaf Ali was a keen sportsman. He joined politics quite early in his life. In politics he acted under the guidance of the late Mr. C. R. Das. Mr. Altaf Ali was unostentatious and unassuming, and a man of honest and firm convictions, who would do his utmost to bring about communal harmony in the province and so he was admired by all sections of the Public. His charities were wide, and he made no distinction between the Mussalmans and the Hindus; but these were mostly so private that few people knew of them. I need not say much about his political career. I hope his eldest son, Khan Bahadur Muhammad Ali, will follow in the footsteps of his late lamented father. I pray to the Almighty to give his soul rest and peace.

Mr. HUMAYUN KABIR: Mr. President, Sir, it with a deep feeling of sorrow that I rise to associate myself with the resolution. It has been my privilege to know the late lamented Mr. Altaf Ali for about half a dozen years but I have known about him for a very long time. He was a staunch nationalist and a member of the Swarajya party in the old Bengal Legislative Council. Although a member of one of the richest and most aristocratic zemindar families, his sympathies were always with the down-trodden peasantry of this province. When an opportunity came for election to the Upper House, he therefore chose the ticket of the Krishak Praja Party in preference to that of any other, even though it was perhaps easier for him to secure nomination from some other party. Be it said to his credit that throughout his political life he was steadfast and staunch to the party whose ticket he accepted. In this House he always carried out the mandate and the policy of the party faithfully, even at the cost of personal interest or the interest of the class which he represented. A man of wide sympathies, liberal culture and polished conduct, his equanimity of temper made him popular with all the sections of this House.

I associate myself with the resolution moved by the Leader of the House. I have no doubt that as is the custom in this House, further proceedings of this House will be suspended today in honour of his memory.

Mr. HARIDAS MAZUMDAR: Sir, on behalf of my party and on behalf of myself, I fully associate myself with the resolution moved by the Leader of the House. What has fallen from my friends here is fully shared by me. I can say that the late Nawabzada was a perfect gentleman in the truest sense of the term. What is more, he was truly a People's man. Although born of an aristocratic zemindar's family, he fully sympathised

with and actually shared the weal and woe of the poorer sections of the people. By his death we have lost a sincere friend, a staunch party man, and a zealous fighter for the freedom of his country. With these words, I associate myself with the resolution that has been moved by the Hon'ble Leader of the House.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I whole-heartedly associate myself with what has fallen from the previous speakers. I have known Nawabzada Altaf Ali for many years. Although born with a silver spoon in his mouth the Nawabzada was unassuming in his manners. He was the very pink of courtesy. His amiable disposition, affable manners and, above all, his courteous dealings with his friends and his subordinates made him an ideal nobleman of the day. He was the scion of an illustrious family which is well-known in Bengal for its generosity and public spirit. The Nawabzada attended the Council meeting only a few days ago and nobody could then think that his end was so near. He was not only popular with his tenants but with all classes of people, as will be evident from the huge crowd that assembled when the train carrying his dead body steamed into the Bogra station. Today we are mourning his loss not because he was one of our colleagues in the Council but because we feel that the void created by his death will be difficult to fill. Nawabzada Altaf Ali was a gentleman of liberal views and strove his utmost for communal harmony. He always shunned the lime-light. To do honour to such a man is to do honour to ourselves.

Mr. W. B. C. LAIDLAW: Sir, I wish to associate this party (European Party) with the terms of the resolution moved by the Leader of the House and to extend our sympathy to the relatives of the late Nawabzada Altaf Ali.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Sir, it is with a heavy heart that I associate myself with the sentiments expressed in the resolution moved by the Leader of the House. The death of Nawabzada Altaf Ali is a personal loss to me. In his younger days when Nawabzada Altaf Ali was a Deputy Magistrate of Noakhali, the members of our family came in contact with him. After resigning from this work he joined politics and became Chairman of the District Board and Municipality of Bogra and then a member of this House. His patriotic instinct induced him to join the Swarajya Party organised by the late Mr. C. R. Das. Although a member of the landholding class, his sympathy for the poor took him to the Krishak-Praja Party. In my opinion the most important trait of his character was his sportsmanship. We did not see eye to eye, but our difference never created any bitterness. Undoubtedly, Mr. Altaf Ali occupied a uniqu position in Bengal. With these words, I associate myself whole-heartedly with the resolution.

Mr. PRESIDENT: Before putting to vote the resolution which has been so eloquently moved by the Leader of the House, the Chair would like to associate itself with the expression of sympathy and grief by members representing the different groups of this House. Nawabzada Altaf Ali was the son of the late Nawab Nawab Ali Chowdhury Bahadur and a daughter's son and heir of the late Nawab Abdus Sobhan Choudhuri of Bogra. I had the privilege of coming in contact with him nearly 25 years ago as a member of the old Bengal Legislative Council. The late Nawabzada was associated with the Bengal Legislature from 1916 with a small break, when he was elected a member of the Council of State. I had also an opportunity of watching his civic duties, because he was for a long time the Chairman of the District Board of Bogra and also the Chairman of the Municipality of Bogra. Soon after the introduction of the system of elected non-official Chairmen for District Boards by the Government of Lord Ronaldshay, the late Nawabzada Altaf Ali was elected Chairman of the Bogra District

Board and he continued in this office for a number of years. Consistently with his position as the premier landlord of the district, he kept himself above party politics and he used to be respected alike by the Hindus and Muslims of the district. His loss is a great blow to the Muslim community in particular and to Bengal in general. This House of which he was a valued and beloved member deeply mourns his loss.

I will now place the resolution which has been moved by the Hon'ble the Leader of the House:

> "This Council records its sense of sorrow at the demise of Nawabzada Altaf Ali, a sitting member of the Council, who was a scion of an old aristocratic zemindar family, a public man of long standing, a prominent social figure, a keen sportsman and above all a perfect gentleman."

I would request the honourable members to rise in their places as a mark of respect to the memory of the deceased.

(Honourable members rose in their seats.)

I believe it is the general desire of the House that a message of condolence should be sent to the members of the bereaved family.

(Many honourable members: Yes, Sir.)

The House stands adjourned till 2-15 p.m. tomorrow as a mark of respect to the memory of the deceased.

Adjournment.

The Council then adjourned till 2-15 p.m. on Tuesday, the 8th August, 1944

MEMBERS ABSENT.

The following members were absent from the meeting held on the 7th August, 1944:

(1) Mr. Kadeı Baksh
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. R. W. N. Ferguson.
(4) Khan Bahadur Abdul Gofran.
(5) Mr. M. R. Jaipuria.
(6) Maulana Mohd. Akrum Khan.
(7) Mr. Abdul Latiff.
(8) Mr. N. N. Moholanabish.
(9) Khan Bahadur M. A. Momin.
(10) Mr. N. N. Mookerjee.
(11) Mr. T. B. Nimmo.
(12) Mr. R. S. Purssell.
(13) Khan Bahadur Muklesur Rahman.
(14) Khan Bahadur Kazi Abdur Rashid.
(15) Dr. K. S. Ray.
(16) Dr. K. Talukdar.

BGP-44I5-8922A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 73.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 8th August, 1944, at 2-15 p.m. being the seventy-third day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PROSAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, we have not got copies of the short-notice questions.

Mr. PRESIDENT: Short-notice questions are not circulated.

Rai Bahadur KESHAB CHANDRA BANERJEE: Then the questions as well as the answers may be read.

250A. Mr. SRISH CHANDRA CHAKRAVERTY: (*a*) Will the Hon'ble Minister in charge of the Agriculture Department be pleased to state the causes of the unprecedented rise in prices of all kinds of vegetables and herbs to the extent of eight to ten times the usual price?

(*b*) Does he contemplate taking steps to control prices thereof? If so, in what manner and by what time?

(*c*) Does he contemplate taking similar steps regarding the prices of meat and fish, which have gone up about four times the usual price? If so, in what manner and by what time?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): (*a*) Agricultural Department does not keep any information about herbs for which necessary question may be put to the Minister in charge of Medical and Public Health Department.

As regards vegetables, it is true that the prices have risen about 3 to 4 times of normal prices.

The following are the causes of rise in prices:—

(*i*) Demand being more than supply owing to abnormal increase in the population of Calcutta city, the prices have risen to some extent;

(*ii*) Transport difficulties;

(*iii*) Sympathetic rise in prices due to rise in the prices of food crops;

(*iv*) Stoppage of supply from adjoining provinces owing to embargo placed on exports;

(*v*) Profiteering to some extent by the middlemen.

(*b*) (*i*) As regards English vegetables, the prices have been amicably controlled without resorting to Defence of India Rules and the system is working fairly satisfactorily. About 150 maunds of Darjeeling vegetables are being sold in Calcutta markets at the prices fixed by the Director of Agricultural Marketing in consideration of the prices prevailing at Darjeeling.

(*ii*) As regards country vegetables, the problem is beset with difficulties. The vegetables come from so many directions and such a large number of

people are engaged in the trade, that without employing a huge staff it is not possible to enforce the controlled prices or to stop black marketing. It also seems that the controlled prices that may be fixed will not be substantially less than the prevailing prices. The growers of vegetables who are generally poorer agriculturists had to purchase paddy for their own consumption and other consumer's articles at about 3 times the normal prices and so they can reasonably demand 3 times the normal prices for their vegetables. It does not appear that the growers are charging more than parity price for their vegetables. It will be unwise therefore to do anything which is likely to affect the growers, as it will discourage them from growing more and more vegetables. It is only the middlemen who are in some cases making some undue profit and all that the Government can do is to reduce their margin of profit. But this cannot be done easily, as it is apprehended that if the market prices are reduced, the middlemen instead of reducing their margin of profit, will try to reduce the price they pay to the grower.

It is further apprehended that as soon as prices of vegetables are controlled, they may disappear from the open markets and may be sold in black markets or may be sold by street hawkers at higher prices. A huge staff hardly commensurate with the ultimate benefit to the consumers will have to be entertained if any control is to be made effective. Under the circumstances it is proposed that the Government instead of trying to control prices should purchase an appreciable quantity of vegetables from the growers, bring them to Calcutta by lorries and sell them at cost price through Government grain shops as in Bombay. There are however peculiar difficulties to be faced even in this system in Bengal but the Government is not in a position to disclose them, as they may open the eyes of mischief makers. Government is however having the proposal seriously examined and a decision is likely to be taken soon.

For the information of the House, I would quote the figures showing (1) prices charged by growers, (2) cost of landing in Calcutta, (3) profit of wholeseller (middleman), (4) expenses of retailers, (5) profit of retailers, (6) price paid by consumers, collected in respect of some of the principal items of vegetables after detailed enquiry:—

	Akkolpur Patal.	Berhampur Patal.	Krishnagar Pumpkin.	Bongaon Brinjal.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1. Price charged by grower ..	6 0 0	7 12 0	1 8 0	8 0 0
2. Cost of landing in Calcutta ..	4 7 6	2 12 0	1 8 0	1 10 0
3. Profit of wholeseller (Middleman) ..	2 8 6	1 8 0	1 0 0	1 6 0
4. Expenses of Retailer ..	0 8 0	0 8 0	0 8 0	0 8 0
5. Profit of retailer ..	4 0 0	2 8 0	2 6 0	3 8 0
6. Price paid by consumer ..	17 8 0	15 0 0	6 14 0	15 0 0

Mr. PRESIDENT: Khan Bahadur Sahib, I am sorry to interrupt you. The Chair has got no copy of the reply that you are reading. I am sure there will be difficulty on the part of the Honourable members to put supplementary questions bearing on so many figures that you have been quoting. Therefore, I suggest that copies of your reply to this question be made and circulated to the members tomorrow for the facility of putting supplementary questions and for the Chair to decide which supplementary questions should be allowed and which should not be allowed. Otherwise, it would be impossible to follow those replies. So I would request you to read your reply leaving out those figures.

Mr. HUMAYUN KABIR: But some supplementary questions may be asked today also, Sir.

Mr. PRESIDENT: I think that would be rather repeating the same thing twice over.

Mr. PRESIDENT: Khan Bahadur Sahib, you may go on reading out your reply.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It will appear from the above statement that the wholesellers' profit ranges from 13 annas 9 pice to Rs. 2-8-6 per maund and that of retailer from Rs. 2 to Rs. 4 per maund. The retailer's profit apparently seems to be unreasonably high but allowance being made for rottage and loss on transit the profit will probably dwindle down to half.

There is another statement showing the comparative prices of April and July which I need not read. It will be seen from the above that there has been an abnormal rise in the price of potatoes and this is due to the fact that local potatoes have been nearly exhausted and Bihar, Assam and Madras having put an embargo on the export of potato the price is soaring sharply. But Government is in correspondence with the adjoining provinces for allowing its export to Bengal to a limited extent. Madras has already agreed to permit 500 tons of potato to be exported to Bengal in the month of August but Bihar and Assam have refused to allow the export of food potato to Bengal. The statement shows that the prices of brinjal, bittergourd have increased by 50 per cent. The prices of patal, pumpkin and onions have however appreciably decreased. It is hoped that with the coming in of the monsoon there might be a steady decrease in the prices of all kinds of seasonal vegetables. The control of price of meat and fish is also not an easy task. Various complications are likely to arise and the situation is likely to grow worse if control was attempted without assuring supply. As regards fish, however, it will be possible to bring down the price to some extent by controlling the supply of ice, which plays such a large part in the fish trade of Calcutta. Government have decided to appoint an Ice Controller and is trying to secure the services of a gentleman with experience and personality. It is hoped that the supply of fish to Calcutta will increase for the future, and that there will be automatic reduction in its price.

As regards the control of the price of meat, the matter has not yet been taken up. Government however is aware that the rise in the price of meat has been largely due to the embargo put upon the export of goats, cows and buffaloes by Bihar wherefrom a large number of animals used to come for the Calcutta slaughter-houses. Government is watching the situation carefully and will take the necessary steps.

State prisoner Babu Narendra Nath Chatterjee.

250. Mr. NAGENDRA NATH MOHOLANABISH: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Babu Narendra Nath Chatterjee is being detained as a State prisoner under Regulation III of 1818 in the Faridpur District Jail?

(*b*) If so, since when is he being so detained?

(*c*) Has any personal allowance for himself and a family allowance for the maintenance of his family yet been granted? If so, from when and at what rate? If not, why not?

(*d*) Are any books, newspapers and magazines supplied to him in the jail? If not, why not?

(*e*) Has he been informed of the reasons of his detention?

Minister in charge of the HOME DEPARTMENT (*the Hon'ble Khwaja Sir Nazimuddin*): (*a*) Yes.

(*b*) Since the 24th July, 1943.

(*c*) Yes, he has been granted a personal allowance of Rs. 30 per month since the 24th July, 1943, and a family allowance of Rs. 20 per month since the 23rd July, 1944.

(*d*) Two daily newspapers are supplied at Government cost and the prisoner can read books obtained from the Jail Library. The prisoner can also obtain other newspapers and books from outside subject to the usual restrictions.

(*e*) No.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state how many members a family consists of?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state why the family allowance of Rs. 20 per month was not granted from the 24th July, 1943, but from the 23rd July, 1944?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as the personal allowance is concerned, that was granted because he was a State prisoner—all State prisoners are given personal allowance, and that was sanctioned at that time. As regards family allowance, orders were passed later on after verification of facts.

Mr. LALIT CHANDRA DAS: Why was not retrospective effect given from 24th July, 1943, to the family, because the family had to be maintained?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will make enquires. I ask for notice.

Mr. BANKIM CHANDRA MUKHERJEE: Arising out of (*e*), why was not this Regulation III prisoner informed of the reasons of his detention?

The Hon'ble Khwaja Sir NAZIMUDDIN: The procedure is in accordance with Ordinance C regarding the detention of prisoners and that has been followed in this case.

Mr. LALIT CHANDRA DAS: Did not that Ordinance require that every prisoner detained would be given the reasons for his detention and that he would be given an opportunity to reply?

The Hon'ble Khwaja Sir NAZIMUDDIN: The provision of the Ordinance has been complied with.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state if the Ordinance would apply to Regulation III prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: Strictly speaking, it does not apply.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the Hon'ble Minister is prepared to extend that principle and give him the reasons of his detention in this particular case?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state if, because the Ordinance does not apply, Regulation III of 1818 has been followed in this case of this prisoner?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is true.

Mr. HARIDAS MAZUMDAR: Sir, I have got a short-notice question. I am fortunate to find the Hon'ble Minister in charge of the Supply Department today——

Mr. PRESIDENT: Mr. Suhrawardy, are you going to answer it?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, Sir.

256. "(*a*) If any meeting of the 'Bhog Committee" has been held since the announcement of the personnel of the said Committee;

(*b*) If so, when; if not, why not;

(*c*) Whether any Press Note has been issued by the Government informing the public to whom and when the *sebaits*, managers and trustees of the endowed *debutters* should apply for ration cards and other relief, if any; if so, when, if not, why not; and

(*d*) if the Government contemplate to take serious steps in the matter at an early date; if not, why not"?

The answer is as follows:—

"(*a*) and (*b*) The first meeting of the committee has been called on the 11th instant.

(*c*) No; details of requirements, etc., will have to be worked out first in consultation with the committee before arrangements for supplies can be made.

(*d*) Yes.

Mr. HARIDAS MAZUMDAR: Has the Hon'ble Minister received representation from——

Mr. PRESIDENT: Mr. Mazumdar, that portion of your question was disallowed.

Mr. HARIDAS MAZUMDAR: But I have not been informed of it, Sir.

Mr. BANKIM CHANDRA MUKHERJEE: I sent certain short-notice questions with regard to the Howrah Municipality and I would like to know whether they have been admitted and would be replied to.

Mr. PRESIDENT: So far as the Council Department is concerned, the question has been admitted.

Mr. BANKIM CHANDRA MUKHERJEE: Then I would like to know when it is going to be answered.

Mr. PRESIDENT: Whether the question would be accepted at short-notice or not depends on the Hon'ble Minister.

Mr. HUMAYUN KABIR: Sir, I had a short-notice question regarding the reports of hunger-strike by political prisoners in the Alipore Central Jail. I would like to know whether my short-notice question has been admitted by you, Sir, and if it has been admitted by you whether the Hon'ble Minister is prepared to answer the question at short-notice.

Mr. PRESIDENT: The short-notice question has been admitted so far as the Chair is concerned; as to whether that question will be answered by the Hon'ble Minister at short-notice or not, it is for him to reply.

Mr. HUMAYUN KABIR: Sir, may I enquire through you of the Hon'ble Minister whether he is prepared to answer it?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have not seen the question yet. I propose to do it tomorrow.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, there is another short-notice question——

Mr. PRESIDENT: As regards these short-notice questions, an unusual procedure is going to be followed and I am inclined to discourage it.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I am only asking whether my short-notice question regarding the Famine Enquiry Commission has been admitted or not.

Mr. PRESIDENT: You may find that out from the Secretary or the Council Department. The time of the House is valuable and we should avoid mentioning all these things in the House, as far as possible.

Adjournment Motions.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I gave notice of three adjournment motions.

Mr. PRESIDENT: That is rather unusual. One does not give notice of three adjournment motions at a time. However, which one you refer to now?

Rai Bahadur KESHAB CHANDRA BANERJEE: Regarding the cloth situation.

Mr. PRESIDENT: That is inadmissible, because the Government of Bengal has nothing to do in this matter. What is your next?

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, may I be permitted to have my say in the matter?

Mr. PRESIDENT: I have given my ruling. You cannot discuss the matter.

Rai Bahadur KESHAB CHANDRA BANERJEE: The next one is with regard to the increase of the individual ration of sugar——

Mr. PRESIDENT: I do not consider that to be of urgent public importance, because Government has not reduced the supply of sugar but has increased it.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, may I make my submission and show how it is of urgent public importance?

Mr. PRESIDENT: It is not urgent and I am afraid I cannot allow you to discuss it. Your next one?

Rai Bahadur KESHAB CHANDRA BANERJEE: The next one is a general question covering the food situation particularly with reference to rice.

Mr. PRESIDENT: Regarding your adjournment motion on the food-stuffs, I find from today's paper that the price of rice in Chittagong is going down. A similar motion was brought by Mr. Lalit Chandra Das in this session and it was negatived by this House. So, it cannot be moved.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, as regards the rice position in Midnapore, I had been to Midnapore on Saturday last and I found no rice selling there.

Mr. PRESIDENT: What is the authority for your statement?

Mr. BANKIM CHANDRA MUKHERJEE: I personally went to Midnapore and I myself went to the market but I could not find rice from the shopkeepers. The situation there is very serious and the people were apprehending the repetition of the famine of last year. As a matter of

fact, I was told that rice was not available except in the black-market and that too in a very small quantity at annas 8 or annas 10 per seer. I engaged a hackney-carriage coachman who was a Mussalman and he said that he could not get rice for the last few days except for paying annas 10 per seer. The situation is becoming serious and I submit that this matter ought to be discussed.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, a similar motion regarding the rice position in Midnapore was discussed at an earlier date.

Mr. PRESIDENT: Here the motion is something different. The honourable member refers to the position in Midnapore town itself.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have no knowledge of the facts. If the facts were brought to my notice, I would have looked into them. But I cannot understand why the position should be so at Midnapore when it is a surplus district and when to my knowledge there are sufficient food-grains in Midnapore. And moreover, Sir, annas 8 a seer is not a black-market rate either. (Mr. BANKIM CHANDRA MUKHERJEE: Annas 8 per seer is not a black-market rate!).

Mr. PRESIDENT: May I suggest one thing? It is an urgent matter no doubt and the honourable member makes a definite allegation from his personal knowledge. He says that he himself went there and he came to know that no rice was available in the market. Therefore, I would suggest that you enquire into the matter as early as possible and then make a statement.

The Hon'ble Mr. H. S. SUHRAWARDY: I shall do that.

Mr. HARIDAS MAZUMDAR: On a point of information, Sir. The Hon'ble Minister states that annas eight per seer is not black-market price——

Mr. PRESIDENT: Mr. Mazumdar, that question does not arise now. It has been disposed of. The Hon'ble Minister has agreed to enquire into the matter and make a statement.

Mr. HARIDAS MAZUMDAR: The matter is very urgent, Sir.

Mr. PRESIDENT: I quite realise that it is very urgent. The matter has been brought to the notice of the Hon'ble Minister and he is going to make a statement on the subject tomorrow.

Mr. HARIDAS MAZUMDAR: Sir, I may be allowed to speak on the adjournment motion.

Mr. PRESIDENT: First, let the Hon'ble Minister make the statement first and then if it is considered that the urgency continues, then certainly you will be allowed to speak.

Regarding your adjournment motion, Mr. Mazumdar, may I enquire how could you collect the information from practically half of Bengal in such a short time?

Mr. HARIDAS MAZUMDAR: I have already submitted a cutting from the *Amrita Bazar Patrika* which you will find along with the adjournment motion.

Mr. PRESIDENT: I have seen that. They refer to the situation in July.

Mr. HARIDAS MAZUMDAR: It is continuing.

Mr. PRESIDENT: No, it is not continuing.

Mr. HARIDAS MAZUMDAR: I have got definite information that the state of things is continuing.

Mr. PRESIDENT: I do not think that information can be definite. That is exactly the point. How can you get information so quickly from such a large area? What is the source that collects that information for you? I am afraid, I cannot admit it. It is rather confusing. If it be in July, will that continue in the month of August?

Mr. HARIDAS MAZUMDAR: If a man lies down sick from malaria, can you say that he is all right within the month?

Khan Sahib Maulvi WAHIDUZZAMAN: I can say that the report is correct.

Mr. PRESIDENT: Mr. Mazumdar, I cannot admit your adjournment motion. This particular question regarding supply of quinine was discussed more than once and the Hon'ble Minister, Public Health and Local Self-Government Department, made a definite statement regarding it only three weeks ago.

Mr. HARIDAS MAZUMDAR: I have also raised another point, namely, that the quality of quinine is very poor. This point was never raised before in this House. This is certainly a very important matter.

Mr. HAMIDUL HUQ CHOWDHURY: On a point of information, Sir. Mr. Mazumdar always speaks of a thing as reported. He does not take the responsibility for the facts.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. In the first place the Government of Bengal cannot be responsible for the quality of the imported quinine, and in the second place, Sir, the honourable member cannot assert that the quality of quinine is very poor. The honourable member had better try to administer it to himself first.

Mr. PRESIDENT: I am afraid, Mr. Mazumdar, that this is not a matter of urgent public importance.

Mr. HARIDAS MAZUMDAR: Then what will be an urgent matter, I do not know.

Mr. PRESIDENT: Only the other day this particular question was considered; so I disallow it.

Point of Privilege.

Mr. HUMAYUN KABIR: May I rise on a matter of privilege of the House? Once before I referred to this matter. The point about which I wanted a decision from you is: that if a matter is once discussed in this House through an adjournment motion about a particular question and if in the course of another week or in the course of another month a similar situation recurs again or there is a continuation of the same state of things which was discussed in the adjournment motion, will it be in order or will it not be in order to raise the matter again by a fresh motion of adjournment?

Mr. PRESIDENT: Mr. Humayun Kabir, you know it very well from your experience of legislative business that there are subjects and subjects, and you cannot apply the same principle or the same rule to all subjects. This is a matter which was discussed only the other day. This question of supply of quinine was incidentally considered by the Hon'ble Minister in charge of the Department concerned. He made a definite statement on the matter and so the point was thoroughly threshed out. Now, what is the new point or fresh urgency I fail to understand?

Mr. HUMAYUN KABIR: It is true that the matter was fully considered. But the point that has arisen is: if the Hon'ble Minister concerned at that time made a certain statement about the supply of quinine or the incidence of malaria in the Province, the question will have to be decided whether the situation has been remedied or not. If the situation has not been remedied, and we assert that the prevalence of malaria is even more serious today, and as a matter of fact, His Excellency the Governor in his broadcast speech the other day said that——

Mr. PRESIDENT: Mr. Humayun Kabir, let me suggest one thing to Government. I hope Government will make a fresh statement on the entire situation——

Mr. HAMIDUL CHOWDHURY: On a point of order, Sir. Mr. Humayun Kabir has said that——

Mr. PRESIDENT: Order, order. Let me first dispose of the matter. Will Government make a fresh statement on the entire malaria situation including the quality of quinine?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: I have got no notice.

Mr. PRESIDENT: You will have to make a statement not today but after ascertaining what the subject is.

Mr. HAMIDUL HUQ CHOWDHURY: The general point raised by Mr. Kabir is misleading, and, Sir, by asking Government to make a statement you have to some extent countenanced it. It is particularly to be noted that for the discussion of an adjournment motion a particular procedure is laid down; simply because a particular question is discussed and it continues to remain a matter of public importance,—it does not follow that the matter will continue to be discussed whenever it is brought up. There are remedies for this, but this is certainly not the way; remedies of the problem must be found out in other ways. Therefore, adjournment of the House can only be agreed to if it comes within the rules and rule 99(*iii*) of our Procedure Rules prohibits the discussion of a subject which has been discussed—it does not matter whether the subject is continuing; therefore the motion cannot be discussed.

Mr. PRESIDENT: I am afraid, there is a certain amount of misunderstanding among ourselves in this matter. I entirely agree with what you say, Mr. Huq Chowdhury, as regards the principle that underlies the admissibility of an adjournment motion and that is why I said that the question had been recently discussed and the Hon'ble Minister in charge of the department had given his views as regards the supply of quinine and therefore the adjournment motion was not admissible. But in view of the fact that the situation may have been continuing and may have aggravated in the meantime or that the quinine supplied may not be up to the mark, I think, therefore, that it is in public interest that the House should be kept informed of the position regarding such an important matter; and it is in that view that I have made a special request to the Hon'ble Minister to make a statement on the whole malaria position, including the quality of quinine.

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Yes, Sir, I am prepared to make a statement.

Mr. PRESIDENT: When?

The Hon'ble Khan Bahadur Maulvi JALALUDDIN AHMAD: Perhaps on the 13th or 14th of this month, or early next week.

Mr. PRESIDENT: All right, the Hon'ble Minister has agreed to make a statement on the subject early next week. I hope this will satisfy the House.

Let us now go back to the Agricultural Income-tax Bill.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, may I have your permission to refer to a matter of very great importance to the country, I mean, the shortage of milk in Calcutta and the industrial areas?

Mr. PRESIDENT: I am afraid—not, because if you want to do it you should put in a short-notice question.

Rai Bahadur KESHAB CHANDRA BANERJEE: Since you are unwilling to allow an adjournment motion to be moved, will a short-notice question be answered?

Mr. PRESIDENT: How can I guarantee it?

Let us now go back to the Agricultural Income-tax Bill.

The Bengal Agricultural Income-tax Bill, 1944.

The question before the House is that clause 26 stand part of the Bill.

(The motion was agreed to.)

Clause 27.

Mr. PRESIDENT: Clause 27 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move: that sub-clauses (*2*) and (*3*) of clause 27 of the Bill be deleted and the following clause be added as sub-clause (*2*), namely:—

"(*2*) Where a person dies before the publication of the notice referred to in sub-section (*1*) of section 24 or before he is served with a notice under sub-section (*2*) of section 24 or section 38 as the case may be or without having furnished a return which he has been required to furnish under the provisions of section 24 or having furnished a return, which the Agricultural Income-tax Officer has reason to believe to be incorrect or incomplete, the Agricultural Income-tax Officer shall serve a notice on the heirs of the deceased in terms of section 24 for submitting returns in respect of their shares".

I may read the Bill-clause as it stands for the information of my honourable friends. Sub-clause (*2*) runs as follows:—

"(*2*) Where a person dies before the publication of the notice referred to in sub-section (*1*) of section 24 or before he is served with a notice under sub-section (*2*) of section 24 or section 38 as the case may be, his executor, administrator, or other legal representative shall, on the serving of the notice under sub-section (*2*) of section 24 or under section 38, as the case may be, comply therewith, and the Agricultural Income-tax Officer may proceed to assess the total agricultural income of the deceased person as if such executor, administrator or other legal representative were the assessee as if such administrator or other legal representative."

I would request the honourable members particularly to consider the question that in this sub-clause, after the death of a person the Bill proposes that the income-tax should be assessed on the basis of the income of the person who dies, although the assessment was not complete in his life-time. Sub-clause (*3*) runs thus:—

"Where a person dies without having furnished a return which has been required to furnish under the provisions of section 24 or having furnished a return which the Agricultural Income-tax

Officer has reason to believe to be incorrect or incomplete, the Agricultural Income-tax officer may make an assessment of the total agricultural income of such person and determine the agricultural income-tax payable by him on the basis of such assessment, and for this purpose may by the issue of the appropriate notice which would have had to be served upon the deceased person had he survived, require from the executor, administrator or other legal representatives of the deceased person any accounts, documents or other evidence which he might under the provisions of sections 8, 24 and 25 have required from the deceased person".

The position, as enunciated in sub-clauses (2) and (3) of clause 27, is hat even though the man is dead, his income should be assessed as if the erson is not dead. Now, let us examine the posi'ion. If we look to lause 29—I do not know why this distinction has been made there so far s a company is concerned. I would now refer particularly to clause 29 hich provides as follows:—

"Where, at the time of making an assessment under section 25, it is found that a change has occurred in the constitution of a firm or that a firm has been newly constituted, the assessment shall be made on the firm as constituted, at th time of making the assessment."

So far as companies are concerned, provision has been made that the ssessment should be on the basis of the state of things as existed at the ime of making the assessment. In the case of a person, the position has ltogether been reversed. When a person dies leaving 4 or 5 children as eirs, his property is to be divided among his heirs. But still after his death hen the time of assessment comes, the clause requires that the assessment hould be made on the basis of the total agricultural income of the dead erson who may have an income of, say, Rs. 10,000 leaving five sons. Now ıese five sons would inherit the income of Rs. 10,000 at the rate of s. 2,000 each. In the case of a company the clause provides that the xisting state of things will have to be taken and assessment made on that asis. But in the case of the person these unfortunate heirs would be taxed n the income of their parents, although the property has been divided. So is wholly inequitable. I do not know whether it was advisedly done or hether it is a mistake on the part of the framers of the Bill; but certainly is a distinction which ought not to have been made. It may be that the ompany earned large profit and at the time of reconstitution it is shown ıat there is no profit. The company goes out altogether, but in the case f a person, when he dies leaving 4 or 5 children, the agricultural income ill be assessed on the total income. Now, if we look to the Schedule, we ill find what a heavy burden will fall on the children of the deceased if ıey are assessed on the basis of the total agricultural income of the deceased oncerned. That is why I have proposed the amendment that if the person ies before the assessment has been actually made under clause 25, then you ave to serve a notice upon the heirs of the deceased with reference to the ıcome which they are entitled to separately.

With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That sub-clauses (2) and (3) f clause 27 of the Bill be deleted and the following clause be added as sub-lause (2), namely:—

"(2) Where a person dies before the publication of the notice referred to in sub-section (1) of section 24 or before he is served with a notice under sub-section (2) of section 24 or section 38 as the case may be or without having furnished a return which he has been required to furnish under the provisions of section 24 or having furnished a return, which the Agricultural Income-tax Officer

has reason to believe to be incorrect or incomplete, the Agricultural Income-tax Officer shall serve a notice on the heirs of the deceased in terms of section 24 for submitting returns in respect of their shares."

Mr. HUMAYUN KABIR: Sir, I rise to support this amendment. It seems to me common sense that when the property of a person has been divided, the successors should not be compelled to pay the tax at the rate at which the person from whom they inherited would have been liable. I take it that the rate would be much higher in the case of such a person. In the case of his successors the income would naturally be much lower. If they are required to pay at the same rate as their predecessor in interest, then it would obviously, in certain cases, impose a great hardship upon the successors. In view of this fact, this amendment deserves the consideration of the Hon'ble the Finance Minister and I hope he will see his way to accept the amendment, if, of course, he dares to do so.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to support this amendment. It is based upon, I believe, sheer justice. If a man dies leaving a large number of heirs, the heirs get the first shock on the death of their ancestor. They then get the second shock when the joint notice is served upon them from the Agricultural Income-tax Officer. This tax is going to be levied for the first time in Bengal: so we should be cautious in its application. I, therefore, think it would be more equitable to levy the tax according to the share of each heir. It may reduce the rate of tax in many cases and in some cases may relieve the share-holder altogether. With these words, I support the amendment. I submit if this amendment is accepted, no harm will be done; on the other hand, considerable amount of justice will be done to the heirs of the deceased person in this way.

Mr. LALIT KUMAR DAS: There is another point and it is this. If it so happens that the person upon whom the notice was served under section 24 of this Bill dies before he received the notice, then what will happen? It is provided under section 27 that his executor, administrator or other legal representative will be treated as the assessee and will be made to pay the amount which would have been paid had he been alive. It will clearly operate as a great hardship upon the representatives, for, if the assessment is made jointly upon the legal successors of the assessee, then the Government can at once execute the income assessed and realise it from one of them. If a man dies leaving 3 or 4 heirs who are living separately and if they are to be assessed jointly, then the Income-tax Officer will be able under the law to realise the whole amount from one of these persons. That will be a great hardship. The liability should be according to the shares of the successors.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sub-clauses (*2*) and (*3*) had been taken from section 24(B) of the Indian Income-tax Act. Sub-clause (*2*) deals with a case where the assessee dies before the publication of a notice and sub-clause (*3*) deals with a case where the assessee dies after he has been called upon to submit a return or after submission of returns it is found to be incorrect or incomplete. In both cases the further duties of the assessee are imposed upon his executor, administrator or other legal representative. The amendment proposed is meaningless. It suggests that when a person dies his heirs shall be called upon to submit returns in respect of their share but the remission contemplated in this section is in respect of the agricultural income derived by the assessee before his death. In that income the heirs certainly have no share. That income was the assessee's alone. The proposed amendment, therefore, is absolutely meaningless.

As regards the analogy that has been sought to be drawn between this case and the case of companies, I would like to point out, first of all, that they are not disposed to tax the companies as such. That is not the scheme of the Bill.

Mr. PRESIDENT: The question before the House is: that sub-clauses) and (*3*) of clause 27 of the Bill be deleted and the following clause be ded as sub-clause (*2*), namely:—

"(*2*) Where a person dies before the publication of the notice referred to in sub-section (*1*) of section 24 or before he is served with a notice under sub-section (*2*) of section 24 or section 38 as the case may be or without having furnished a return which he has been required to furnish under the provisions of section 24 or having furnished a return, which the Agricultural Income-tax Officer has reason to believe to be incorrect or incomplete, the Agricultural Income-tax Officer shall serve a notice on the heirs of the deceased in terms of section 24 for submitting returns in respect of their shares."

The motion being put, a division was challenged and taken with the llowing result:—

AYES—13

ıan Bahadur Naziruddin Ahmed.	Mr. B. C. Mukherji.
. S. G. Chakraverti.	Mr. R. Pal Chaudhuri.
. K. A. Chowdhury.	Rai Sahib J. N. Ray.
. L. C. Das.	Mr. A .D. Roy.
. B. C. Datta.	Mr. B. K. Roy Chowdhury.
. N. C. Datta.	Khan Sahib Maulvi Wahiduzzaman.
. H. D. Mojumdar.	

NOES—21

ıan Sahib Fariduddin Ahmad.	Mr. C. E. Clarke.
. Mesbahuddin Ahmed.	Mr. D. J. Cohen.
. Nur Ahmed.	Mrs. K. D'Rozario.
. S. Ahmed.	Mrs. L. P. Dutt.
ıan Sahib N. Amin.	The Hon'ble Khan Bahadur S. M. Hosain.
ıan Sahib A. Aziz.	Mr. L. Hossain.
. D. L. Barua.	Mr. Mohamed Hossain.
. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
. H. Huq Chowdhury.	Mr. T. B. Nimmo.
ıan Bahadur A. H. Chowdhury.	Mr. Yakub H. S. Sattar.
. Mohd Habibullah Chowdhury.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" ing—13, and the "Noes"—21, the amendment is negatived.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in ıuse 27 of the Bill, after sub-clause (*3*) the following new sub-clause be lded, namely:—

"(*4*) When the Ruler of an Indian State dies, his successor shall be liable to pay the agricultural income-tax assessed as payable by the Ruler of an Indian State or any agricultural income-tax which would have been payable by him under this Act if he had not died."

The reason for this amendment is that in the case of a Ruler of Indian ıte possibly the proceedings contemplated under sub-clauses (*2*) and (*3*), ımely, that notice should be served upon his executor, administrator other legal representative does not apply; and in order to avoid the ɔssibility that when the Ruler of an Indian State dies there may not be ıy machinery for either assessing the income-tax or realising the tax that definite clause should be inserted in order that the tax which has been ıssessed on such a ruler is realised by proper proceedings under the law. As matter of fact, we know that some rulers of Indian States in Bengal are ɔverned by the *Mitakshara* school of Hindu law and so far as the clause concerned there is no executor, administrator or other legal presentative. Therefore, there is a hiatus and there is a defect and though the definition of the term "Person" includes Ruler of an Indian ıte, the assessment may not be realised altogether. Therefore, I submit

that the amendment which I have proposed should be accepted in order that the defect may be removed and in the Act there may be a clear provision in regard to the Ruler of an Indian State.

Mr. PRESIDENT: Amendment moved that in clause 27 of the Bill, after sub-clause (*3*) the following new sub-clause be added, namely:—

"(*4*) When the Ruler of an Indian State dies, his successor shall be liable to pay the agricultural income-tax assessed as payable by the Ruler of an Indian State or any agricultural income-tax which would have been payable by him under this Act if he had not died".

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I support this amendment. It affects the Rulers of Indian States. This is a necessary provision and would remove a defect in the clause.

A loophole may be left if the amendment is not accepted.

Mr. LALIT CHANDRA DAS: Sir, the definition of the word "Person" includes the company and the Ruler of an Indian State. Now, Sir, it has been pointed out by the Hon'ble Finance Minister that clause 27 covers the case of Indian Rulers; but I desire to point out that in the case of the death of an Indian Ruler the words in sub-clauses (*2*) and (*3*) are not sufficient to touch their successors. The words used are "executor, administrator or other legal representative" in place of the original assessee. I think the proper word should be "successor", because an usurper may be a successor in the case of an Indian Ruler and subsequently he may be recognised as the person who is a Ruler of an Indian State. These words "executor, administrator" may not cover the case of a successor of an Indian State. It is for the purpose of being sure that the tax may be realisable from successor of the Ruler of an Indian State in the case of his death that this amendment has been suggested. I hope the Hon'ble Finance Minister should consider it and not reject it like others.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I am entirely unconvinced that there is any necessity for this amendment in view of the definition of the word "person" already accepted by this House. I think they are quite safe with the provision as it has been drafted.

Mr. PRESIDENT: The question before the House is that in clause 27 of the Bill, after sub-clause (*3*) the following new sub-clause be added, namely:—

"(*4*) When the Ruler of an Indian State dies, his successor shall be liable to pay the agricultural income-tax assessed as payable by the Ruler of an Indian State or any agricultural income-tax which would have been payable by him under this Act if he had not died".

The motion being put, a division was challenged and a division taken with the following result:—

AYES—12.

Khan Bahadur Naziruddin Ahmad.	Mr. H. D. Majumdar.
Rai Bahadur K. C. Banerji.	Mr. B. C. Mukherji.
Mr. S. C. Chakraverti.	Mr. R. Pal Chaudhuri.
Mr. K. A. Chowdhury.	Mr. A. D. Roy.
Mr. L. C. Das.	Mr. B. K. Roy Chowdhury.
Mr. B. C. Datta.	Khan Sahib Maulvi Wahiduzzaman.

NOES—22.

Khan Sahib F. Ahmad.	Mr. D. L. Barua.
Mr. M. Ahmed.	Mr. Moazzemali Chowdhury.
Mr. Nur Ahmed.	Mr. H. Huq Chowdhury.
Khan Sahib N. Amin.	Khan Bahadur A. H. Chowdhury.
Khan Sahib A. Aziz.	Mr. Mohd. Habibullah Chowdhury.

Mr. C. E. Clarke.	Mr. Mohamed Hossain.
Mr. D. J. Cohen.	Mr. T. B. Nimmo.
Mrs. K. D'Rozario.	Khan Sahib Subidali Mollah.
Mrs. L. P. Dutt.	Rai Bahadur R. B. Roy.
The Hon'ble Khan Bahadur S. M. Hosain.	Mr. Yakub H. S. Sattar.
Mr. L. Hossain.	Mr. Sultanuddin Ahmed.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—12, and the "Noes"—22, the amendment is negatived.

Mr. PRESIDENT: The question before the House is that clause 27 stand part of the Bill.

(The motion was agreed to.)

Clause 28.

Mr. PRESIDENT: Clause 28 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*1*) of clause 28 of the Bill, after the words "association of individuals" in line 2, the words "not being members of an undivided Hindu family governed by the *Dayabhaga* school or an undivided Muslim family" be inserted.

Sir, I do not wish to submit any argument beyond what I have already stated.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*1*) of clause 28 of the Bill, after the words "association of individuals" in line 2, the words "not being members of an undivided Hindu family governed by the *Dayabhaga* school or an undivided Muslim family" be inserted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: This amendment, I submit, is unnecessary. Clause 28 applies only to companies, firms and association of individuals and not to undivided families with determinable shares. Therefore, the amendment must be opposed.

Mr. PRESIDENT: The question before the House is that in sub-clause (*1*) of clause 28 of the Bill, after the words "association of individuals" in line 2, the words "not being members of an undivided Hindu family governed by the *Dayabhaga* school or an undivided Muslim family" be inserted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 28 stand part of the Bill.

(The motion was agreed to.)

Clause 29.

Mr. PRESIDENT: Clause 29 stand part of the Bill. I find that the word "persons" in the text of this clause is correctly printed in my copy, though the ink is not quite distinct. So this amendment is unnecessary and need not be moved.

Khan Bahadur NAZIRUDDIN AHMAD: But in my copy it is not quite distinct.

Khan Sahib Maulvi WAHIDUZZAMAN: Ask the Government to print it in a better way, so that the "s" may be there.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I have been using several copies both in this House and in the Lower House and in all these copies the "s" is not indistinct. It may be that in the new copies "s" is not very distinct.

Mr. PRESIDENT: The question before the House is that clause 29 stand part of the Bill.

(The motion was agreed to.)

Clause 30.

Mr. PRESIDENT: Clause 30 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*1*) of clause 30 of the Bill, after the words "Hindu undivided family" whenever they occur, the words "governed by the *Mitakshara* school" be inserted.

Sir, I have already argued this point.

Mr. PRESIDENT: Amendment moved that in sub-clause (*1*) of clause 30 of the Bill, after the words "Hindu undivided family" whenever they occur the words "governed by the *Mitakshara* school" be inserted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, in view of the definition of "Hindu undivided family" in clause 2, I submit that this amendment is unnecessary.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 30 of the Bill, after the words "Hindu undivided family" whenever they occur the words "governed by the *Mitakshara* school" be inserted.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in sub-clause (*1*) of clause 30 of the Bill, for the words "there is separate possession and enjoyment of such property" in lines 9 and 10, the words "there has been a separation of the undivided family" be substituted.

Sir, I would like to say a few words in explaining the amendment which I am moving. If we look to the clause itself as it stands, we find that the clause is in these terms: "Where, at the time of making an assessment under section 25, it is claimed by or on behalf of any member of a Hindu undivided family", I pause here for a moment and I would say that this refers to Hindu undivided family as defined in the Act, that is, the Hindu undivided family governed by the *Mitakshara* school of Hindu law. Now, in the subsequent lines of the clause the provision is that a partition has taken place among members or groups of members of such family, the Agricultural Income-tax Officer shall make due inquiry thereinto, and, if a certified copy of a decree of a competent Civil Court for partition of the joint family property or a document purporting to show that there is separate possession and enjoyment of such property is produced. Now, the clause requires that unless a document showing separate possession and separate enjoyment is produced, such property is going to be assessed as if it was an undivided family. I would like the Hon'ble Finance Minister to note that it has been decided by the judicial courts up to the Privy Council that so far as undivided Hindu family governed by the *Mitakshara* school of Hindu Law is concerned, a declaration or a proclamation that they have divided is sufficient for the purpose of breaking the unity of the joint family. As a matter of fact, it has been held that a statement in a plaint that the family has separated—is quite sufficient and after that the members can no longer be referred to as a Hindu undivided family governed by the *Mitakshara* school of Hindu law, according to the definition of that term in clause 2(8) of the Bill. Therefore, I submit that there is a mistake here. The intention was that the members of an undivided family should get the benefit of their separation and be assessed separately after there has been disruption of the joint family. Therefore, my special appeal is that the requirement that there must be separate possession before such a member of a Hindu undivided

family can claim separate assessment is not legal. There is some confusion. A Hindu undivided family is no longer a Hindu undivided family, as soon as there is disruption in the joint family by a declaration that the family has been divided. Therefore, there would be a loophole so far as this clause is concerned. It would not be a Hindu undivided family after this disruption and there would be no assessment at all on the basis of a Hindu undivided family. Therefore, the words "separate possession" should be deleted and the amendment that I propose should be accepted in order that the clause may be in consonance with the latest judicial pronouncements on the status of the Hindu undivided family governed by the *Mitakshara* School of Hindu law. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*l*) of clause 30 of the Bill, for the words "there is separate possession and enjoyment of such property" in lines 9 and 10, the words "there has been a separation of the undivided family" is substituted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment. What is obviously meant by the text of the Bill-clause is that there has been a partition; and what is inserted instead is that there is a separate possession, etc. Separate possession is quite consistent, with joint property. In respect of joint properties, there may be separate possession as a matter of convenience. Many members of joint families enjoy and possess houses, tanks and buildings, fields, etc., separately as a matter of convenience. Separate possession is no test; it is merely an evidence of partition or separation, but not synonymous with it. This amendment makes the position absolutely clear and the learned mover of the amendment rightly cited in support of his amendment the latest judicial pronouncement relating to joint family property belonging to the *Mitakshara* school. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: My honourable friend Mr. Bankim Chandra Mukherjee seems to have a passion for making a simple thing complicated. The words used in the text are more definite than those he proposes to substitute in their place and I think the Privy Council ruling he has just quoted has no application to this matter at all.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister kindly take legal advice on the matter?

Mr. PRESIDENT: The question before the House is: that in sub-clause (*l*) of clause 30 of the Bill, for the words "there is separate possession and enjoyment of such property" in lines 9 and 10, the words "there has been a separation of the undivided family" be substituted.

The motion being put a division was challenged and taken with the following result:—

AYES—9

Khan Bahadur Naziruddin Ahmad.	Mr. B. C. Mukherji.
Rai Bahadur K. C. Banerji.	Mr. R. Pal Chaudhuri.
Mr. K. A. Chowdhury.	Mr. A. D. Roy.
Mr. L. C. Das.	Khan Sahib Maulvi Wahiduzzaman.
Mr. H. D. Mozumdar.	

NOES—21

Khan Sahib F. Ahmad.	Mr. C. E. Clarke.
Mr. Mesbahuddin Ahmed.	Mr. D. J Cohen.
Mr. Nur Ahmed.	Mrs. K. D'Rozario.
Mr. S. Ahmed.	Mrs. L. P. Dutt.
Khan Sahib N. Amin.	Hon. Khan Bahadur S. M. Hosain.
Khan Sahib A. Aziz.	Mr. L. Hossain.
Mr. D. L. Barua.	Mr. Mohamed Hossain.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Rai Bahadur R. B. Roy.
Khan Bahadur A. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. Mohd. Habibullah Chowdhury.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—9, and the "Noes"—21, the amendment is negatived.

The next amendment stands in the name of Mr. Bankim Chandra Mukherjee.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, before the amendment is moved, may I mention an important matter? One of the honourable members of this House has been suffering from gout and he finds it difficult to move to the lobby. I suppose there are precedents where an honourable member can record his vote from the House without going to the lobby.

Mr. PRESIDENT: Certainly, if any honourable member finds it inconvenient to go to the lobby, his vote could be arranged to be recorded here.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. Clarke may, therefore, be permitted to record his vote from here.

Mr. PRESIDENT: Yes, Mr. Clarke need not go out every time to record his vote.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move: that in sub-clause (*2*) of clause 30 of the Bill, all the words beginning with "the Agricultural Income-tax Officer" in lines 1 and 2 and ending with the word "and" in line 11, be deleted.

Sub-clause (*2*) of clause 30 stands as follows: "Where such an order has been passed, the Agricultural Income-tax Officer shall make an assessment of the total agricultural income received by or on behalf of the joint family as such, as if no partition had taken place, and each member or group of members shall, in addition to any agricultural income-tax for which he or it may be separately liable and notwithstanding anything contained in clause (*b*) of section 10, be liable for a share of the agricultural income-tax on the agricultural income so assessed according to the portion of the joint family property allotted to him or it; and the Agricultural Income-tax Officer shall make assessment accordingly on the various members and groups of members in accordance with the provisions of section 25."

Now, if we look to clause 25 of the Bill, we find that the assessment is made on certain principle indicated therein. I would submit that this is really a punishment to the members of the joint family. I find that in opposing the previous amendment the Hon'ble Finance Minister stated that the Privy Council decision which I referred to did not apply. This reminded me of the saying: "Many people rush in where angels fear to tread". I do not know whether the Hon'ble Minister knows the particular ruling to which I referred before. He said that that case did not apply to the Hindu undivided family. I would suggest that so far as this clause is concerned, what is suggested is that assessment is to be made where such an order has been passed notwithstanding anything contained in sub-clause (*b*) of section 10.

If we look to clause (*b*) of section 10, we find that "any sum which he receives as the member of the Hindu undivided family, the agricultural income-tax of which has already been taxed". That is a provision under which exemption is provided. If the intervening clauses are deleted, then I would submit that assessment will have to be made on the simple basis that the Hindu undivided family are separated and therefore they are to be assessed separately with reference to their respective incomes. I, therefore, submit that the clauses which I have indicated should be deleted in order that they might give a real relief to the persons who are going to be taxed. With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 30 of the Bill, all the words beginning with "the Agricultural Income-tax Officer" in lines 1 and 2, and ending with the word "and" in line 11, be deleted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the words proposed to be deleted are very necessary. The case contemplated in sub-clause (*2*) is that of partition after the close of the previous year in respect of which assessment can be made. Hence, the assessment will have to be made in respect of the agricultural income of the whole family, though the liability to pay will be divided among the various members or groups of members according to the partition that has taken place in the meantime. Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 30 of the Bill, all the words beginning with "the Agricultural Income-tax Officer", in lines 1 and 2, and ending with the word "and" in line 11, be deleted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in sub-clause (*2*) of clause 30 of the Bill, the following words, brackets, figure and letter "notwithstanding anything contained in clause (*b*) of section 10" in lines 7 and 8, be deleted.

Sir, sub-clause (*b*) of section 10 of this Bill, deals with the cases of persons who get exemption from assessment of taxes in lieu of "any sum which he receives as a member of a Hindu undivided family, the agricultural income of which has already been taxed." Sir, sub-clause (*2*) of clause 30 of this Bill says:—

> "Where such an order has been passed, the Agricultural Income-tax Officer shall make an assessment of the total agricultural income received by or on behalf of the joint family as such, as if no partition had taken place, and each member or group of members shall, in addition to any agricultural income-tax for which he or it may be separately liable and notwithstanding anything contained in clause (*b*) of section 10, be liable for a share of the agricultural income-tax on the agricultural income so assessed according to the portion of the joint family property allotted to him or it; and the Agricultural Income-tax Officer shall make assessment accordingly on the various members and groups of members in accordance with the provisions of section 25."

Now, these words "notwithstanding anything contained in clause (*b*) of section 10" are unnecessary and it would seem as though this provision in sub-clause (*2*) of clause 30 is an encroachment upon the exemption provision given in clause (*b*) of section 10. With these words, I move my motion.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 30 of the Bill, the following words, brackets, figure and letter "notwithstanding anything contained in clause (*b*) of section 10" in lines 7 and 8, be deleted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment that has been moved by my friend Mr. Das. It is a necessary amendment in the sense that it seeks to clear up certain defects which are there in the Bill. Now, sub-clause (*2*) says ".....notwithstanding anything contained in clause (*b*) of section 10". In sub-clause (*b*) of clause 10, we have got the provision for exemption from assessment of the tax, and it says "agricultural income shall not subject to the provisions of section 17 be payable on that part of the total agricultural income of a person which is any sum which he receives as a member of a Hindu undivided family the agricultural income

of which has already been taxed". Therefore, in the case of individual assessment, the person is not liable and is entitled to exemption with regard to income which has been already paid by the Hindu undivided family to which he belongs. Now, here if we look to the provision of clause 30, we find in sub-clause (2), the following expression "Where such an order has been passed, the Agricultural Income-tax Officer shall make an assessment of the total agricultural income received by or on behalf of the joint family as such, as if no partition had taken place, and each member or group of members shall in addition to any agricultural income-tax for which he or it may be separately liable and notwithstanding anything contained in clause (b) of section 10, be liable for a share of the agricultural income-tax, etc., etc." I do not understand what is the reason for introducing this clause here, because so far as sub-clause (b) of clause 10 is concerned, I find that there is exemption with regard to income only because it has already been paid by him as a member of the undivided Hindu family. For every member of a Hindu family assessment is proposed to be made under the provisions of sub-clause (2) of clause 30 also. Therefore the words "notwithstanding anything contained in clause (b) of section 10" should be deleted, in order that there may not be any conflict in the two provisions. Therefore, I support the amendment moved by Mr. Lalit Chandra Das.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to support the amendment. Sub-clause (b) of clause 10 prevents double taxation—a thing which looms so very large in clause 49. There is double taxation here and the amendment would prevent it. I would ask the European members to support the amendment, if they would desire support for clause 49. In clause 30, provision has been made for taxing men "notwithstanding anything contained in clause (b) of section 10, etc., etc." The expression would mean that if a case occurs where the income has been already taxed, it will be taxed again notwithstanding the provision barring out double taxation provided for in sub-clause (b) of clause 10. If there is double taxation, the Bill clause says: "never mind sub-clause (b) of clause 10, if it clashes with the provision in this new clause". As a matter of fact, if this is done the generous provisions of clause 10 would be done away with and would be absolutely nugatory. The effect of this will be that in many cases there will be double taxation and the justification of the double taxation will be found in the offending expression sought to be omitted. These words are really mischievous in effect. The amendment is extremely desirable and should be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I submit, Sir, not a word has been said in support of the amendment in order to prove that the words proposed to be deleted are unnecessary and that in order to avoid contradiction between clause 10(b) and this sub-clause, this should be deleted: so there is no question of double taxation, I can assure my honourable friends.

Mr. PRESIDENT: The question before the House is: that in sub-clause (2) of clause 30 of the Bill, the following words, brackets, figure and letter "notwithstanding anything contained in clause (b) of section 10" in lines 7 and 8, be deleted.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move that in the proviso to sub-clause (2) of clause 30 of the Bill, after the word "during" in line 2, the word "the" be inserted.

Now, if we look to the clause itself, we find that the word "the" is necessary in order that the language may be more definite and perfect. As a matter of fact, that is why the Government after seriously considering the matter and after consulting the Government draftsmen and taking the

advice of their lawyers deliberately proposed this amendment. For some reason or other, they are now not moving it and that is no reason why we members of this House should allow this Bill to emerge in an imperfect form. As a matter of fact, I may point out that while discussing a Bill the members of this House should consider the matter seriously and they should not be in a jovial mood and support the Government even though there are mistakes in the clauses of the Bill which the Government themselves admitted. With these words, I move the amendment.

Mr. PRESIDENT: Amendment moved: That in the proviso to sub-clause (*2*) of clause 30 of the Bill, after the word "during" in line 2, the word "the" be inserted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment. The text of the Bill without the amendment would read like this: " .....property has been partitioned during previous year", and with the amendment it would read— ". ..... .property has been partitioned during the previous year". This was a Government amendment and must speak for itself.

I think no honourable member whose ear has been tuned to the use of good English would object to this amendment. Of course, the Hon'ble Minister might say that his text will do or that the lame clause will be able to walk and perform a journey and that would be enough. But I submit that legislative draftsmanship should be of the highest order and must be of perfect character. So, in the interest of good draftsmanship, I submit, this small amendment should be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I submit that the reputation of the House will not be seriously impaired if this amendment is not accepted.

Mr. PRESIDENT: The question before the House is: That in the proviso to sub-clause (*2*) of clause 30 of the Bill, after the word "during" in line 2, the word "the" be inserted.

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move: That sub-clause (*3*) of clause 30 of the Bill be deleted.

Now, the sub-clause says "Where such an order has not been passed in respect of a Hindu family hitherto assessed as undivided, such family shall be deemed for the purposes of this Act to continue to be a Hindu undivided family". The reason why I object to the retention of this sub-clause is that this is an invitation to the Agricultural Income-tax Officer to be dilatory. The officer would think that when there is such a provision there is no hurry to dispose of the case. In fact, the provisions in clause 30, sub-clauses (*1*) and (*2*), would go to show that an order will be necessary for the purpose of assessment when there is a case of partition of the Hindu undivided joint family; but when it is deemed necessary to continue to be a Hindu undivided family in spite of the fact that there is no longer jointness of the family, it is clearly an invitation to the Income-tax Officer to be dilatory and the state of confusion will continue for years even. Therefore, I object to the retention of this sub-clause (*3*).

Mr. PRESIDENT: Amendment moved: That sub-clause (*3*) of clause 30 of the Bill deleted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment of Mr. Lalit Chandra Das. I would like to point out that this sub-clause is really a conflicting provision having regard to the other sub-clauses of the Bill. The sub-clause stands thus: "Where such an order has not been passed", I believe, this refers to the proviso to

sub-clause (*1*) of clause 30, ..."in respect of a Hindu family". We have got no definition of a Hindu family anywhere in the Bill. We have got a definition of a Hindu undivided family. Therefore, we have got a clause which has not been defined. It may be a Hindu family under the *Dayabhaga* system. So, this is a clause which has not been defined and which brings in confusion. I do not understand, Sir, why the Agricultural Income-tax Officer should be given the authority to treat a Hindu family as undivided family. The members of the family will have the right to show that they do not come under the definition of the Hindu undivided family as given in the definition clause. Here in clause 30 what is proposed is, first of all, to invest the Agricultural Income-tax Officer with an authority to decide whether they are continuing to be members of the Hindu undivided family in spite of the fact that they are living separately. Evidently, the assumption would be that though a divided family they can still be regarded as members of an undivided family. Therefore, the authority is given here to the Agricultural Income-tax Officer to decide something which would be in conflict with the definition clause. I, therefore, submit that this clause (*2*) should be deleted altogether.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment. The sub-clause seems to me to be confusing. It is said that a Hindu family in certain circumstances must be deemed to be a Hindu undivided family, but by a previous definition we have accepted a Hindu undivided family as Hindu undivided family governed by *Mitakshara* school. There is difference between *Mitakshara* and *Dayabhaga*, just as there is difference between the Shia and Sunni schools of the Islamic law. This provision would lead to much confusion and would ultimately affect the taxing power of the taxing officer and considerable difficulties may arise. I, therefore, think that clause (*3*) should be deleted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sub-clause (*3*) is necessary to provide for cases where joint family has been partitioned and assessment has not taken place in respect of agricultural income derived from the joint family as such. I, therefore, think that the retention of sub-clause (*3*) is necessary. I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that sub-clause (*3*) of clause 30 of the Bill, be deleted.

((The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I want to speak on the whole clause.

Mr. PRESIDENT: There is another amendment, amendment No. 274A, standing in the name of Khan Bahadur Naziruddin Ahmad.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, in deference to my honourable friend's request, I do not move it.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, may I now speak on the whole clause? The Opposition moved several amendments in order that the defects in clause 30 might be removed. In the first instance, we have seen, Sir, that so far as clause 30 (*1*), (*2*) and (*3*) are concerned, they refer principally to Hindu undivided famliy which expression has been defined in sub-clause (*8*) of clause 2 of the Bill. I pointed out that in sub-clause (*1*) there is a defect which would land the Agricultural Income-tax Officer in insuperable difficulties in coming to a decision with regard to the question as to whether a Hindu undivided family, that is, a Hindu undivided family governed by *Mitakshara* law is to be considered as undivided or whether there has been disruption in the undivided status of the family. Then, again with regard to sub-clause (*2*), I have pointed out, Sir, that there is a provision which is really in the nature of a punishment to the members of the Hindu undivided family. Now, having

regard to these defects, it may be that when the Agricultural Income-tax Officer comes to consider the various provisions in clause 30 for the purpose of assessing the Hindu undivided family as defined, he will be faced with difficulties and litigations will surely follow and possibly he will have to refer the matter sometimes to higher officers and sometimes to the High Court. In order to avoid these difficulties, I submit, Sir, that clause 30 should not remain in the form in which it now stands, and therefore, I would oppose the retention of the clause in that form.

Mr. PRESIDENT: The question before the House is: that clause 30 stand part of the Bill.

(The motion was agreed to.)

Clause 31.

Mr. PRESIDENT: Clause 31 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in clause 31 of the Bill, after the word "provided" in line 2, the following be added, namely:—

"or where he proves that he did not receive the notice within a reasonable time".

Now, if we look, Sir, to clause 31, we find that it runs thus: "Where an assessee within one month from the service of a notice of demand issued as hereinafter provided satisfies the Agricultural Income-tax Officer that he was prevented by sufficient cause .. ". Now, here the assessee is allowed one month's time from the service of the notice. There is no provision where he did not receive the notice at all. Therefore, there should be some provision for cases where he did not receive the notice and the one month's time which is given is not only limited to one month from the service of the notice but he should satisfy the Agricultural Income-tax Officer that he comes within a reasonable time to oppose the assessment. As a matter of fact, this has occured where the notice is mislaid and it is marked "served" and in such cases if an *ex-parte* assessment is made the assessee finds himself in difficulty and as soon as one month expires he is met with a plea that his objection cannot be taken as he has come long after the time. I will give, Sir, one or two instances with regard to assessment of taxation under the Sales Tax Act which came to my notice. In the year 1942 in December after the first air-raid by the Japanese in Calcutta several merchants left this city. One of them went to Hyderabad. He was dealing in jewellery, and notices were sent to him some of which actually reached him in Hyderabad long after one month which is provided in the Sales Tax Act. He came back to Calcutta after 5 or 6 months. He wanted to lodge a rejoinder but was told that it was barred by limitation and there was absolutely no remedy for him in this case. Therefore, it is very necessary that some such provision should be made to remedy such cases of hardship. With these remarks, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in clause 31 of the Bill, after the word "provided" in line 2, the following be added, namely:—

"or where he proves that he did not receive the notice within a reasonable time."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment, because I think cases of non-receipt of notices have been considered under sub-clause (*4*) of clause 24 and clause (*2*) of clause 25.

Mr. PRESIDENT: The question before the House is that in clause 31 of the Bill, after the word "provided" in line 2, the following be added, namely:—

"or where he proves that he did not receive the notice within a reasonable time."

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 31 stand part of the Bill.

(The motion was agreed to.)

Clause 32.

Mr. PRESIDENT: The question before the House is that clause 32 stand part of the Bill.

(The motion was agreed to.)

Clause 33.

Mr. PRESIDENT: The question before the House is that clause 33 stand part of the Bill.

(The motion was agreed to.)

Clause 34.

Mr. PRESIDENT: Clause 34 stand part of the Bill.

Mr. LALIT CHANDRA DAS: I beg to move that the proviso to sub-clause (*1*) of clause 34 of the Bill be deleted.

Sir, the proviso lays down that no appeal shall lie against an order under sub-section (*1*) of section 45 unless the agricultural income-tax has been paid. Section 34 deals with appeals against assessment under the Act. If you retain a clause like that, namely, that payment of agricultural income-tax will be a pre-requisite condition for a man wishing to appeal, then it will be putting an embargo upon his right to appeal. The utmost that could be said or laid down would have been a security to the satisfaction of the appellate officer; but instead of doing that, what has been provided for is that no appeal shall lie against an order under sub-section (*1*) of section 45 unless the agricultural income-tax has been paid. This is in another way almost taking away the right of appeal.

Mr. PRESIDENT: Amendment moved: that the proviso to sub-clause (*1*) of clause 34 of the Bill be deleted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment that has been moved by Mr. Das. In supporting the amendment I would like to say that the honourable members should remember that we are going to tax a class of people who are already paying some sort of tax for the purpose of Government expenses. They are paying rent, they are paying revenue and this is an additoinal tax which you are going to impose on them. Now, suppose by some misfortune if the assessee could not satisfy the Agricultural Income-tax Officer as to his income, he has been assessed at a very high figure and he is unable to deposit the amount in court, should his right of appeal be taken away as in the case of an ordinary tax under the Indian Income-tax Act? Possibly the Hon'ble Finance Minister will say that there is a similar clause in the Indian Income-tax Act. We are hearing this ever since we have been considering the Agricultural Income-tax Bill. We are hearing about the Indian Income-tax sometimes, sometimes Assam Income-tax and sometimes Bihar Income-tax Act. But I would ask him to consider the position of the agriculturists of Bengal. He should consider that Bengal is not Assam: Bengal is not Bihar (The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Bengal is India.) Before citing Assam or Bihar he should consider the condition of the agriculturists in Bengal. Therefore, I should say that this proviso, as pointed out by Mr. Das, has taken away the right of appeal and so it ought to be deleted. There should be a clear right of appeal. As soon as the appeal is decided, the money will be realised in due course.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to support the amendment. The proviso which is objected to provides that if an order

is passed under sub-section (*1*) of the section, no appeal shall lie under sub-section (*1*) of section 45 against the order. Appeals are provided for in section 45(*1*), where it is laid down that where an assessee is in default in making a payment of income-tax, a penalty of a sum not exceeding half that amount would be levied: and this proviso provides that, if that is not paid, no appeal shall lie against the order. Of course, from the point of view of discipline, this proviso is very good—you have not paid the tax, hence you must pay a penalty and, if you do not pay the penalty in advance, you have no right of appeal. But it may be that, due to hardship or to some mishap, the assessee is unable to pay the tax in time; and if the income-tax officer somehow or other, feels that his dignity has been questioned and the defaulter should be punished, then the result would be that an indigent man will be saddled with additional expenses before he can file an appeal. The provision is that there will be no such right of appeal unless he pays the penalty in advance. Now, if a well-to-do man fails to pay the tax, a penalty may be justified. But there may be cases of real hardship, where a person is really unable to pay: in cases of such hardship, a more liberal policy should be adopted. An appellate authority is more likely to be a man with experience and wider outlook of life, and it is likely that he would take a lenient view in such cases. No embargo should be placed on his right of appeal. I, therefore, support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The amendment is probably based on a misconception. In appeals against orders under sub-section (*1*) of section 45, the amount of the tax is not disputed. It is only the penalty that has been imposed for default that is sought to be reduced or avoided, if possible. Hence in such cases it is obviously desirable that the amount of the tax which is not in dispute should be paid before the assessee can make a prayer for remission of the penalty imposed for default. I would like to draw the attention of the honourable members to the position that this is a case where the amount of tax is not disputed but it is only the penalty that is disputed. I oppose the amendment.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. I want to know from the Hon'ble the Finance Minister as to what he means by saying that the amount in respect of income-tax is not disputed.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: That is penalty for default.

Mr. PRESIDENT: The question before the House is: That the proviso to sub-clause (*1*) of clause 34 of the Bill be deleted.

The motion being put, a Divison was challenged: but when the motion was put for the second time, Division was not pressed.

(The amendment was then negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move: "That in the proviso to sub-clause (*1*) of clause 34 of the Bill, the following be added, namely:—

> "or security to the satisfaction of the Appellate Officer has been furnished."

Sir, we have just now heard from the Hon'ble Finance Minister that the appeal referred to in the proviso is really an appeal against the order in respect of the penalty. If we look to clause (*1*) of section 45, we find the following:—

> "When an assessee is in default in making a payment of agricultural income-tax, the Agricultural Income-tax Officer may in his discretion direct that, in addition to the amount of the arrears, a sum not exceeding half that amount shall be recovered from the assessee by way of penalty."

Now, let us consider whether the appeal which is mentioned in the proviso is limited to orders under sub-clause (*1*) of section 45. Clause 34 runs as follows:—

> "Any assessee objecting to the amount of agricultural income assessed under section 25 or section 31 or the amount of loss computed under section 20 or the amount of agricultural income-tax determined under section 25 or section 31 or denying his liability to be assessed under this Act or objecting to a refusal of an Agricultural Income-tax Officer to make a fresh assessment under section 31 or objecting to any order under section 30 or section 32 made by an Agricultural Income-tax Officer or objecting to any order imposing any penalty....."

Let us pause here for a moment. Here we have got a definition that an assessee in objecting to any order imposing any penalty under sub-section (*1*) of section 45 or objecting to a refusal on the part of an Agricultural Income-tax Officer to allow a claim to a refund under section 47, 48, or 51 or the amount of the refund allowed by the Agricultural Income-tax Officer under any of these sections, may appeal to the Assistant Commissioner against the assessment or against such refusal or order. There is a general provision with regard to appeal. With regard to all the orders which are mentioned in sub-section (*1*)..... Then the proviso comes in where it is provided that no appeal shall lie against an order under sub-section (*1*) of section 45. Under sub-section (*1*) of section 45, a penalty is imposed not exceeding half the amount of the tax. It is not a very inconsiderable amount, and with regard to the penalty the provision is that penalty has been paid or the agricultural income-tax has been paid. I do not understand what he refers to there, whether he refers to the penalty itself or to the tax itself. I, therefore, propose that in order to give relief to the assessee and to see that the right of appeal is not hampered in all cases, the Agricultural Income-tax Officer may demand security for the satisfaction of the amount, and therefore in the amendment I propose "or security to the satisfaction of the Appellate Officer has been furnished". As a matter of fact, we all know, Sir, that in case of money decrees, the execution of the decrees states that he shall satisfy, etc. I do not see why that facility should not be given here. Otherwise, if the amount is remitted by the Appellate Officer—we all know the great difficulty we find in getting a refund of the money which has already been deposited in Government offices. It is, therefore, necessary that instead of requiring the person to deposit the amount, he may be allowed to furnish security to the satisfaction of the Appellate Officer in order that he might appeal against the order. I do not see any reason why if security is furnished to the satisfaction of the Appellate Officer, he should be compelled to deposit the amount in cash. I, therefore, submit that the amendment which I propose may be accepted by the House.

Mr. PRESIDENT: Order, order. Amendment moved that in the proviso to sub-clause (*1*) of clause 34 of the Bill, the following be added, namely:—

> "or security to the satisfaction of the Appellate Officer has been furnished."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, my honourable friend must have read the clause many times in order to understand it clearly. The tax is not in dispute and the question of any security cannot arise; it does not really arise.

Mr. PRESIDENT: The question before the House is that in the proviso to sub-clause (*1*) of clause 34 of the Bill, the following be added, namely:—

> "or security to the satisfaction of the Appellate Officer has been furnished."

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 34 stand part of the Bill.

(The motion was agreed to.)

Clause 35.

Mr. PRESIDENT: Clause 35 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in paragraph (*c*) of sub-clause (*4*) of clause 35 of the Bill, after the words "fresh order" in line 4, the word "or" be inserted.

Sir, this is a most innocent-looking amendment but it seems to me to be extremely important. Without it the Bill would be absolutely lame and its balance would be absolutely lost. It is a Government amendment, but now it thinks that it is unnecessary for the purpose of understanding the text.

In paragraph (*c*), various powers are given to an Agricultural Income-tax Officer. We are not concerned with all these alternatives. I shall read that portion which is immediately important. It says ".....The Assistant Commissioner may *either* direct the Agricultural Income-tax Officer to make a further inquiry and pass a fresh order.....'. Then I shall read paragraph with the amendment—"*or* to make an assessment in the manner laid down.....". These two powers are given in the alternative. We have begun with the word "*either*", so the second alternative must be preceded by the word "*or*". The words "*either*" and "*or*" make a happy pair and should be there. Without the one the other will be lonely and unhappy. They are a happy couple and in the English language they are always together. So without the word "or" the passage will be meaningless. With the word "or" the result will be that the powers given to the officer would be alternative. He will have to choose the one or the other. But the effect of the omission of the word "or" would be not only that the alternative sense would be lost but the passage would convey no meaning. The amendment will cure a lacuna in the clause and I feel that this lacuna should be removed. Vital words should not be deliberately omitted. That is not the way of drafting legislative measures. The word "or" is essential. Without the amendment the clause will be understood only in the China Bazar and in the New Market or possibly in the Chandni Chawk but that is not the kind of draftsmanship which would enhance the reputation of this House. The Hon'ble Minister will perhaps say that the reputation of the House will not suffer if this amendment is not accepted. I think, Sir, there should be some distinction between persons with leaning towards clarity of expression and those who are absolutely immune from that feeling. So for the sake of those sensitive persons this word "or" should be inserted. With these words, I submit my amendment.

Mr. PRESIDENT: Amendment moved: That in paragraph (*c*) of sub-clause (*4*) of clause 35 of the Bill, after the words "fresh order" in line 4, the word "or" be inserted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would like to say at the outset that I do not share, in supporting the amendment, the same feeling which the Khan Bahadur, the mover of the amendment, held. It is not a question whether the reputation of the House will be affected or not, it is not also a question whether the feeling of persons who are sensitive to the English grammar should be respected or not. I say, Sir, as I am saying all along, that this amendment is necessary in order to give some meaning to the clause as it stands. Now, let us consider clause 30, sub-clause (*1*) which is referred to here. By this sub-clause you are giving the Appellate Officer, a superior officer and not a lower officer, the powers of hearing an appeal and providing what the officer has got to do when he hears an appeal.

Now, Sir, so far as the hearing of appeal is concerned, the clause says that an order under sub-section (*1*) of section 30 means an order on either

a member of a Hindu undivided family or a family whose jointness has been disrupted. That is an order to consider with reference to Hindu undivided family under clause 30, sub-clause (*1*). In the case of an order it can direct the Agricultural Income-tax Officer to make further enquiries and pass a fresh order to make the assessment in the manner laid down in section 30. Now, I submit, that this would be meaningless because he is not given an opportunity to pass an order under sub-section (*1*) of section 30. Whereas the opportunity has been given to the Appellate Officer to pass an order under sub-section (*1*) of section 30 he is directed to make further enquiry and pass fresh order in the manner laid down in sub-section (*2*) of section 30. Unless the word "or" is there, you do not assign any meaning which the Appellate Officer has got to direct. The word "or" should be there in order to make the sub-clause really effective. I therefore support the amendment moved by Khan Bahadur Naziruddin Ahmad.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I presume my honourable friend Mr. Bankim Chandra Mukherjee read the Bill through. I do not find any amendment proposed to clause 35 excepting the amendment in the names of Mr. Biren Roy and Mr. Mesbahuddin Ahmed. So am I to presume that my honourable friend had no difficulty in understanding clause 35? In view of that, Sir, I oppose the amendment.

Mr. BANKIM CHANDRA MUKHERJEE: On a point of personal explanation. I did not refer to the defects of the Bill as a whole, but I wanted to point out the defect in the substantive portion of the Bill.

Mr. PRESIDENT: That is all right. The question before the House is that in paragraph (*c*) of sub-clause (*4*) of clause 35 of the Bill, after the words "fresh order" in line 4, the word "or" be inserted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 35 stand part of the Bill.

(The motion was agreed to.)

The House stands adjourned till 2-15 p.m. to-morrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 9th of August, 1944.

Members absent.

The following members were absent from the meeting held on the 8th August, 1944:—

(1) Mr. Kader Baksh.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. K. K. Dutta.
(4) Mr. R. W. N. Ferguson.
(5) Khan Bahadur Abdul Gofran.
(6) Mr. M. R. Jaipuria.
(7) Maulana Mohd. Akrum Khan.
(8) Mr. Abdul Latiff.
(9) Rai Bahadur B. M. Maitra.
(10) Mr. N. N. Moholanabish.
(11) Mr. N. N. Mookerji.
(12) Mr. R. S. Purssell.
(13) Khan Bahadur Mukhlesur Rahman.
(14) Khan Bahadur Kazi Abdur Rashid.
(15) Dr. K. S. Ray.
(16) Khan Bahadur M. Shamsuzzoha.
(17) Dr. K. Talukdar.
(18) Mr. S. N. Sanyal.

BGP-44/5-8970A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 74.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 9th August, 1944, at 2-15 p.m being the seventy-fourth day of the First Session of 1944, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Adjournment for want of quorum.

Mr. PRESIDENT: I think there is quorum.

Mr. HARIDAS MAZUMDAR: No, Sir, there is no quorum.

Mr. PRESIDENT: In that case, the House stands adjourned for 15 minutes.

(*House reassembled after adjournment.*)

QUESTIONS AND ANSWERS

Mr. PRESIDENT: Supplementaries on the short-notice question No. 250A which was read out by the Hon'ble Agriculture Minister yesterday may be put now

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister in charge of the Agriculture Department please state whether or not the high price of vegetables is due to the large supplies that are made for the use of the army?

MINISTER in charge of the AGRICULTURE DEPARTMENT (the Hon'ble Khan Bahadur Saiyed Muazzamuddin Hosain): Sir, an answer to this question has already been given. It is due to the demand being more than the supply. The army has made its own arrangement for vegetable supply; but it is believed that a certain portion of such vegetables goes from the civilian market for the use of the army also.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it not a fact that contractors supply large quantities of vegetables for the use of the army?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am not in a position to say. The army has also got its own arrangement for supply of vegetables: that I know definitely.

Rai Bahadur KESHAB CHANDRA BANERJEE: From what other provinces are vegetables coming to Bengal?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: From Bihar only, so far as I am aware.

Rai Bahadur KESHAB CHANDRA BANERJEE: Is it not a fact that vegetables come mainly from the neighbouring districts and the suburban areas of Calcutta?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, most of them do come from suburban areas and neighbouring districts.

Rai Bahadur KESHAB CHANDRA BANERJEE: Then, is it correct to say that vegetables are imported from adjoining provinces from a distance of hundreds of miles to Calcutta?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is nowhere stated in my answer that it is imported from adjoining provinces; only one vegetable, namely, potato is imported from outside Bengal.

Mr. BANKIM CHANDRA MUKHERJEE: Is it the experience of the Hon'ble Minister that as soon as prices are controlled the articles disappear from the open markets and are sold in black markets or by street hawkers at higher prices, as stated in the answer?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, that is the apprehension unless it be stopped by vigilance and by stamping out the black markets.

Mr. BANKIM CHANDRA MUKHERJEE: Is this apprehension based on experience in the case of other articles where control has actually been imposed?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, based on experience as well as on imagination.

Mr. W. B. C. LAIDLAW: With reference to (*b*)(*i*), will the Hon'ble Minister please state: out of 150 maunds of English vegetables how much is intended for the Stuart Hogg Market?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not know; but 150 maunds is the total quantity, of which some quantity goes also to other markets, namely, the College Street market and the Bhowanipur market. Therefore, I am not able to say exactly how much of these English vegetables goes to the Hogg market.

Rai Bahadur KESHAB CHANDRA BANERJEE: The Hon'ble Minister has said in his reply that regarding country vegetables the problem is beset with difficulties. The vegetables come from so many directions and such a large number of people are engaged in the trade that without employing a huge staff it is not possible to enforce the controlled prices or to stop black-marketing. If that be the case, what are the measures Government propose to adopt in order to deal with black-marketing?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is mentioned in paragraph 3.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister be pleased to state if out of these 150 maunds of vegetables brought from Darjeeling any share goes to the military or they are for the consumption of the civil population—do the military take a share of these 150 maunds?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The military is not supposed to take a share of it. It is really meant for the civil population. But I cannot say if some of their servants take a share from the market.

Mr. W. B. C. LAIDLAW: Arising out of the last answer, is it a fact that nobody can purchase more than two seers of the vegetables at a time out of these 150 maunds?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, that is so.

Mr. W. B. C. LAIDLAW: Are inspections made in the Stuart Hogg market by the Government staff or by the market authorities or by both acting in co-operation?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Government of Bengal marketing staff inspect the Hogg market from time to time.

Mr. W. B. C. LAIDLAW: If it is a fact that not more than two seers of vegetables can be purchased at a time, how is it possible for the army to take any substantial quantity out of this 150 maunds?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That is why I said that the army is not supposed to take any share from this 150 maunds from the Hogg market; but if their servants take one or two seers I do not know and I think nobody can detect it.

Mr. C. E. CLARKE: Does the Hon'ble Minister consider that the obvious inflation of prices is justified solely by the causes stated, namely, abnormal demand?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There are several causes stated—as many as five causes mentioned—of which one is abnormal demand.

Mr. C. E. CLARKE: Arising out of sub-paragraph (*l*) of paragraph 5, is it not a fact that a large staff is employed in Calcutta for the control of consumers' goods some of which are definitely luxury items and is it not a fact that the general foodstuffs are much more important and should be brought under some type of control as obtained in the case of food-grains?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, certainly. As I have said, on the whole the prices of vegetables are not very much in excess as the prices of food-grains. The current prices of food-grains are 3 to 4 hundred per cent. higher than the normal prices.

Rai Bahadur KESHAB CHANDRA BANERJEE: Arising out of answer (*b*)(*ii*), the Hon'ble Minister said "It also seems that the controlled prices that may be fixed will not be substantially less than the prevailing prices." Does the Hon'ble Minister mean thereby that no useful purpose would be served by imposing the system of control?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, without affecting the growers no substantial reduction in prices could be effected.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the——

Mr. PRESIDENT: Rai Bahadur, you should take permission of the Chair before you put a supplementary question.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, under (*b*)(*ii*) of the reply in the second paragraph it has been stated, "It is apprehended that as soon as prices of vegetables are controlled, they may disappear from the open markets and may be sold in block-markets or may be sold by street hawkers at higher prices." Does the Hon'ble Minister place vegetables on the same footing with other articles for consumption? Vegetables by nature are perishable and cannot be hoarded like other food-grains.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Certainly not. I have not stated that. I have said: they may be sold in the black-market, in the streets and unless I have a very big staff I shall not be able to stop that profiteering.

Mr. SHRISH CHANDRA CHAKRAVERTI: Have you got any experience in this matter? So far as our experience with regard to hawkers is concerned, we know they sell articles at much cheaper rates than those available in the market, because they have no establishment expenses and other things.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: When the control is effected, people generally go to the place where there is no control or inspection. They want to sell these vegetables outside the city of Calcutta.

Mr. SHRISH CHANDRA CHAKRAVERTI: Does the Hon'ble Minister want to say that the hawkers would sell the vegetables outside the city of Calcutta and in places where there are no men?

Mr. PRESIDENT: Mr. Chakraverti, put your question in a proper form.

Mr. SHRISH CHANDRA CHAKRAVERTI: What leads the Hon'ble Minister to the conclusion that the hawkers would sell the vegetables outside the limits of the city of Calcutta and at a higher price?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The natural tendency of the people is to sell articles at a place where there is no inspection or supervision or control. It is human nature to do so. That is our experience.

Mr. SHRISH CHANDRA CHAKRAVERTI: Have you become absolutely hopeless so far as prices of vegetables are concerned?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have definitely said that the prices are not very much in excess of the parity prices of food articles and other consumers' articles; and if these prices are to be controlled further, the growers would be affected. If we can reduce the middle-man's profit, certain reduction can be made. But for all this a huge staff will be necessary which will be hardly commensurate with the ultimate benefit to the consumers. Even if we do employ this huge staff, the benefit will not be substantial, the prices may be reduced by anna 1 to 2 annas per seer. If we try to control prices, the middle-man instead of reducing their margin of profit will try to reduce the price they pay to the growers.

Rai Bahadur KESHAB CHANDRA BANERJEE: Am I to understand that Government does not find it possible to do anything?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It has been definitely stated that Government does not like to control the prices without being sure of the supply and without having a bigger staff to control effectively. All that Government propose to do is to purchase vegetables and sell it at cost price in the city, as they have started in Bombay.

Rai Bahadur KESHAB CHANDRA BANERJEE: When do you expect this to materialise?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: After certain enquiries on account of peculiar conditions in Bengal. We find that there are certain conditions peculiar to Bengal and do not exist in Bombay; certain difficulties may arise which will have to be met and it may take 2 or 3 weeks to come to a decision.

Rai Bahadur KESHAB CHANDRA BANERJEE: What are the difficulties?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I cannot disclose them.

Mr. HAMIDUL HUQ CHOWDHURY: Arising out of (*b*), will the Hon'ble Minister be pleased to say if the 550 maunds of potato that will be available from Madras will be sold at controlled price to approved dealers?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, Government will place them in charge of the Director of Agricultural Marketing with whose permit only things can be sold.

Mr. HAMIDUL HUQ CHOWDHURY: Will Government control the prices at which these people will be selling them.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, Government will keep strict supervision over the sale.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to say if Government is going to fix the price for these articles?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, in consultation with other provinces.

Rai Bahadur KESHAB CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether his attention has been drawn to a report published in the columns of *Statesman*, dated 29th July, 1944, under the caption "Food Front and big increase in prices of vegetables"?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes; I have not carefully gone through it but have given it a cursory glance.

Rai Bahadur KESHAB CHANDRA BANERJEE: Do the prices of different classes of articles mentioned in that table differ materially?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have not compared them.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state if the 500 tons of potato brought from Madras will be distributed in different districts in Bengal?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, it will be distributed among dealers who have applied for permits and will not be restricted to Calcutta Permits will be given to those who apply for it and who are really dealers in potato.

Mr. J. W. R. STEVEN: Arising out of (c), will the Hon'ble Minister be pleased to state whether he has considered the question or done anything about licensing of slaughter-houses?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, slaughter-houses are under the strict supervision of the officers of the Veterinary Department.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: The Hon'ble Minister has said that there will be an appreciable increase in the supply of fish in the near future May I ask where does this supply come from?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It comes from Goalundo, Khulna and Sara Ghat and places from where it ordinarily comes. The difficulty is that for want of ice it is not coming in sufficient quantities; but with the appointment of a Controller of Ice we expect that sufficient quantities of ice will be available for fish being brought to Calcutta, and that is why I expect that the supply of fish in Calcutta will be increased in the near future.

Mr. HAMIDUL HUQ CHOWDHURY: Will the appointment of a Controller of Ice automatically increase the production of ice or will it make the distribution of ice proper for the fishing trade?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: He will only control distribution of ice and see that ice is reserved for the fishing trade as much as possible.

Mr. HAMIDUL HUQ CHOWDHURY: What proportion of the available ice is being allotted to the civil population?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am not in a position to say that. Now the whole thing will have to be re-considered and revised probably in consultation with the military.

Mr. HAMIDUL HUQ CHOWDHURY: Will the proportion be less than 50 per cent., as it is at present?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am not in a position to say that.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister be pleased to state how long Government will take to watch the condition and do something to ameliorate the present condition?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Government is watching the situation in respect of meat, but as regards other items we have already proceeded very far. As regards fish, we have said that with the increase in the supply of ice we will be able to increase the supply of fish in Calcutta. It is only in respect of meat that I have stated that the situation is being watched closely.

Mr. HAMIDUL HUQ CHOWDHURY: In view of the fact that ice is the real bottleneck in the matter of the supply of fish, what steps Government of Bengal has taken to re-open the non-working ice factories by procuring from the Government of India parts that are available and also chemicals?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Steps have already been taken. For want of diesel oil many manufacturers of ice closed down their factories We are in consultation with the Government of India officer who is in charge of diesel oil. He has been pleased to allot larger quantities of diesel oil so that larger quantities of ice may be manufactured particularly for the fish trade We are further in negotiation with him.

Rai Bahadur KESHAB CHANDRA BANERJEE: Arising out of answer in (*b*)(*ii*), viz., "It is further apprehended that as soon as prices of vegetables are controlled, they may disappear from the open markets and may be sold in black-markets or may be sold by street hawkers at higher prices.. .." If that be the opinion of the Government, will the Hon'ble Minister be pleased to state why the system of price-control has been introduced on other commodities such as rice, and other articles of food?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There is a huge staff for making the price-control system effective, namely, the Detective Police and others who are always on the watch for black-marketeers and those persons who are trying to hawk in the streets. But I have got no such staff. That is why I have already stated: "A huge staff hardly commensurate with ultimate benefit to the consumers will have to be entertained if any control is to be made effective....."

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of order, Sir. That is not the answer which was wanted by me.

Mr. PRESIDENT: Rai Bahadur, that is not a point of order. Please allow the Hon'ble Minister to finish his answer.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have already answered the point that the honourable member was making that in the case of rice price-control was made. I said that rice is a staple food and for that Government had to employ a huge staff—not only for seeing that the controlled price was made effective but also to find out and bring to book the black-marketeers and other people. I have not got such

a huge staff and if I had to employ such a huge staff, then the cost thereof would not be commensurate with the benefits that would ultimately accrue from it. That is what I have already pointed out, Sir.

Mr. AMULYADHONE ROY: May I know what is meant by the words "other people"? The Hon'ble Minister says "black-marketeers and other people". Who are these "other people"?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Hoarders.

Mr. AMULYADHONE ROY: Is there any other people?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not know. I have nothing to do with rice and therefore I know as much as the honourable member knows.

Mr. SHRISH CHANDRA CHAKRAVERTI: Cannot Government employ the same staff which is doing work against hoarders and profiteers in rice about these articles as well— in addition to their usual duties?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not think it is possible; if that had been possible then the control of fish and vegetables would never have been transferred to the Agriculture Department from the Civil Supplies Department. They said that they could not deal with this matter; they had so much work to do that they made over the whole thing to the Agriculture Department.

Mr. HAMIDUL HUQ CHOWDHURY: As regards the supply of ice the Hon'ble Minister has not stated clearly whether the Government of India is going to supply the machinery parts to the factories which have closed down on account of the defects in parts and if so, whether he is taking further steps to see that the ice that is manufactured by these aided factories do not pass to the black-marketeers again?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: All these arrangements have been made. So far as I am aware, the factories that have closed down, that is mainly due to the want of diesel oil and not for want of machines being out of order; but if there be any such difficulty we will certainly try to get the machinery that have gone out of order, if necessary, by approaching the Government of India. If these factories are going on working, we will then certainly see that that ice is utilised for the fish trade exclusively.

Mr. MUHAMMAD HABIBULLAH CHOWDHURY: It has been stated in the answer that an embargo has been placed by Bihar on the export of sheep, goats, buffaloes, etc. What steps have been taken by Government up till now to induce the Bihar Government to facilitate the export of cows?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We have approached the Bihar Government for permitting us to bring down some plough cattle, not cows really. We have asked them for 5,000 pairs, but only 250 pairs have been given.

Mr. MUHAMMAD HABIBULLAH CHOWDHURY: But that is so far as I remember for agricultural purposes?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, that is so.

Mr. MUHAMMAD HABIBULLAH CHOWDHURY: Nothing for food?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: For that purpose we have not yet made any request to the Bihar Government.

Rai Bahadur KESHAB CHANDRA BANERJEE: It appears from the reply contained in (*b*)(*ii*) that Government's apprehension is that as soon as prices of vegetables are controlled it may have the effect of driving vegetables underground——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Not underground to be hoarded, but to the black-market.

Rai Bahadur KESHAB CHANDRA BANERJEE: Disappear from the open markets and may be sold in black-markets, etc., or may be sold by street hawkers at higher prices. If that is the conclusion of Government, will the Hon'ble Minister please state as to why they have imposed a system of price-control on rice?

Mr. PRESIDENT: So far as that question is concerned, it has been answered by the Hon'ble Minister already, for he has said that given a sufficient number of staff his department also is prepared to undertake the control of vegetables, etc. That is what the Hon'ble Minister has already said, and you must have heard it over and over again.

Rai Bahadur KESHAB CHANDRA BANERJEE: It is not a question of employing a huge staff, Sir. The point is as regards the principle—namely, that if a system of price-control is imposed, it will have the effect of driving vegetable underground.

Mr. PRESIDENT: So far as I understand his answer is this: That without sufficient supervision there is every risk that these articles will be driven underground—that was the answer.

Mr. HAMIDUL HUQ CHOWDHURY: In view of the fact that Government realises that one of the ways of really bringing down the prices of vegetables is to open Government stores, will the Hon'ble Minister be pleased to state if the Government will be in a position to come to a decision in this matter in the course of this month?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have already stated that we hope to come to a decision within two or three weeks.

Mr. SHRISH CHANDRA CHAKRAVERTI: Is it not a fact that in every market there is already a certain staff—Deputy Inspector-General or something like that—to look after the affairs there, to prevent hoarding and to bring to book the culprits? If there is already a staff stationed at every market, and I have personal knowledge of this, why then is it not possible for this staff to look after other foodstuffs such as meat or fish or any other commodities that the Hon'ble Minister chooses to control?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not know of any such staff.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state if Government will see that the controlling staff posted in various markets are located in prominent places in the market so that the suffering purchasers may approach them easily and get redress?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have got no such staff and I am not in a position to give any assurance about that.

Mr. HAMIDUL HUQ CHOWDHURY: As regards Stuart Hogg market the Hon'ble Minister has said that there are certain staff there to supervise the vegetables that come from Darjeeling. Will the Hon'ble Minister consider whether any grievances may be reported to them?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That might be considered. We have only 6 or 7 officers in the Marketing Department.

Mr. SHRISH CHANDRA CHAKRAVERTI: From the answer that has been given by the Hon'ble Minister just now, shall we be wrong if we come to the conclusion that for the present Government is unable to take any steps to ameliorate the present conditions of the prices prevailing and make foodstuffs available at reasonable prices?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Certainly you would be wrong in coming to that conclusion. After reading the whole thing let the public judge what it means.

Mr. PRESIDENT: The House will now take up further discussion of the Bengal Agricultural Income-tax Bill.

Mr. BANKIM CHANDRA MUKHERJEE: On a point of order, Sir. The Hon'ble Finance Minister who is in charge of the Bill is not present. As he is piloting the Bill, we cannot proceed with the Bill without him.

Mr. PRESIDENT: I understand that the Hon'ble Minister in charge of Agriculture is going to reply on behalf of the Hon'ble Finance Minister.

Mr. BANKIM CHANDRA MUKHERJEE: But, Sir, I do not know if this can be done——

Mr. PRESIDENT: Yes, it can be done: any Hon'ble Minister can speak on the provisions of this Bill.

Mr. BANKIM CHANDRA MUKHERJEE: But he is in charge of the Bill——

Mr. PRESIDENT: Even then anybody can speak on it. In case of a motion this cannot be done. In the case of a motion nobody except the Minister in charge can reply. But there is no motion today. The Hon'ble Minister in charge of Agriculture will only be replying to some of the amendments and I think that can be done by any one.

Mr. BANKIM CHANDRA MUKHERJEE: But we record our protest and I think it will be a part of the proceedings of today.

Mr. PRESIDENT: Yes, it would go into the proceedings today.

Milk situation in Calcutta.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, before you proceed with the Bill, may I draw the attention of the Government to the abnormal rise in the price of milk to which I referred yesterday and you were kind enough to direct me to raise this question today.

Mr. PRESIDENT: Yes.

Rai Bahadur KESHAB CHANDRA BANERJEE: It will be universally admitted that milk has become scarce in Calcutta. The price of milk has risen to 2 seers per rupee and in some cases to 12 annas per seer. It has become very difficult to keep babies alive and we do not know what will happen to the future generation if this state of things continue for some time more. I do not know whether Government have taken into consideration this important point. So far as I remember, a report appeared in yesterday's newspaper, in the columns of the *Hindusthan Standard* to the effect that Bengal Women's League or some such organisation has already addressed a letter to the Government drawing their attention to the serious situation that has arisen owing to the high price of milk and in some cases want of milk in the market. So, I would like to have a statement from the Hon'ble Minister concerned as to what is actually the position and what they propose to do in this matter.

Mr. PRESIDENT: Are the Government in a position to throw any light on this matter?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, briefly the position is this: Milk position has become acute, it is true, but in order to relieve this situation the real cause of it should be found out. The real cause lies in the fact that for our milk supply we have to depend entirely on the agriculturists generally and our agriculturists are so very poor that they cannot fill their own belly, so how would they be able to feed their cows. The result is this scarcity. We all now realise that we must do something to establish big dairies. Government are seriously considering this matter and as an experimental measure Government are going to start a few dairy farms and demonstrate to the people how these dairies can be run on a business line and on profit. For this purpose Government is going to bring two experts from New Zealand, a country which is famous for dairy farms and dairy products. Government has already started negotiations. We are soon going to have the experts and with their help we are going to start one or two dairy farms within a month or two. We want to demonstrate to the richer people so that they may take up this dairy farming on a commercial basis. By starting these dairy farms alone, we can solve the problem of milk supply, otherwise we will have to depend on the agriculturists who are themselves ill-fed and poorly clad and we can never expect to solve our milk problem by depending on them.

Rai Bahadur KESHAB CHANDRA BANERJEE: On a point of information, Sir. Is it not a fact that scarcity of milk and the consequent rise in the price of milk is due to the prevalence of cattle epidemics and a large number of deaths in the cattle population in Bengal and also to the slaughter of milch cows? The last one is a very important point for consideration and will the Hon'ble Minister please state what steps if any have Government taken to stop this slaughter of milch cows? This scarcity is due not only to the inability of the agriculturists to feed the cattle population but——

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. Can he be allowed to go on speaking in this way?

Mr. PRESIDENT: So far as I remember he rose on a point of information. Yes, Rai Bahadur.

Rai Bahadur KESHAB CHANDRA BANERJEE: In the circumstances will the Hon'ble Minister please state what steps the Bengal Government have taken to increase the supply of milk and to preserve the cattle population, mainly milch cows?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have given only an off-hand reply as regards the supply of milk.

Mr. PRESIDENT: It is a very important question and I find a large number of honourable members are interested in this matter. So, are Government in a position to make a comprehensive statement, say, at a later date convenient to Government? I think that will be more satisfactory?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes. Sir, I propose to do it later on.

Mr. K. C. ROY CHOWDHURY: Is the Hon'ble Minister aware that over 2,000 maunds are required for preparation of various milk products?

Mr. PRESIDENT: I think the whole question may be answered in the course of a statement by Government. Now we turn to the Bill.

The Bengal Agricultural Income-tax Bill.

Clause 36.

Mr. PRESIDENT: Clause 36 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*2*) of clause 36 of the Bill, for the words "objects to", in line 1, the words "disagrees with" be substituted.

Sir, in sub-clause (*2*), where the words occur, the idea that is intended to be conveyed is that if the Commissioner objects to any order made by an Appellate Court, then that court has to follow certain procedure. In fact, if an inferior court finds that it is not in agreement with the order of a superior court, then it may have to go through some procedure. In the circumstances, the word "disagrees" would be more appropriate to the text and I hope this amendment will be accepted

Mr. PRESIDENT: Amendment moved that in sub-clause (*2*) of clause 36 of the Bill, for the words "objects to" in line 1, the words "disagrees with" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: I rise to support the amendment moved by Khan Bahadur Naziruddin Ahmad. The proposal is that in sub-clause (*2*) of clause 36 of the Bill, for the words "objects to" in line 1, the words "disagrees with" be substituted. Now the clause stands in this way: "The Commissioner may, if, he objects to an order passed by the Assistant Commissioner" I do not understand what the framers of the Bill means by the words "if he objects to". The Commissioner is the Appellate Tribunal and it is not the question of objecting to. The trial court passes an order and the Appellate Court reverses that order; or if it does not reverse it agrees with it Therefore "disagrees with" are better words to introduce there than the words "objects to" I therefore submit that this simple amendment will be accepted by the House.

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSAIN: I think the words "objects to" are more appropriate. But here the Commissioner is not the Appellate authority, but only a party Just as in the sub-clause (*1*) an assessee objecting to an order passed is a party, similarly the Commissioner is also a party here. He objects to an order passed. He directs an appeal to be preferred to the Tribunal Here, he is not an Appellate authority. He is an executive head and as an executive head, he objects to it just as an assessee can object to an order. The words as they exist are more appropriate So I oppose the amendment.

Mr. PRESIDENT: Order, order The question before the House is that in sub-clause (*2*) of clause 36 of the Bill, for the words "objects to" in line 1, the words "disagrees with" be substituted

(The amendment was negatived.)

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in sub-clause (*4*) of clause 36 of the Bill, for the word "twenty-five" in line 4, the word "ten" be substituted.

Sir, sub-clause (*4*) of clause 36 of the Bill says, that "an appeal to the Appellate Tribunal shall be in the prescribed form and shall be verified in the prescribed manner, and shall, except in the case of an appeal referred to in sub-section (*2*), be accompanied by a fee of twenty-five rupees." Sir, this fee of Rs. 25 is too high and so I propose that instead of Rs. 25, it should be reduced to Rs. 10 only. With these words, I move my amendment.

Mr. PRESIDENT: Order, order Amendment moved: that in sub-clause (*4*) of clause 36 of the Bill, for the word "twenty-five" in line 4, the word "ten" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would like to support the amendment that has been moved by my friend Mr. Das. I think the clause as it stands making an inflexible fee of Rs. 25 in all cases is not

at all proper. As a matter of fact, there are provisions with regard to other matters where a maximum fee is prescribed and there is a fee for smaller assessees prescribed with regard to smaller amounts which are challenged by way of an appeal to the Appellate Tribunal. Therefore, I would like to support the amendment that has been moved that for the word "twenty-five", the figure "ten" be substituted. As a matter of fact, this will have to be paid by the assessee for filing an appeal to the Appellate Tribunal in every case, and therefore if the Government had proposed a smaller fee for smaller assessee, we would not have objected to that; but instead of that a single figure has been put. I think the figure of Rs. 25 is too high and so it should be reduced to Rs. 10.

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSAIN: Sir, the fee is already low, and cannot be further reduced. Under the Indian Income-tax Act, the corresponding fee for such an appeal is Rs. 100. Here the fee is only Rs. 25 as against Rs. 100 in the Indian Income-tax Act. Therefore, I oppose the amendment.

Mr. PRESIDENT: Order, order. The question before the House is that in sub-clause (*4*) of clause 36 of the Bill, for the word "twenty-five" in line 4, the word "ten" be substituted.

The motion being put, a division was challenged and taken with the following result:—

AYES—11

Khan Bahadur Nazirudddin Ahmed.	Mr. H. D. Mozumdar.
Rai Bahadur K. C. Banerjee.	Mr. B. C. Mukherjee.
Mr. S. C. Chakraverti.	Rai Sahib J. N. Ray.
Mr. L. C. Das.	Mr. A. D. Roy.
Mr. B. C. Datta.	Mr. B. K. Roy Chowdhury.
Rai Bahadur B. M. Maitra.	

NOES—20

Mr. Mesbahuddin Ahmed.	Mrs. K. D'Rozario.
Mr. Nur Ahmed.	Mrs. L. P. Dutt.
Khan Sahib Nurul Amin.	Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib Abdul Aziz.	Mr. L. Hossain.
Mr. D. L. Barua.	Mr. Mohamed Hossain.
Mr. Moazzemali Chowdhury.	Mr. W. B. G. Laidlaw.
Mr. H. Huq Chowdhury.	Khan Sahib Subidali Mollah.
Mr. Mohd Habibulla Chowdhury.	Mr. T. B. Nimmo.
Mr. C. E. Clarke.	Rai Bahadur R. B. Roy.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—11, and the "Noes"—20, the amendment is negatived.

Proceedings of the entire sitting declared null and void.

Mr. LALIT CHANDRA DAS: Sir, may I rise on a point of order? It seems that the proceedings so far carried on today are null and void, because when you first entered the Chamber you had to adjourn the House for want of quorum. You then adjourned the House for 15 minutes; but you cannot do so under the Standing Orders. According to President's Standing Orders No. 16, you should have adjourned till the next sitting day. Rule 16 of the Standing Orders says: "If it appears, on notice being taken or upon report, after a count has been made, that a quorum is not present, the President shall order the bell to be rung for two minutes. If after such interval a quorum is still not present, the President shall adjourn the Council without the question being put, until the next sitting day; and the hour of such adjournment, as also the names of the members present, shall be printed in the proceedings of the day."

Mr. PRESIDENT: What is your point, Mr. Das?

Mr. LALIT CHANDRA DAS: My point is: that you should have adjourned the House till the next day and not simply for 15 minutes, as you had done. My next point is that all proceedings of today should be considered null and void.

Mr. PRESIDENT: Yes, I think that will simplify matters and the rule is very clear in this respect.

The Hon'ble Khwaja Sir NAZIMUDDIN: The rule is very clear that before the House is adjourned, the bell shall be rung for two minutes, and I am told that the bell was not rung. Therefore, I think rule 16 does not apply. How can it be assumed that there was no quorum, when the bell was not rung. A large number of the members were in the lobby and if the bell was rung, they would have come and there would have been quorum. So there is no reason why the proceedings of this sitting should be considered null and void.

Mr. PRESIDENT: The point is this: that the bell was rung at the beginning for five minutes, and when I came into the Chamber I found that only 8 members including the Chair were present in the House. Therefore, I adjourned the House and then re-assembled after 15 minutes after having rung the bell for 3 minutes as usual, and since then we have been carrying on the proceedings. That is what has happened

The Hon'ble Khwaja Sir NAZIMUDDIN: Had the honourable members known that there was no quorum, they would have come in if they heard the bell ringing which is a summon for the meeting. But no bell was rung.

Mr. PRESIDENT: It was an irregularity, and with the unanimous consent of the House, I am inclined to suggest that the proceedings should be treated as null and void. If this is agreed to, let us do it and let the House stand adjourned till 2-15 p.m. tomorrow.

Mr. LALIT CHANDRA DAS: Will the proceedings of today be regarded as null and void?

Mr. PRESIDENT: Let the Honourable Chief Minister give his views on the point.

Mr. HARIDAS MAZUMDAR: Well, the Chair has already declared that the proceedings of today will be null and void.

The Hon'ble Khwaja Sir NAZIMUDDIN: The point is: that this Bill has been going on for a very long time. As I had stated once before——

Khan Sahib WAHIDUZZAMAN: Sir, can he rise on a question of privilege of this House; this matter does not concern an administrative policy of the Government——

Mr. PRESIDENT: Order, order, I have heard the Opposition and certainly the Chief Minister should also be given a hearing.

Khan Sahib WAHIDUZZAMAN: The Hon'ble the Leader of the House is here, Sir, and——

Mr. PRESIDENT: Yes, but the Hon'ble Chief Minister's responsibility is in no way less than that of the Hon'ble the Leader of the House in this matter. So, let us hear him. Sir Nazimuddin.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as I have said, this Bill has been going on for a very long time. It is a taxation measure and Government are most anxious that this Bill should be passed as quickly as possible. Besides this, there is the question of *Ramzan* that is coming and it will be extremely inconvenient for Moslem members of this House if they have to sit during the *Ramzan* period. I feel that if the Bill is not

finished before the next week, we shall have to ask leave of the House to have all-night sittings till the Bill is finished. There will be no other option left to us but to press for it.

Khan Sahib WAHIDUZZAMAN: Is this a threat?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not a question of threat. It is not something that is unparliamentary; rather it is the usual practice of all parliamentary bodies and there are precedents for this even in the Bengal Legislature.

Mr. PRESIDENT: May I interrupt the Hon'ble the Chief Minister for a while? I quite realise that it is an important Bill—a taxation measure certainly of very great importance, and I would appeal to the House that the Bill should be finished early, because this is the one important business which has been before the House for a long time. But unfortunately the proceedings of today have become irregular. So I think it will be proper for us to declare the proceedings of today null and void and to adjourn the House.

Mr. SULTANUDDIN AHMAD: Why not adjourn the House now and not take up the business afresh from this time, namely, 3-50 p.m.?

Mr. PRESIDENT: No, we cannot do so. We would rather begin at 2-15 p.m., tomorrow and in order to make up for the time that we have lost today, we may have to extend our sitting, for 10 to 15 minutes for a few days.

Mr. HARIDAS MAZUMDAR: No, Sir, no.

The Hon'ble Khawaja Sir NAZIMUDDIN: You are suggesting this step with the unanimous consent of the House and I beg to submit from this side that unless the House agrees to sit late hours... .....

Mr. PRESIDENT: I would request the Hon'ble the Chief Minister not to raise this question at this stage. I would leave it to the good sense of the House and I am sure every member of the House would look to the convenience of others. I am almost sure that Hindu members of this House would not like to put the Muslim members to inconvenience so far as *Ramzan* is concerned.

Mr. HARIDAS MAZUMDAR: Sir, we shall be all willing to come in the morning.

Mr. PRESIDENT: If that difficulty arises, you will have to accommodate your colleagues and it is only fair. So I suggest that with the unanimous consent of the House that the proceedings that we have already transacted today should be considered null and void, and we adjourn till 2-15 p.m. tomorrow.

Mr. SHRISH CHANDRA CHAKRAVERTI: Your proposal, Sir, is eminently reasonable and we accept it, and I hope that Government also will agree to it.

Mr. HARIDAS MAZUMDAR: On behalf of the Opposition, I accept your suggestion.

Mr. SULTANUDDIN AHMAD: May I make a suggestion, Sir, in this connection?

Mr. PRESIDENT: Yes, what is it?

Mr. SULTANUDDIN AHMAD: It is this: When you heard that there was no quorum, you ought to have continuously rung the bell for two minutes, then to take count and find out whether there was a quorum present or not. If after that you found that there was no

quorum, then your duty was to adjourn the House till next day. I submit that if you adjourn the House now, at 10 minutes to four, you can as well proceed with the business of the House and carry on up to 5 o'clock and there would be no harm. At 2-15, when you found that the House had no quorum, you did not adjourn the House till 2-15 p.m., tomorrow. That you have not done. So what you have done after has become irregular. But if you can under the rule adjourn the House now because there was no quorum at 2-15 p.m., you can as well proceed with the discussion——

Mr. PRESIDENT: That can be done with the unanimous consent of the House. If the House agrees, that can be done. But if there is a dissentient voice, then the Chair is in a helpless position. Your suggestion is reasonable but the Opposition does not seem to be agreeable to it——

Mr. HARIDAS MAZUMDAR: No, Sir, we object.

Mr. BANKIM CHANDRA MUKHERJEE: May I speak a few words in the matter——

Mr. PRESIDENT: It is not necessary to speak any longer. May I have the Hon'ble Chief Minister's consent to the suggestion made by me?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, if you think that it is the wisest course, I agree.

Mr. PRESIDENT: Thank you. It is decided with the unanimous consent of the House that the proceedings so far gone through should be considered as null and void and we meet at 2-15 p.m., tomorrow.

The House stands adjourned till 2-15 p.m., tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m., on Thursday, the 10th August, 1944.

Members absent.

The following members were absent from the meeting held on the 9th August, 1944:—

(1) Mr. Kader Baksh.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. K. K. Dutta.
(4) Mr. R. W. N. Ferguson.
(5) Khan Bahadur Abdul Gofran.
(6) Mr. M. R. Jaipuria.
(7) Maulana Mohd. Akrum Khan.
(8) Mr. W. B. G. Laidlaw.
(9) Mr. Abdul Latiff.
(10) Rai Bahadur B. M. Maitra.
(11) Mr. N. N. Moholanabish.
(12) Khan Bahadur M. A. Momin.
(13) Mr. N. N. Mookerjee.
(14) Mr. R. S. Purssell.
(15) Khan Bahadur Mukhlesur Rahman.
(16) Khan Bahadur Kazi Abdur Rashid.
(17) Dr. K. S. Ray.
(18) Mr. S. N. Sanyal.
(19) Khan Bahadur M. Shamsuzzoha.

BGP-44/5-9043A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 75.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 10th August, 1944, at 2-15 p.m., being the seventy-fifth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Detention under rule 26 of the Defence of India Rules.

251. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the number of persons still kept in detention under the provision of rule 26 of the Defence of India Rules under the direction of the Provincial Government;

(*b*) if the provisions of rule 26 of the Defence of India Rules have been declared *ultra vires* by the Federal Court;

(*c*) if the Government are aware that the ordinance promulgated by the Governor-General of India validating rule 26 of the Defence of India Rules has been declared *ultra vires* by the Hon'ble Judge of the High Court of Calcutta;

(*d*) if the Government are aware of the fact that the detention of persons under the provision of rule 26 of the Defence of India Rules has been held by the High Court of Calcutta to be illegal on an application under section 491 of the Criminal Procedure Code;

(*e*) if the Government are going to give direction for the release of all the persons now in detention under rule 26 of the Defence of India Rules; and

(*f*) what step the Government contemplate to take in respect of all the persons who are being detained now under direction given under rule 26 of the Defence of India Rules?

The Hon'ble Khan Bahadur S. M. HOSAIN (on behalf of the Hon'ble Khwaja Sir Nazimuddin): (*a*) On 14th July, 1944—3,749.

(*i*) Political security prisoners—1,251 males and 18 females.

(*ii*) Criminal security prisoners—2,480.

(*b*) to (*f*) When on the formation of the present Ministry I resumed charge of my office as Minister in charge of the Home Department the validity of some of the orders of detention under rule 26 of the Defence of India Rules made during the regime of my Hon'ble predecessor in office was under examination in judicial proceedings before the Hon'ble High Court. The final judgment in the matter was pronounced by the Federal Court who held that no order of detention under rule 26 of the Defence of India Rules could validly be made except after the Governor had personally applied his mind to the case and been satisfied that the making of such an order was necessary. Although an appeal against this decision has already been filed before the Privy Council, immediate steps were also taken to institute a review of the cases of all the security prisoners then under detention in the

light of the law as laid down by the Federal Court with a view to issue fresh orders in the cases in which continued detention was considered necessary. All such cases have already been reviewed. The materials in each case under review were examined by the department and by myself and the case submitted to His Excellency the Governor for his consideration and orders. The same procedure has also been followed in the cases of all prisoners arrested and detained since the pronouncement of the Federal Court decision referred to above.

The Restriction and Detention Ordinance (Ordinance III of 1944) promulgated on the 15th of January, 1944, enacts in a self-contained instrument the provisions relating to restriction, detention, etc., hitherto embodied in rule 26 of the Defence of India Rules but introduces the following new features:—

(*i*) Provision is made for communication to the security prisoner on the grounds on which he is detained so far as this can be done without disclosing facts which it would be against the public interest to disclose. Persons detained also now have right to make if they so wish a representation against the order and they are to be informed of this right and given the earliest practical opportunity of making such a representation.

(*ii*) The duration of an order of detention is now restricted to 6 months unless within that period a further order of Government is made, after a review of all available materials (including the prisoners' representation, if any) for its extension.

(*iii*) Provision has been made for submission to Government for confirmation or cancellation of all orders of detention passed by subordinate authorities in the exercise of delegated powers.

These provisions will apply to all orders previously made under rule 26 of the Defence of India Rules. These are validated by the Ordinance and are given effect as if they had been made under the Ordinance and necessary measures have been taken to give effect to these provisions as early as practicable.

Mr. PRESIDENT: Question No. 250A and answers thereto were read out yesterday; but in view of the arrangement agreed to at that time, supplementary questions may be put again today.

Mr. SRISH CHANDRA CHAKRAVERTI: Yesterday, a number of supplementaries was put. Those questions together with the answers given thereto may be incorporated in today's proceedings.

Mr. PRESIDENT: The proceedings must be regular. You can put supplementary questions today also.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that the price of fish has been fixed beyond 100 per cent. higher than what it was in July, 1943?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: At what percentage I cannot say, but it has gone up substantially.

Mr. HUMAYUN KABIR: Is he aware that the price of rice is less now than in July, 1943?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Certainly, it is very much less.

Mr. HUMAYUN KABIR: Then how is it that the price of fish and vegetables has gone up 100 per cent. since 1943?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Vegetable has not increased, it is only the fish.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that as reported in the *Statesman* of July 29, 1944, the price of vegetables has increased in some cases from 100 to 166 per cent. and in no case less than 50 per cent. since July, 1943?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not accept that. I have my own figures here.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state whether his attention was drawn to a report published in the *Statesman* of the 29th July, 1944, in which a table showing the prices of the different kinds of vegetables in the market was given? How is it that the prices mentioned therein do not tally with the rates mentioned in the Hon'ble Minister's reply.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am not responsible for the figures quoted in the paper referred to; but we have our figures from our Marketing officers.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will the Hon'ble Minister be pleased to state whether on a perusal of the report published in the *Statesman* of 29th July, he had necessary enquiries made in order to ascertain what the prices actually were?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I did not think it necessary, because I got my figures quoted by responsible officers.

Mr. HAMIDUL HUQ: Does the Hon'ble Minister vouchsafe for the correctness of the figures quoted by him?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: As regards the statement I cannot say.

Rai KESHAB CHANDRA BANERJEE Bahadur: Arising out of (*1*), will the Hon'ble Minister be pleased to say whether the high prices of vegetables, fish and meat are due to a great extent to the supply of these articles to meet Army requirements?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I cannot say that: the Armies are having their own supplies arranged but to what extent of their consumption I cannot say.

Mr. SRISH CHANDRA CHAKRAVERTI: If as has already been said that the figures quoted in the *Statesman* are not correct, does the Hon'ble Minister consider it desirable to contradict them?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Every paper can publish anything it likes. I have published my own figures.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that the prevalence of malaria this year is very largely due to devitalisation of people owing to lack of proper nutriment?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Evidently, it is so.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister aware that this lack of nutrition is very largely due to the high price of fish, meat and other foodstuffs including vegetables all over Bengal?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That I could not say, because it is only the richer people who go in for these costly luxuries now. The people who are suffering from malaria are the poorer agriculturists who can hardly afford to buy these things. They generally live on *dal; bhat* and whatever they catch and whatever they can grow.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to inform us whether he is aware that the military or the persons brought here in connection with the war are going to civilian markets and purchasing vegetables there?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am not aware. There may be some purchases made by the military.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state whether he has made any inquiry and found out if the military have got their own arrangements for the supply of fish?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The military have their own arrangements for the supply of fish.

Mr. HAMIDUL HUQ CHOWDHURY: Are they not encroaching in any manner upon the civilian supplies?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, to some extent.

Mr. HAMIDUL HUQ CHOWDHURY: Is it a fact that the military have got their own scheme for the supply of vegetables? If so, has that scheme been brought into operation?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The scheme has been brought into operation in Darjeeling, Chittagong and other places.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what quantities of vegetables are produced in Darjeeling, Chittagong and such other places?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: These are military secrets. I cannot disclose them.

Mr. HAMIDUL HUQ CHOWDHURY: Will the Hon'ble Minister be pleased to state to this House at least to what extent the military are encroaching upon the civilian source of supply in the matter of vegetables?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: We have not taken any statistics; nor can any statistics be taken. But it is a fact that the military are taking away some of the articles of food which are meant for civilian population.

Mr. HAMIDUL HUQ CHOWDHURY: Is it a fact that the military contractors are purchasing things in the civilian markets of Calcutta and taking them to the military camps?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Even if it is a fact, we cannot prevent the military from going into the civil markets and purchasing things.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state what result has been achieved by launching the "Grow More Food Campaign" for the last two years?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I cannot give the figures just now. But there has been considerable result. For example, but for the *aman* seed distribution we would not have got a bumper crop this year.

Mr. HUMAYUN KABIR: Does the Hon'ble Minister intend to increase the supply of fish, meat and vegetables by distributing *aman* seeds?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, not that. You were asking about the result achieved by the "Grow More Food Campaign". You wanted everything. That is why I said that.

Rai Bahadur KESHAB CHANDRA BANERJEE: With reference to (*b*)(*ii*), paragraph (*2*), namely, that it is further apprehended that as soon as prices of vegetables are controlled, they may disappear from the open market and may be sold in black markets or may be sold by street hawkers at higher prices—how does the Hon'ble Minister come to the conclusion to that effect? Is he not aware that a system of control so far as rice, *atta* and other edibles are concerned has been imposed——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It has been already explained that control could be exercised if a huge staff is placed at the disposal of my department for this purpose, but the result of that will not be commensurate with the benefits that would ultimately accrue to the consumers from that.

Maulvi MD. HABIBULLAH CHOWDHURY: In (*b*)(*i*), the Hon'ble Minister says that as regards English vegetables, the prices have been amicably controlled without resorting to Defence of India Rules and the system is working fairly satisfactorily. Is it not possible for him to control Bengalee vegetables also in this way?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: They are so large in number and they come from so many quarters that without entertaining a huge staff it cannot be managed.

Mr. HAMIDUL HUQ CHOWDHURY: Is it a fact that the sources of these vegetable seeds are other than India?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Not all; but most of them. But what has that got to do with this?

Mr. HAMIDUL HUQ CHOWDHURY: Has the Government any large scale scheme for increasing the production of vegetables this year?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, Government has taken as a matter of fact 3,000 acres of land on which to grow vegetables.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, answer is being given to Mr. Hamidul Huq Chowdhury's question while I am on my legs.

Mr. PRESIDENT: But why should you be on your legs then? You should wait.

Rai Bahadur KESHAB CHANDRA BANERJEE: I caught your eye and you called upon me and therefore I put my question. My question is this: Is it not a fact that in spite of this huge staff being employed by the Department of Civil Supplies Government have not been able to stop the surreptitious removal of stocks and black markets?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, to a large extent it has been stopped.

Khan Sahib WAHIDUZZAMAN: In reply to a supplementary question of Mr. Hamidul Huq Chowdhury the Hon'ble Minister has said that Government has acquired about 3,000 acres of land for the cultivation of vegetables: are we to take it then that the Government is going to supply vegetables to the civil population in future?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, but a major portion of it will go to the military; the point is that unless the military is supplied in this way, it will encroach upon the requirements of the civil population: that is why they too will have to be supplied with them.

Khan Sahib WAHIDUZZAMAN: How much will the Government of Bengal get from the military for supplying out of 3,000 acres that are proposed to be acquired?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The arrangement is that the military will purchase at the cost rate: Government will only supervise: that is all.

Mr. HAMIDUL HUQ CHOWDHURY: Is the scheme for the production of vegetables for the military a scheme entirely run and organised by the military with the assistance of the staff of the Government of Bengal?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: There are two separate schemes: one is an exclusively military scheme with which we have no connection: the military have their own supervising agency and they are getting their own seeds and they are getting the lands cultivated by themselves, that is, by their own arrangement. We have nothing to do with that scheme, except now and then to offer assistance and advice, if asked for. There is another scheme according to which if Government found that in spite of the military having their own scheme they are coming to the civil markets, that is, encroaching on the civilian markets, we have decided that we must grow sufficient vegetables for the military so that they may no longer encroach on the civilian markets. That is the scheme about which I was speaking. We have got about 3,000 acres of land which are being cultivated through cultivators the products of which will go to the military mainly and the remaining portion will be for the use of the civil population.

Rai Bahadur KESHAB CHANDRA BANERJEE: Arising out of answer (*iv*), the Hon'ble Minister says that the following are the causes "stoppage of supply from adjoining provinces owing to embargo placed on experts" and so on. Does the Hon'ble Minister mean to say that vegetables are imported from the neighbouring provinces such as Bihar, United Provinces, Orissa and Assam?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, potatoes come from Assam and from Bihar and there are other vegetables also which come from Bihar and Assam.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if he is satisfied that after his scheme of the cultivation of 3,000 acres comes into operation the military will not encroach upon the markets of the civil population?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think encroachment on the Calcutta market will be very little.

Mr. SHRISH CHANDRA CHAKRAVERTI: Will the Hon'ble Minister be pleased to state what is the net amount of vegetables that is available in Calcutta and Bengal out of which the military necessity is met to what extent and what is released to the civil population?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is not possible to say that.

(Questions over.)

Point of Information.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, before we take up the Bengal Agricultural Income-tax Bill, may I refer to a vital problem with which we are confronted——

Mr. HAMIDUL HUQ CHOWDHURY: Sir, if every day this sort of things go on, the regular business of the House——

(Interruption from the Opposition Benches.)

Mr. PRESIDENT: Order, order. What is the problem, Rai Bahadur? I do not think it is proper to allow these things to go on every day. Yesterday I allowed you to mention about milk. If every day you bring in a new question you should do it in a proper way.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, yesterday's proceedings have become null and void and unless I mention about the milk problem today——

Mr. PRESIDENT: Oh, is it about the milk problem? I thought it was about meat. Yes, please go on.

Rai Bahadur KESHAB CHANDRA BANERJEE: What I was saying is this: before we take up the business set down in the order paper today, may I refer to a vital problem with which we are confronted I mean the supply of milk in the mufussil and Calcutta and suburbs in particular. The situation has become almost critical in view of the scarcity of milk. Is it due to high death-rate of cattle or to some other causes? Has the Hon'ble Minister made any enquiry in the matter and will he make a statement at the earliest possible opportunity?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, I am prepared to make a statement within a week.

Rai Bahadur KESHAB CHANDRA BANERJEE: In this connection I would request the Hon'ble Minister to refer to the report published in today's *Amrita Bazar Patrika* regarding the statement made by Sm. Kamala Devi——

Mr. PRESIDENT: Any suggestion or advice that you want to offer, you had better send it personally to the Hon'ble Minister.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, from our side of the House I object to Rai Bahadur's suggestion——

Mr. K. C. ROY CHOWDHURY: Sir, I have an adjournment motion regarding fish problem and industry. Sir, the zoological scholars——

Mr. PRESIDENT: Order, order. I have carefully gone through your adjournment motion, Mr. Roy Chowdhury. Although I have some sympathy with you, unfortunately I cannot give my consent to your adjournment motion——

Mr. K. C. ROY CHOWDHURY: Sir, may I explain the position?

Mr. PRESIDENT: It is no use explaining the position to me, because I tell you why: your adjournment motion almost amounts to a recommendation and is in the nature of a resolution. Your motion raises two issues. Firstly, you object to Government's advertising for special officers and you suggest the purchase of motor launches. These are the two things which should exactly be the subject-matter of a resolution. Secondly, the subject of your motion is a matter which has been undertaken by Government in the ordinary course of administration. Lastly, I do not think it is a matter of sufficient urgency.

Mr. K. C. ROY CHOWDHURY: Sir, may I be permitted to speak on the question of urgency?

Mr. HAMIDUL HUQ CHOWDHURY: Sir, an atmosphere has been created in this House to do all other work or business except the business which we are doing.

Mr. K. C. ROY CHOWDHURY: Sir, as regards urgency——

Mr. PRESIDENT: May I suggest one thing, Mr. Roy Chowdhury? You put a short notice question regarding this matter or a motion under section 96?

Mr. K. C. ROY CHOWDHURY: If the Hon'ble Minister promises to answer the short-notice question, then I may give notice——

Mr. PRESIDENT: You better send the short-notice question. I shall admit it and shall then make it over to the Hon'ble Minister. What is the good of extracting a promise beforehand?

Sitting hours of the Council.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I wanted to speak about the extension of the sitting hours of the Council. This taxation Bill is with us for a pretty long time and the *Ramzan* is approaching. The difficulties of the honourable members who come from mofussil and who will have to fast during the *Ramzan* will be tremendous. If they stay in Calcutta during the fasting period, they will have to suffer great inconvenience with regard to food and other things. I am speaking on behalf of myself and on behalf of the Muslim members here. Moreover, when the Assembly could sit for longer hours, there is no reason why we, a much smaller House, could not sit for longer period. Therefore, we should so arrange our business that we might be able to finish the Bill before the *Ramzan*.

Khan Sahib WAHIDUZZAMAN: Sir, yesterday the Chief Minister also made the same suggestion that we must finish the Bill before the *Ramzan*——

Mr. PRESIDENT: This is not a new proposal. When we decided to sit 45 minutes more than we were previously sitting, I informed the House that if we did not make sufficient progress within a limited period of time, we might have to sit much longer in view of the approaching *Ramzan* month, because many Muslim members would find it extremely difficult to stay in Calcutta and discharge their religious duties during the *Ramzan*. So, I would appeal to the good sense of the House to accommodate each other and agree to sit longer hours.

Khan Sahib WAHIDUZZAMAN: Sir, the Bill might be taken up after the *Ramzan*.

Mr. PRESIDENT: That cannot be done. Legislative business cannot be postponed to suit the convenience of certain members. So, I suggest——

Mr. HARIDAS MAZUMDAR: May I submit, Sir, that the Bill is making a very good progress——

Mr. PRESIDENT: I am afraid, not. That is a view with which you must agree with me. In fact, we have discussed only half the number of amendments in so many days' time. So, if we go on in this way we shall not be able to finish the Bill before the *Ramzan* which, I believe, will commence from the 20th of this month. (MR. HAMIDUL HUQ CHOWDHURY: Immediately followed by the *Puja* holidays.) Yes, that is another difficulty. Therefore, you must agree to accommodate your colleagues. This is a matter in which there must be reciprocity and mutual accommodation; otherwise it would be impossible to discharge the duties in this House. In the circumstances, I propose——

Mr. HUMAYUN KABIR: Sir, before you decide, may we make our submission?

Khan Sahib Maulvi WAHIDUZZAMAN: The position is that they are suggesting that during *Ramzan* they cannot possibly stay on in Calcutta. We know last year the Muslim members attended a very important session of the Legislative Assembly during the *Ramzan*. I cannot understand the logic of the members of the other side when they say that during *Ramzan* they cannot stay on here in Calcutta. They can do everything except coming to the meeting here. Then again, it is a very important measure and Government is determined to carry it through and it will be very difficult to do the same without the co-operation from every side of the House. It is for you to decide any way, but this is our position.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, with regard to the difficulties of Muslim members I appreciate it more than Mr. Hamidul Huq Chowdhury. I think the mofussil members are more subjected to trouble than town members. The convenience of Calcutta members is allowed to dominate over the mofussil members. Mr. Hamidul Huq Chowdhury earns a living in Calcutta and it is for their convenience that we have to begin work at 2-15 p.m. I suggest that we should begin at 10 or 10-30 a.m., adjourn for lunch and then begin again and adjourn at 4 or 4-30 p.m. This will be highly convenient to mofussil members.

Mr. FARIDUDDIN AHMAD: In reply to what my friend Khan Sahib Wahiduzzaman has said, I would like to say, Sir, that it is the grievance of the mofussil members which has been brought to your notice unofficially. They have never been away from their homes for seven months at this time of the year. Having lived for seven months away from home at this extraordinary time of hardships and difficulties, it is only natural that the mofussil members should feel inclined to go away from Calcutta to perform the ensuing *Ramzan* festival in due manner. It is not the question of the members' doing work during the *Ramzan*. The circumstances have totally changed and therefore it should be taken notice of as a special case.

Mr. PRESIDENT: May I have Government views on the question?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It is the Opposition members who are saying that this Bill should not have retrospective effect; but if the passage of the Bill is delayed as now proposed by them, the retrospective effect will be for a longer period. After the Bill has been passed, the assent of the Governor will have to be obtained and after that, assessment will have to be made and the assessees will have to be properly informed. So Government must get sufficient time to make assessment and to inform the people so that they may be in a position to pay their taxes within the year. In the circumstances, it is absolutely necessary that the Bill should be got through as quickly as possible. It cannot be postponed till after the *Ramzan*. It must be finished before *Ramzan*.

Mr. PRESIDENT: Mr. Laidlaw, may I have your views in the matter?

Mr. W. B. C. LAIDLAW: Well, Sir, I quite agree that taken as a body we have got to do a certain thing, if possible, by a certain time. There may be a section that wants to delay things deliberately. Nevertheless, taking the body of members as a whole, public opinion about this House must be very poor, indeed. I can safely say that inside the House without the risk of being in contempt. The fact remains that the House has been given a job to do which it is not doing. Now, Sir, there was an opportunity yesterday and an example yesterday. Well, it was perfectly possible, I think, to smooth over the little mistake which happened; but instead of doing that, I conceive the whole two hours' work was washed out for nothing at all——

Mr. BANKIM CHANDRA MUKHERJEE: It was the decision of the Chair to do so.

Mr. W. B. C. LAIDLAW: I think it was a recommendation which the House could accept or not. Well, my view is that we should do our best.

Mr. BANKIM CHANDRA MUKHERJEE: I am sorry that Mr. Laidlaw referred to the proceedings of yesterday in that way——

Mr. PRESIDENT: Mr. Mukherjee, without referring to what Mr. Laidlaw has said you had better give your suggestion, if any.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, with regard to the waste that has been charged against the members of the Opposition, I think,

we are entitled to answer that charge. As regards his remark that the public has got a poor idea of the business of this House, I must say that so far as this Bill is concerned it is up to us to explain the matter a little more clearly.

The existing arrangement, we understood, was going to be adhered to, and so far as the business of the House is concerned we have practically disposed of about 35 clauses. As a matter of fact, there were some adjournment motions which we could not help moving, because they were urgent matters and you allowed them to be moved in this House. I do not think any objection can be raised with regard to that matter. There are only about 20 clauses remaining, and as was pointed out by my friend that when even last year business could be carried on during *Ramzan*, we do not know why business cannot be carried on this year during *Ramzan* without increasing the hours of work to the inconvenience of the members of this House. We will meet the objections of the members of the Government with regard to the time during the *Ramzan*. We are willing to accommodate them so far as the period of *Ramzan* is concerned, if we cannot finish the Bill by the 20th of August, but at present, I submit, there is no occasion for discussing this matter. Let us proceed with the business for another week and after that the question can be raised.

Mr. HUMAYUN KABIR: The question that we have to discuss is the duration of the sitting. Two arguments have been advanced in order to increase hours of sitting. One is that we have had a very long session and the other is that the Bill must be finished by a particular date as many members of the mofussil desire to go home by that date. The question of *Ramzan* was brought up but not pressed very much, because as was pointed out by Khan Sahib Wahiduzzaman from this side of the House, it is an obligation on a Mussalman not to allow *Ramzan* to interfere with his normal duties. In fact, it is one of the conditions of the fast that the person must carry on his normal duties, and if he pleads that on account of fasting he has not been able to carry on his normal duties, the merit of the fast will not be recognised. This point seems to have been admitted by the Khan Sahib (Khan Sahib Fariduddin Ahmad) of the other side and that is why he did not press this point. He said that they would go home and begin a new life; I do not know, Sir, what a new life means and what he means to imply thereby.

There are two other substantial reasons advanced for longer sitting: one is that there has been a long session and it is quite natural for members to desire to go home. The other is that the other House, namely, the Assembly, sits for longer periods. With regard to the first point, it is true that we have had a long session but that is precisely the reason why hours should not be increased. The effect thereof is that we are now a tired House; every member is tired and the House can be said to have gone stale, having sat for 6 months. Then, again, while dealing with an important Bill of this nature, it is not at all desirable to hurry it through. This sort of hurry will have an undesirable effect on the Bill as a whole.

Then, Sir, with regard to the point that another place, namely, the Assembly, sits for longer hours, I would suggest for your consideration this point. Firstly, there are 250 members in that House and its size is about five times the size of this House. Therefore, even by the simple rule of arithmetic members there have much less time to give to the business of the House than is done here. With a House of 65 members, and sitting for two hours, the obligation upon every member is far greater than in a House of 250 members. It would not be too much for that House if it sat for 6 hours. I want to draw your attention to another point, namely, that it is because the other place hurried through the measure that this Bill has been found to be so defective. Government themselves have admitted that there are drafting mistakes of a serious nature. The Bill was considered in the other House more in passion than in reason. It was hurried through in

a manner which made it impossible for them to consider the clauses of the Bill calmly. I would also mention that you, Sir, have increased the sitting hours of this House from two to two and three-quarters of an hour. Previously, this House has indeed sometimes sat for three hours but to ask the House to sit beyond three hours would be to impose a great strain; especially in view of the fact that all these three hours are taken up in Government business. The answering of questions has been cut to the minimum. On most of the days, there are no questions or if there are any, they do not take more than half an hour at the most. If we have a three hours' sitting daily, and this House has sometimes done so in the past, but only on very rare occasions, that is about the limit which I think members of this House can be asked to bear.

As for my friend, Mr. Laidlaw, I think he does not mind sitting for longer hours because his party does not take part in the proceedings or deliberations of this House; they do not care to reply to the debate but they come here merely to record their votes. They might as well take their seats somewhere outside and do their business and come in only when the division bell rings. They should not therefore be considered at all. So far as the question of the sitting hours of the House is concerned, it is only the members on this side of the House who are concerned. It is they who are taking part in the discussion and trying to give it a proper shape. (Mr. Hamidul Huq Chowdhury attempted to speak) Sir, I have almost finished. It is those members of the House who are taking an active and creative part in shaping the Bill that are to be heard. All others concerned, who are here for voting only without giving any reason or argument for the clauses, they need not be heard. The European group here is a prosperous community; they can send their deputies to do their business for them with the assistance of qualified persons and such persons are not wanting. But we have to do both our legislative work and other work by ourselves and we have to apply our minds to the legislative work as well as to our own work——

Mr. PRESIDENT: Any new point, Mr. Chowdhury?

Mr. HAMIDUL HUQ CHOWDHURY: May I suggest that if the Opposition is anxious about discussing the merits of the Bill properly let them sit longer hours. They cannot have it both ways—adjournment motions and other things and at the same time sit only for the scheduled time——

(Interruptions from the Opposition.)

Mr. PRESIDENT: Order, order. I have heard you sufficiently Mr. Chowdhury. I have listened to the opinions of the members belonging to different groups of the House. I think we all agree that the Agricultural Income-tax Bill being the principal business, and an important taxation measure and as the House has been sitting for nearly seven months, it is desirable that we should come to a conclusion of our business. I believe there is no difference of opinion on this point. I think at the same time it is desirable that the Opposition which is trying to improve the Bill should be given sufficient facilities and opportunities to do so. Government on the other hand are opposing every amendment put forward by the Opposition: so it is their responsibility and they will have to face the Opposition. At the same time, it is the duty of the Chair to see that the business of the House proceeds and comes to a conclusion within a reasonable time. We cannot go on discussing this Bill for months. On this point I appreciate what has been said by Mr. Laidlaw about the public opinion outside. We are not carrying on the business with sufficient expedition. I think without curtailing the opportunities that should be offered to the Opposition, we should start sitting longer hours. My suggestion is that from next week we sit up to 7 o'clock——

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, we cannot sit up to 7 o'clock.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, we cannot agree to longer hours.

Mr. PRESIDENT: Order, order. This I do specially in view of the fact that *Ramzan* is approaching——

(Interruptions from the Opposition.)

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, you are inviting obstruction——

Khan Sahib Maulvi WAHIDUZZAMAN: The Bill may go on till after the *Ramzan*, but we cannot sit longer hours——

Mr. LALIT CHANDRA DAS: Sir, you did not hear the opinion of the Congress group at all.

Mr. PRESIDENT: Have you anything to say?

Mr. LALIT CHANDRA DAS: Yes, but I was not given an opportunity.

Mr. PRESIDENT: Why did you not rise in time? I have given my suggestion to sit upto 7 o'clock.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I also rose to say something in reply to what Mr. Laidlaw said about public opinion outside and about the business of the House, but you gave your decision without allowing me to have my say——(interruptions from the Opposition Benches.)

Mr. PRESIDENT: Order, order. I asked all the leaders of groups to speak——

Mr. BANKIM CHANDRA MUKHERJEE: On a point of privilege of the House, Sir.

Mr. PRESIDENT: What is your point of privilege?

Mr. BANKIM CHANDRA MUKHERJEE: The point of privilege is that I wanted to speak in reply to Mr. Laidlaw's remarks about the manner in which the business of the House is going on and the opinion thereon of the public outside, and this privilege was not given to me and I was throttled in this way. You did not allow me to have my say and you gave your ruling on the point without hearing us.

Mr. PRESIDENT: I am afraid you have misunderstood me. Have I referred to Mr. Laidlaw's proposition?

Khan Sahib Maulvi WAHIDUZZAMAN: Yes, Sir, you did make a reference to what Mr. Laidlaw said——

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir, you did refer to it: I say you did. Let the shorthand notes taken down by the official reporters be read out——

Mr. PRESIDENT: Well, the public outside has a right to judge——

Mr. LALIT CHANDRA DAS: Sir, we are representatives of the public. We represent the public in this House and we know that the public have no such idea as Mr. Laidlaw has said and I think he has nothing to do with that.

Mr. PRESIDENT: I am very sorry. What I meant was that the public outside has a right to judge what progress we have been making with this Bill here.

Mr. LALIT CHANDRA DAS: Sir, the newspaper reports say that we are making progress——(There was uproar in the House.)

Mr. PRESIDENT: Order, order, you should not introduce heat in the matter.

Mr. LALIT CHANDRA DAS: Sir, here on this side of the House there are Muslim members who do not want to go home during the *Ramzan*. (Khan Sahib FARIDUDDIN AHMAD: They are not Muslims.)

Khan Sahib WAHIDUZZAMAN: Sir, Khan Sahib Fariduddin Ahmad says we are not Muslims. I challenge the statement. He must withdraw it.

Mr. PRESIDENT: Khan Sahib, will you please withdraw the statement?

Khan Sahib FARIDUDDIN AHMAD: I did not say they are not Muslims. Mr. Lalit Chandra Das was mispronouncing the word "Muslim". He was saying "Maslim". So I said they are not Maslim.

Mr. PRESIDENT: Please withdraw the statement.

Khan Sahib FARIDUDDIN AHMAD: All right, Sir, I withdraw the statement.

Mr. LALIT CHANDRA DAS: Sir, the mofussil members want to go home but they have already gone home 6 times. There were six long adjournments. It is not a continuous sitting for six months.

Mr. PRESIDENT: However, we must sit longer hours.

Mr. HARIDAS MAZUMDAR: We are not going to sit longer.

Mr. LALIT CHANDRA DAS: Sir, don't you realise how difficult it would be for us to stay here from 2 to 7 p.m. and make speeches?

Mr. HAMIDUL HUQ CHOWDHURY: Sir, their duty is to come here and utter nonsense.

(At this there was tremendous uproar in the House. Opposition members took objection to this word "nonsense".)

Khan Sahib WAHIDUZZAMAN: Sir, he must withdraw the word. He has no right to say that.

Mr. LALIT CHANDRA DAS: We strongly protest against this word.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, he should withdraw the word at once.

Mr. SACHINDRA NARAYAN SANYAL: It is very bad indeed. He should not say that. He must withdraw it.

(Cries of "withdraw", "withdraw" and "get out" from the Opposition Benches.)

Mr. PRESIDENT: Mr. Hamidul Huq Chowdhury, you must withdraw the word at once.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, they should first withdraw the words that we come here and only vote.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, the other side is only carrying out the mandates of the Government as servants.

Mr. HAMIDUL HUQ CHOWDHURY: That is all right.

Mr. PRESIDENT: Mr. Huq Chowdhury, you must not use the word "nonsense". It is the privilege of the Opposition to criticise the Government. It is their duty.

Khan Sahib WAHIDUZZAMAN: Sir, has he withdrawn the word?

Mr. HAMIDUL HUQ CHOWDHURY: I am not going to withdraw the word unless they withdraw the words that we come here only to vote.

Mr. PRESIDENT: Mr. Chowdhury, in the interest of peace and dignity of the House you should withdraw the word.

Mr. HAMIDUL HUQ CHOWDHURY: All right, Sir, I withdraw it on the ground that they withdraw theirs.

Mr. PRESIDENT: That may be taken as withdrawn.

Now, let us proceed with the business of the House.

Khan Sahib WAHIDUZZAMAN: Sir, what about the sitting hours?

Mr. PRESIDENT: I accept Khan Bahadur Naziruddin Ahmad's suggestion and let there be a compromise that we sit up to 6 o'clock.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. PRESIDENT: Clause 36 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*2*) of clause 36 of the Bill, for the words "objects to" in line 1, the words "disagrees with" be substituted.

I submit, Sir, that the words "objects to" are inappropriate to the text and the words "disagrees with" would be better. I hope the Hon'ble Minister will accept the amendment.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*2*) of clause 36 of the Bill, for the words "objects to" in line 1, the words "disagrees with" be substituted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think the word as appears in the Bill is more appropriate. The words "objects to" are in accordance with the Income-tax Act. Here the Commissioner of Agricultural Income-tax is a party and not an appellate court. Just as an assessee has got the right to object and not to disagree, so the Commissioner of Income-tax has the right to disagree. The phrase as it stands is more appropriate.

The question before the House is: that in sub-clause (*2*) of clause 36 of the Bill, for the words "objects to" in line 1, the words "disagrees with" be substituted.

The motion was being put, a division was challenged and taken with the following result:—

AYES—18.

Khan Bahadur Nazimuddin Ahmad.	Rai Bahadur B. M. Maitra.
Rai Bahadur K. C. Banerji.	Mr. H. D. Mojumdar.
Mr. S. C. Chakraverti.	Mr. B. C. Mukherjee.
Mr. K. A. Chowdhury.	Mr. R Pal Chaudhuri.
Mr. L. C. Das.	Mr. A. D. Roy.
Mr. B. C. Dutta.	Mr. Biren Roy.
Mr. N. C. Datta.	Mr. K. C. Roy Chowdhury.
Alhadj Khan Bahadur Sk. Mohd. Jan.	Mr. S. N. Sanyal.
Mr. Humayun Z. A. Kabir.	Khan Sahib Maulvi Wahiduzzaman.

NOES—23.

Khan Sahib F. Ahmad.	Mr. D J. Cohen.
Mr. M. Ahmed.	Mrs. K. D'Rozario.
Mr. Nur Ahmed.	Mrs. L. P. Dutt.
Mr. S. Ahmed.	Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. Mohamed Hossain.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Mr. Yakub H. S. Sattar.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Shamsuzzoha.
Mr. Mohd. Habibulla Chowdhury.	Mr. J. W. R. Steven.
Mr. C. E. Clarke.	

Mr. PRESIDENT: Order order. The House has divided. The "Ayes" being—18, and the "Noes" being—23, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: May I rise on a point of privilege of the House, Sir?

Mr. PRESIDENT: Yes, what is it about?

Khan Bahadur NAZIRUDDIN AHMAD: It is about the economising of our time. I propose that yesterday's business need not be repeated. I have authority to show that——

Mr. PRESIDENT: I do not think there can be any discussion as to this, Khan Bahadur. Yesterday's decision was the unanimous decision of the House, and I am not prepared to re-open it.

Khan Bahadur NAZIRUDDIN AHMAD: I do not mean to re-open it. I would only refer you to section 66 (3) of the Government of India Act.

Mr. PRESIDENT: You are referring to section 66 (3) of the Government of India Act, 1935. I know that, Khan Bahadur. But we must go by the rules of this House; we cannot frame rules and at the same time not abide by them.

Khan Bahadur NAZIRUDDIN AHMAD: That would save a lot of time, Sir.

Mr. PRESIDENT: I know that section very well. But unfortunately there is some amount of anomaly between our rules and this section. So long as the rules are there, we must follow them. So you need not discuss that point again.

Mr. LALIT CHANDRA DAS: I beg to move that in sub-clause (*4*) of clause 36 of the Bill, for the word "twenty-five" in line 4, the word "ten" be substituted.

Sir, sub-section (*4*) of clause 36 runs thus: "An appeal to the Appellate Tribunal shall be in the prescribed form and shall be verified in the prescribed manner, and shall, except in the case of an appeal referred to in sub-section (*2*) be accompanied by a fee of twenty-five rupees."

Now, my amendment aims at reducing that amount from Rs. 25 to Rs. 10. Rupees 25 seems to me to be too high an amount to be imposed for filing any appeal. It is prohibitive or rather exorbitant and therefore harsh and unconscionable. Section 34(*1*) proviso says: "provided that no appeal shall lie against an order under sub-section (*1*) of section 45 unless the agricultural income-tax has been paid." The condition precedent to the filing of an appeal against the tax imposed upon an assessee is that he must pay the whole amount of the agricultural income-tax before the appeal can be filed and after that again to ask him to pay on his memorandum of appeal a court-fee of Rs. 25 seems to me to be too heavy and this amount therefore should be reduced to Rs. 10. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved:

That in sub-clause (*4*) of clause 36 of the Bill, for the word "twenty-five" in line 4, the word "ten" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: I rise to support the amendment moved by my friend Mr. Lalit Chandra Das. I would like to point out that the right of appeal has been given to an assessee under sub-clause (*4*) and the prescribed fee is Rs. 25. If we now refer to the schedule itself and consider the schedule and the amount of the tax that is levied on individuals, we will find that on the first Rs. 3,500 there is no agricultural income-tax to be levied. A man having an agricultural income of Rs. 5,000 and no other income will have

to be taxed on the basis of Rs. 1,500 as the amount on which the tax is to be assessed. I have calculated the figure for Rs. 1,500 at the rate of nine pies in the rupee, and it comes to about Rs. 24. I speak subject to correction, but the figure comes to about Rs. 24. Suppose, these small agriculturists, who are not liable to be taxed for some reason or other are assessed by the agricultural income-tax officer, want to get exemption of the assessment of Rs. 24. The clause provides that he must pay a fee of Rs. 25 on the memorandum of appeal before his appeal is to be heard. I do not think a more absurd proposition has ever been mooted on the floor of this House so far as agricultural income-tax is concerned. I would remind the Hon'ble Leader of the House, who has now practically taken charge of the Bill, to remember that we are now considering the case of the agricultural population of Bengal with an income of over Rs. 1,500. If the income is Rs. 1,600, then he will be liable to pay as income-tax the sum of Rs. 100 and for that he has to pay a fee of Rs. 25 for memorandum of appeal. The Leader of the House will, I am sure, take recourse to the Indian Income-tax Act and say that as in the Indian Income-tax Act the minimum fee is Rs. 100, he finds justification in providing for this small sum of Rs. 25 for the agricultural population of Bengal as the amount which the assessee has to pay for his memorandum of appeal. I would only refer the Leader of the House to his own statement made in the Floud Commission Report with regard to the condition of the agricultural population of Bengal. I would request him to look up the Report once again and consider what he said then. I do not know whether he has changed his mind now and has got some inflated idea of the conditions of the agriculturists of Bengal. The Leader of the House should consider the fact that so far as the tax assessed under the Indian Income-tax Act is concerned, the people pay this tax on their earning and sometimes on their income over and above the income which most people have from agriculture proper—the landed properties. Therefore, any provision with regard to the appeal there may not be a hardship to the people concerned. Here we are concerned with the agricultural population. These people hardly have enough money left after meeting their requirements to pay the tax even. So it is very difficult for them to pay any extra sum. As a matter of fact, these people who are liable to be taxed—they ought to be given more facilities for proving their case. I am only pleading for the poorer classes of the people and not the richer classes who can pay Rs. 25 and more than that. If you lay down a graduated scale of fees, we have no objection. With these words, I support the amendment.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the corresponding fee for filing appeal under the Indian Income-tax Act is Rs. 100. But here it is only Rs. 25. My honourable friend Mr. Mukherji refers to the Floud Commission Report, but he forgets that our recommendation there was assessment on incomes of Rs. 1,000 and above: here it is Rs. 3,500 and by this not even one per cent. of the agriculturists will be touched. It is only the richer agriculturists who will be touched and they can well afford to deposit Rs. 25 to file an appeal.

With these few words, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: That in sub-clause (*4*) of clause 36 of the Bill, for the word "twenty-five" in line 4, the word "ten" be substituted.

The motion being put, a Division was challenged.

(While the Division bell was ringing.)

Mr. HUMAYUN KABIR: Sir, may I draw your attention to the canvassing done by the Hon'ble the Agriculture Minister in the House?

Mr. PRESIDENT: There should be no canvassing in the House.

AYES—19.

Khan Bahadur Naziruddin Ahmad.
Rai Bahadur K. C. Banerji.
Mr. S. C. Chakraverti.
Mr. K. Alam Chowdhury.
Mr. L. C. Das.
Mr. B. C. Datta.
Mr. N. C. Dutta.
Alhadj Khan Bahadur Sk. Mohd. Jan.
Mr. H. Kabir.
Rai Bahadur S. M. Maitra.
Mr. H. D. Mojumdar.
Mr N. N. Mookerji.
Mr. B. C. Mukerji.
Mr. R. Pal Chaudhuri.
Mr. A. D. Roy.
Mr. Biren Roy.
Rai Bahadur R. B. Roy.
Mr. S. N. Sanyal.
Khan Sahib Maulvi Wahiduzzaman.

NOES—23.

Khan Sahib F. Ahmad.
Mr. M. Ahmed.
Mr. Nur Ahmed.
Mr. S. Ahmed.
Khan Sahib N. Amin.
Khan Sahib A. Aziz.
Mr. D. L. Barua.
Mr. Moazzemali Chowdhury.
Mr. H. Huq Chowdhury.
Khan Bahadur A. H. Chowdhury.
Mr. Mohd. Habibullah Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen.
Mrs. K. D'Rozario.
Mrs. L. P. Dutt.
Hon. Khan Bahadur S. M. Hossain.
Mr. L. Hossain.
Mr. Mohamed Hossain.
Mr. W. B. G. Laidlaw.
Khan Sahib Subidali Mollah.
Mr. Yakub H. S. Sattar.
Khan Bahadur M. Shamsuzzoha.
Mr. J. W. R. Steven.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—19, and "Noes" being—23, the amendment is negatived.

Clause 36.

Mr. PRESIDENT: The question before the House is: that clause 36 stand part of the Bill.

(The motion was agreed to.)

Clause 37.

Mr. PRESIDENT: Clause 37 stand part of the Bill.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in sub-clause (3) of clause 37 of the Bill, for the word "twenty-five" in line 2, the word "ten" be substituted.

Sir, this clause 37 of the Bill deals with the power of revision by Commissioner. Sir, sub-clause (3) of this clause runs as follows: "Every application by an assessee under sub-section (2) shall be accompanied by a fee of twenty-five rupees." Sir, I want that in the case of a revision petition the fee of Rs. 25 should be reduced to Rs. 10. My friend, the Leader of the House, was telling us that it would not affect the poorer agriculturists at all. But after all it will affect the agriculturists who shall have to pay income-tax. Possibly, he has forgotten what I said in connection with my previous amendment relating to clause 36. There is a condition precedent to an appeal and that condition precedent is that agricultural income-tax has got to be paid down in full. When that has been provided for and when the money that the assessee will have to pay is in the Government Treasury already, why should Government be at all harsh in imposing a restraint upon the rights of the parties to go to the Appellate Court or to ask for revision by the Commissioner. It is a prohibitive fee and so this fee of Rs. 25 should be reduced to Rs. 10. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (3) of clause 37 of the Bill, *for* the word "twenty-five" in line 2, the word "ten" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment that has been moved by my friend Mr. Das. I fail to see, Sir,

why this heavy sum of Rs. 25 has been provided for a revision application by an assessee before the Commissioner. I think the Hon'ble the Leader of the House knows that even the High Court demands Rs. 10 for a revision application in cases in which the valuation is above Rs. 1,000 and in cases in which the valuation of the property is below Rs. 1,000 the High Court demands only a fee of Rs. 5. I find the Leader of the House raises the status of the Commissioner of Income-tax to more than the status of a High Court Judge by demanding Rs. 25 as fee for a revision application to be filed before the Commissioner for the purpose of revising the decision of the Appellate Tribunal. As a matter of fact, possibly the Leader of the House wanted that through the agricultural income-tax he not only should realise money in the shape of income-tax but also a large sum in the shape of court-fees on memorandum of appeal and also on revision petition. This is an additional burden which is going to be levied upon the poor assessee. In connection with an earlier amendment under clause 36 he said that he was not going to hit the poorer section of the agriculturists. I do not know what his idea is with regard to the poorer section. We are not dealing with the poorer section. We are dealing here with the middle-class people and my submission is that it is the middle-class people who will be hard hit by the provision of the Income-tax Act when we know the methods which have been indicated in the Bill with regard to the assessment of the tax. There is sure to be a large number of cases because in the first instance agricultural officers will have to—I am not dealing with the landlords who have got income in money value but I am dealing with the lower middle class agriculturists who have got to depend on their produce. Now, Sir, various systems have been indicated in the clauses of the Bill to ascertain the amount of produce and the value of the produce and other methods for the purpose of arriving at a proper figure with regard to the income of a person. I think it would be found that most of them are defective and a large number of cases are sure to crop up with regard to assessment of these lower middle class people who are agriculturists and who depend upon the produce of their land. As a matter of fact, we have heard the Honourable the Leader of the House who is in charge of the Agriculture Department that even with the huge Government machinery in hand they have not been able to ascertain the correct figure with regard to the produce in this province. He has got to incur expenditure for a large staff for the purpose and the Government of India has imposed a duty on this Government in order that the produces of the province might be determined more correctly and more accurately. In reply to a question which I put on the floor of the House the Agriculture Minister had to say that he has not been able to determine the produce of the province with reference to the yield of each bigha of land and with regard to the classes of land. The estimate they have produced is mere guess work and I suppose this guess work is going to be followed in the Assessment Department as well and followed with vengeance. In order that the officers concerned might be able to show that they have been able to assess a large amount of agricultural income-tax, there will be competition amongst the agricultural income-tax officers to net a large number of assessees. It is these middle class people who will need relief and will have to come to the Commissioner and the Appellate Tribunal; sometimes we get relief only when the revisionary authority is approached. Sometimes we do not get any relief from the appellate officers while Tribunals, who are above the atmosphere of the Assessment Department, sometimes consider the objections more favourably and reduce the tax. If you demand Rs. 25 for the appellate court and another Rs. 25 for the revisional court, it means that so far the people are going to be taxed from Rs. 25 to Rs. 75 or more and they will not therefore go to the appellate court. For who will throw away good money after bad on the off-chance of getting relief from the appellate or revisionary officer? It means surely that you are going to close the door to appeal or revision and compel them to pay an assessment of Rs. 25 or Rs. 75 without any chance of obtaining any relief of their grievance by way of revision. In this view, I support the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment. The question is whether you should put a higher fee or a smaler fee for a revision to Commissioner. The Hon'ble Minister in charge of the Bill says that in the Indian Income-tax Act the fee is Rs. 100. The analogy is not quite apt, because under the Indian Income-tax Act the man affected earns lakhs and lakhs and even crores of rupees. So in his case the fee of Rs. 100 is nothing. Here we are dealing with the poorer section of the agricultural population and in my opinion the best fee would have been a graduated scale depending on the amount of assessment which is under objection. That would have been more equitable; but, in the absence of that, we should prescribe a moderate fee. With regard to the richer classes, I have nothing to say, but with regard to men of moderate means, who will be affected by this provision, the condition of payment of a higher fee would be a hardship. In fact, the effect of the rejection of this amendment would be to make justice a costly affair. I think Rs. 10 would be a reasonable sum. The question is: whether you are going to give justice to all. As it is a new tax, which requires adjustment of one's income so far as the middle classes are concerned, I think a fee of Rs. 10 is sufficient. This taxation Bill is the thin end of the wedge. I do not think that the rate of tax which has been provided will be the limit. This fee has been prescribed in anticipation of a higher tax in the future. In the early stages, there will be many revisions to settle difficult or doubtful points and the rate should therefore be lower.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, this is nothing new. Even in the Indian Income-tax Act Rs. 25 has been fixed as the deposit money necessary for a revision application. The analogy of the High Court does not hold good. Agricultural income-tax is a sort of income-tax and so the analogy of the Income-tax Act should apply here and not of High Court. As regards the point that it will be difficult for the poorer people to pay the fee, I have already said that this Bill does not at all touch the poorer agriculturists. As a matter of fact, owners of lands up to 100 bighas have been exempted. No enquiry will be made in regard to them. Only the richer agriculturists, whose number will be not even 1 per cent., will be taxed. I do not understand why the Opposition always brings in this question of poor agriculturists.

With these few words, I beg to oppose the amendment.

Mr. PRESIDENT: The question before the House is:

That in sub-clause (*3*) of clause 37 of the Bill, *for* the word "twenty-five" in line 2, the word "ten" be substituted.

The motion being put, a Division was challenged and taken with the following result:—

AYES—20.

Khan Bahadur Naziruddin Ahmad.	Mr. H. D. Mojumdar.
Rai Bahadur K. C. Banerji.	Mr. N. N. Mookerji.
Mr. S. C. Chakraverti.	Mr. B. C. Mukherji.
Mr. K. A. Chowdhury.	Mr. R. Pal Chaudhuri.
Mr. L. C. Das.	Mr. A. D. Roy.
Mr. B. C. Datta.	Mr. Biren Roy.
Mr. N. C. Datta.	Rai Bahadur R. B. Roy.
Alhadj Khan Bahadur Sk. Mohd. Jan.	Mr. K. C. Roy Choudhury.
Mr. H. Kabir.	Mr. S. N. Sanyal.
Rai Bahadur B. M. Maitra.	Khan Sahib Maulvi Wahiduzzaman.

NOES—23.

Khan Sahib F. Ahmad.	Khan Sahib A. Aziz.
Mr. M. Ahmed.	Mr. D. L. Barua.
Mr. N. Ahmed.	Mr. Moazzemali Chowdhury.
Mr. S. Ahmed.	Mr. H. Huq Chowdhury.
Khan Sahib N. Amin.	Khan Bahadur A. H. Chowdhury.

Mr. Mohd. Habibulla Chowdhury.	Mr. Mohamed Hossain.
Mr. C. E. Clarke.	Mr. W. B. G. Laidlaw.
Mr. D. J. Cohen.	Khan Sahib Subidali Mollah.
Mrs. K. D'Rozario.	Mr. Yakub H. S. Sattar.
Mrs. L. P. Dutt.	Khan Bahadur M. Shamsuzzoha.
The Hon'ble Khan Bahadur S. M. Hosain.	Mr. J. W. R. Steven.
Mr. L. Hossain.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 20, and the "Noes" 23, the amendment is negatived.

Mr. PRESIDENT: The question before the House is that clause 37 stand part of the Bill.

(The motion was agreed to.)

Clause 38.

Mr. PRESIDENT: Clause 38 stand part of the Bill.

Mr. HARIDAS MAJUMDAR: I beg to move: That in sub-clause 38 of the Bill, *for* the words "four years" wherever they occur, the words "three years" be substituted.

Mr. PRESIDENT: Amendment moved: That in sub-clause 38 of the Bill, *for* the words "four years" wherever they occur, the words "three years" be substituted.

Mr. LALIT CHANDRA DAS: Sir, a similar amendment stands in my name—amendment No. 298.

Mr. PRESIDENT: You can speak on this amendment.

Mr. LALIT CHANDRA DAS: It is a different clause.

Mr. PRESIDENT: Do you propose to speak on this?

Mr. LALIT CHANDRA DAS: No, Sir.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The period allotted in section 34 of the Indian Income-tax Act is one year; but in this Bill the time allotted is four years. It has been deliberately done. There is no reason to reduce it further. I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (*1*) of clause 38 of the Bill, for the words "four years" wherever they occur, the words "three years" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*2*) of clause 38 of the Bill, the words "of this section" in line 2 be deleted.

Sir, this is a drafting amendment, and so obviously fair that it should be accepted at once. By the Bengal General Clauses Act, certain conventions have been established. The expression used in the context is "sub-section (*1*) of this section". The words "of this section" are redundant and unnecessary. Under the Bengal General Clauses Act, section 3, sub-section (43), "sub-section (*1*)" means "sub-section (*1*) of this section". The conventions of the Bengal General Clauses Act has been followed throughout except at this place. These words are not necessary and they should be eliminated. Otherwise, there will be no use in passing a General Clauses Act like this. The Bengal General Clauses Act is on line with the Indian General Clauses Act and also the Interpretation Act which is the corresponding Act in the United Kingdom. With these words, I submit my amendment.

Mr. PRESIDENT: Order, order. Amendment moved that in sub-clause (*2*) of clause 38 of the Bill, the words "of this section" in line 2 be deleted.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The amendment will make the Act more misleading, because there is another reference in the same section to section 25 just before it. If sub-section (*1*) of this section is not definitely stated, it may be taken to be sub-section (*1*) of section 25. So in order to make that clear and set the matter at rest, I think they should stand. I oppose the amendment.

Mr. PRESIDENT: Order, order. The question before the House is that in sub-clause (*2*) of clause 38 of the Bill, the words "of this section" in line 2 be deleted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 38 stand part of the Bill.

(The motion was agreed to.)

Clause 39.

Mr. PRESIDENT: Clause 39 stand part of the Bill.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in sub-clause (*1*) of clause 39 of the Bill, *for* the word "four" wherever it occurs, the word "three" be substituted.

Sir, when I rose last time I made a mistake. My friend Mr. Haridas Majumdar's amendment related to clause 38 of the Bill and it was in connection with income escaping assessment. But my present amendment relates to clause 39 of the Bill and it relates to rectification of a mistake. Section 39 of the Bill lays down that "the Commissioner may at any time within four years from the date of any order passed by him in revision under section 37, the Appellate Tribunal or the Assistant Commissioner may, at any time within four years from the date of any order passed by it or him on appeal and the Agricultural Income-tax Officer may, at any time within four years from the date of any assessment order or refund order passed by him, on his own motion rectify any mistake apparent from the record of the revision, appeal, assessment or refund, as the case may be, and within the like period rectify any such mistake which has been brought to his notice by an assessee."

I want that this period of four years be reduced to three years for the rectification of the mistake. Four years seems to me too long a time. It has, besides, its own dangers also. It lays down that even if within these four years something happens, the Commissioner or the Assistant Commissioner may revise and increase the assessment or reduce the assessment of the assessee. The period seems to me too long and therefore it should be reduced at least to three years and whatever mistake may be made it should be corrected and set right within three years.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*1*) of clause 39 of the Bill, for the word "four" wherever it occurs, the word "three years" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: I rise to support the amendment moved by my friend Mr. Lalit Chandra Das. I think it is a very reasonable amendment and it should be accepted by the House. Four years is a long time from the judgment of the Commissioner or the Appellate Tribunal and the time should be accordingly reduced to three years as proposed in the amendment. In respect of clause 38 a similar amendment had been negatived but that was an altogether different clause and this clause stands on another footing. Therefore, I submit that the period of four years should be reduced to three years.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The period of four years is allowed for the rectification of errors in the Indian Income-tax Act and this Bill because it is a taxation measure follows the Indian Income-tax Act. So I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 39 of the Bill, for the word "four" wherever it occurs the word "three" be substituted.

The motion being put, a division was challenged and taken with the following result:—

(Before the members went to their respective lobbies.)

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, before we go to record our votes, I may bring to your notice that the Hon'ble Chief Minister has detained Rai Bahadur Radhika Bhusan Roy. Will you kindly make enquiries as to whether he is being detained by the Chief Minister or not—

Mr. MESBAHUDDIN AHMED: No, Sir, that is not correct.

Mr. PRESIDENT: Well, the Chair has nothing to do with it.

AYES—20.

Khan Bahadur Naziruddin Ahmad.	Rai Bahadur B. M. Maitra.
Rai Bahaduur K. C. Banerji.	Mr. H. D. Mozumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Mookerji.
Mr. K. A. Chowdhury.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Mr. R. Pal Chaudhuri.
Mr. B. C. Datta.	Mr. A. D. Roy.
Mr. N. C. Dutta.	Mr. Biren Roy.
Mr. M. R. Jaipuria.	Mr. K. C. Roy Chowdhury.
Alhadj Khan Bahadur Sk. Mohd. Jan.	Mr. S. N. Sanyal.
Mr. H. Kabir.	Khan Sahib Maulvi Wahiduzzaman

NOES—23.

Khan Sahib F. Ahmad.	Mr. D. J. Cohen.
Mr. M. Ahmed.	Mrs. K. D. Rozario.
Mr. N. Ahmed.	Mrs. L. P. Dutt.
Mr. S. Ahmed.	Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib Abdul Aziz.	Mr. Mohammed Hossain.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. Moazzeman Chowdhury.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Mr. Yakub H. S. Sattar.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Shamsuzzoha.
Mr. Mohd. Habibulla Chowdhury.	Mr. J. W. R. Steven.
Mr. C. E. Clarke.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 20, and the "Noes" 23, the amendment is negatived.

Mr. PRESIDENT: The question before the House is: that clause 39 stand part of the Bill.

(The motion was agreed to.)

Clause 40.

Mr. PRESIDENT: The question before the House is that clause 40 stand part of the Bill.

(The motion was agreed to.)

Clause 41.

Mr. PRESIDENT: Clause 41 stand part of the Bill.

Mr. AMULYADHONE ROY: Sir, I beg to move: That in clause 41 of the Bill, the words "The Agricultural Income-tax Officer," in lines 1 and 12 be deleted.

Sir, if clause 41, as it now stands, is allowed to remain, the Agricultural Income-tax Officer shall have the same powers as are vested in a court under the Code of Civil Procedure and all proceedings started before them shall be judicial proceedings. But, Sir, I think that in all fairness the Agricultural Income-tax Officers should under no circumstances exercise any judicial power. The Hon'ble the Finance Minister after his conversion to the new faith is going to embody in this Act a principle against which the country is fighting for generations. Sir, we are agitating and very rightly agitating to change the practice, which has prevailed hitherto, of the Executive Officers sitting as Judges, as in most cases the police or the executive is the prosecutor. In this Act the Agricultural Income-tax Officer shall be the chief executive officer performing multifarious duties. People of this country will have no faith in the justice administered by such an officer. Therefore, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in clause 41 of the Bill, the words "The Agricultural Income-tax Officer", in lines 1 and 12 be deleted.

Mr. BANKIM CHANDRA MUKHERJEE: I rise to support the amendment that has been moved by Mr. Amulyadhone Roy. If we look, Sir, to clause 41, we find it says: "The Agricultural Income-tax Officer, the Assistant Commissioner and the Appellate Tribunal shall, for the purposes of this Chapter, and the Commissioner shall, for the purposes of section 37, have the same power as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:" Now, so far as the Agricultural Income-tax Officer is concerned, the authorities which are vested in him are mentioned. We have got the Agricultural Income-tax Officer defined in the first instance in section 21. Now if we look to section 21 we find "There shall be the following classes of agricultural income-tax authorities for the purposes of this Act", and there we do not find any officer of the name of Agricultural Income-tax Officer. We wanted to remove this defect by moving an amendment in the first instance to sub-clause (2) of section 21 of the Bill. That amendment was not accepted. There we pointed out that in clause 2 you mentioned certain officers who are not mentioned in clause 21. In 21 we find no officer. It is a Bengal Agricultural Income-tax Officer that is mentioned. Here in clause 41 we find Agricultural Income-tax Officer. Unless we delete this clause here and take away the power which was vested in him, there will be some conflict so far as sub-clause (2) of sections 41 and 21 of the Bill is concerned; because it is very difficult to know who are the officers mentioned therein.

Now look to clause 21. There we find "There shall be the following classes of Agricultural Income-tax authorities for the purposes of this Act, namely:—

(*a*) the Commissioner of Agricultural Income-tax, Bengal;

(*b*) the Assistant Commisisoner of Agricultural Income-tax, Bengal;

(*c*) Bengal Agricultural Income-tax Officers."

You do not get Agricultural Income-tax Officer in clause 21. Now in clause 41 the Agricultural Income-tax Officer becomes a Court and is vested with powers. What will he do? Where is that authority? He has been defined no doubt in clause 2, but we find none in clause 21. In clause 41 we find the Agricultural Income-tax Officer vested with certain powers. Therefore, it is necessary that the words "The Agricultural Income-tax Officer" be deleted altogether.

There are other objections to which the mover has already referred and I need not repeat them. But I may point out the anomalies in the

various clauses which we notice in the Bill and we hope that the Leader of the House will consider them as reasonable so that the Bill might emerge in a perfect shape from this House.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: It follows exactly the provisions of section 37 of the Indian Income-tax Act. The same powers are given to the Income-tax Officer under the Indian Income-tax Act. We do not see why this power should not be given to the Agricultural Income-tax Officer. I oppose the amendment.

Mr. PRESIDENT: Order, order. The question before the House is: that in clause 41 of the Bill, the words "The Agricultural Income-tax Officer", in lines 1 and 12 be deleted.

The motion being put, a division was challenged and taken with the following result:—

AYES—20.

Khan Bahadur Naziruddin Ahmad.	Rai Bahadur B. M. Maitra.
Rai Bahadur K. C. Banerji.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Mookerji.
Mr. K. A. Chowdhury.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Mr. R. Pal Chaudhuri.
Mr. B. C. Datta.	Mr. A. D. Roy.
Mr. N. C. Datta.	Mr. Biren Roy.
Mr. M. R. Jaipuria.	Mr. K. C. Roy Chowdhury.
Alhadj Khan Bahadur Sk. Mohd. Jan.	Mr. S. N. Sanyal.
Mr. H. Kabir.	Khan Sahib Maulvi Wahiduzzaman.

NOES—23.

Khan Sahib F. Ahmad.	Mr. D. J. Cohen.
Mr. M. Ahmed.	Mrs. K. D'Rozario.
Mr. N. Ahmed.	Mrs. L. P. Dutt.
Mr. S. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. Mohamed Hossain.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Mr. Yakub H. S. Sattar.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Shamsuzzoha.
Mr. Mohd. Habibullah Chowdhury.	Mr. J. W. R. Steven.
Mr. C. E. Clarke.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 20, and the "Noes" 23, the amendment is negatived.

Mr. PRESIDENT: It has been brought to the notice of the Chair by the officer in charge of the lobby that during the last divison Mr. Hamidul Huq Chowdhury went out of the lobby and came back and then recorded his vote. Is it not a feat, Mr. Hamidul Huq Chowdhury that you did so?

Mr. HAMIDUL HUQ CHOWDHURY: Yes, Sir, it is so.

Mr. PRESIDENT: That was irregular. Therefore, his vote cannot be counted and is cancelled.

Mr. HARIDAS MAJUMDAR: In respect of which division, Sir?

Mr. PRESIDENT: In respect of the division just preceding this.

Mr. LALIT CHANDRA DAS: What would then be the result of the voting?

Mr. PRESIDENT: The voting on that division was "Ayes" 20, and "Noes" 23. Therefore, the revised result is "Ayes" 20, "Noes" 22.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 41 of the Bill, *for* the word "power" in line 4, the word "powers" be substituted.

Sir, in this clause 41, the Commissioner and other officers, namely, the Assistant Commissioner and others have been given the powers of a civil court, to enforce the attendance of any person and examining him on oath or affirmation, compelling the production of documents and issuing commissions for the examination of witnesses, etc. So the correct word should be "powers". The Civil Courts have a variety of powers and these various powers have been conferred upon these officers. As various powers are meant, the word should be in the plural number. Without the amendment the passage reads as follows: "the Agricultural Income-tax Officer, the Assistant Commissioner and the Appellate Tribunal shall for the purpose of this Chapter, and the Commissioner shall, for the purposes of section 37, have the same *power* as are vested in a Court under the Code of Civil Procedure." With the amendment it will read like this "these officers shall have the same '*powers*' as are vested in the Civil Courts, etc." I think this is the stock expression used in similar cases. If it is only one power it should be in the singular number; but when several powers are meant it should be in the plural number. This is a simple question of grammar. I hope the Hon'ble Minister will accept the amendment.

Mr. PRESIDENT: Amendment moved: that in clause 41 of the Bill, *for* the word "power" in line 4, the word "powers" be substituted.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I do not know what to speak on this amendment——

Mr. PRESIDENT: Then why did you get up to speak?

Mr. HAMIDUL HUQ CHOWDHURY: Sir, we have reached a stage where the number is 304 and I have been trying to analyse out of these 304 amendments how many are in connection with making singular a plural and a plural a singular, how many are relating to commas instead of semi-colon and putting comma where there is none. I have not been able, in my effort to find out the exact number. In any case my friend Khan Bahadur Naziruddin is very painstaking and he is doing a good deal of work in the Legislature and helping in the legislation which is going to benefit the 60 millions of His Majesty's subjects: he never allows an opportunity to slip wherein he can make some improvement. Unfortunately, owing to ignorance of the language in which these legislations are drafted we find it often difficult, sometimes almost impossible, to follow the arguments which my friend Khan Bahadur Naziruddin Ahmad advances. We have had the history of a comma already. We had the other day a comma which by accident is bound to create not only a legislative but also a judicial history, as we have been just now told that the judgment delivered over a point of similar nature is that Mr. Justice Ormond found it too difficult a proposition to discuss and to understand and explain——

Mr. PRESIDENT: Mr. Chowdhury you should confine your remarks to the amendment before the House.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the amendment is of a technical nature and I am trying to show how these technical defects that are raised in this House lead us to the next door, the High Court in which Mr. Justice Ormond found it difficult and could not disentangle the situation that has been created by my honourable friend Khan Bahadur Naziruddin Ahmad's Herculean effort in introducing a comma into a Legislation involving, Sir, (Khan Sahib WAHIDUZZAMAN: Speak in English) I am reminded by my friend Khan Sahib Wahiduzzaman to speak in English. I have at the outset pleaded ignorance of the English language and I have an imperfect knowledge of that language so that my speech, if you call it a speech at all, will be full of inaccuracies and mistakes mostly of a grammatical nature. However, as I was saying, Sir, these difficulties about these intricate commas, semicolons, singulars and plurals which we often feel here have baffled

a Judge of the High Court who has said that it was not possible for him to come to a decision and therefore he has asked his judgment to be placed before the present Acting Chief Justice. Therefore, Sir, it is not wise or prudent for us to neglect the commas and the semi-colons or plurals that are introduced in the legislation by my honourable friend, Khan Bahadur Naziruddin Ahmad.

Now, coming to the merits of the case——

Khan Sahib WAHIDUZZAMAN: Sir, I propose that the question be now put.

Mr. HAMIDUL HUQ CHOWDHURY: I submit, Sir, that perhaps my friend does not know what are the procedures that are to be followed in putting a closure motion. It is one of the most difficult problems that faces a Speaker or a President, when he has to put the closure motion. First of all, he has to decide whether the question has been properly discussed——

Mr. PRESIDENT: I do not think you need refer to that matter.

Mr. HAMIDUL HUQ CHOWDHURY: I am just replying to his point.

Mr. PRESIDENT: Though you are not wasting the time of the House, you are on a dangerous ground now.

Mr. HAMIDUL HUQ CHOWDHURY: All right, Sir, I shall not follow their guidance but I shall certainly follow yours. Now, Sir, coming to the merits of the motion, he says that in clause 41 for the word "power"—

Mr. AMULYADHONE ROY: On a point of order, Sir. I submit to you for your consideration whether the members of the Government Benches can pursue a policy which has been very often disapproved by them.

Mr. HAMIDUL HUQ CHOWDHURY: I want to say a few words. it is not the privilege of one section of the House to behave in a manner which according to them——

Mr. PRESIDENT: I hope every section of the House will behave sensibly and no section of the House should take a particular course of action which may affect the entire House. You will please confine your remarks to the amendment before the House.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, as Khan Bahadur Nazir-uddin Ahmad has said, the word "power" should be changed and the word "powers" should be introduced. His main argument is that as so many officers have been mentioned, namely, the Agricultural Income-tax Officer, the Appellate Tribunal, the Commissioner, etc., the word "power" cannot be used. This reminds me of a student making an application to the Principal of a certain college through the Vice-Principal. When the application reached the Vice-Principal he said "Look at the boy, he does not know grammar." Because, although the application has been addressed to two persons, the word "Sir" is used instead of using the word "Sirs". In the same way, my friend says that when there are three officers, the word "power" should be used in the plural number. But I submit that though it is used in the singular number it should be understood to be in the plural number if necessary——

Mr. PRESIDENT. Mr. Chowdhury, I remember that this morning you were one of the members on the Government side who complained that sufficient progress was not being made with the Bill. But do you realise that the speech that you have made so far is far away from the question before the House?

Mr. HAMIDUL HUQ CHOWDHURY: Sir, you have certainly heard that very objectionable remarks were made by certain members of the

Opposition including Mr. Lalit Chandra Das that we come to this House only to record our votes and that neither do we participate in the debate nor do we follow the precious arguments that are very often advanced by the other side. Therefore, Sir, in order to demonstrate that these are very unjustifiable remarks I have been explaining for the edification of my friends that singular always is included in the plural.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, I have very little to say. Singular includes the plural. My honourable friend always invokes the aid of the General Clauses Act; but if he will refer to that Act, he will find it laid down there that the singular includes the plural. Therefore, I oppose the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Has the Hon'ble Minister's attention been drawn to the verb which is "are"? How can a verb be in the plural, if its nominative is in the singular? The nominative should therefore be in the plural also.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Power may also be used in the plural, just as "Government" is used both in the singular and the plural.

Mr. PRESIDENT: The question before the House is that in clause 41 of the Bill, for the word "power" in line 4, the word "powers" be substituted.

The question being put, a division was challenged and taken with the following result:—

AYES—21.

Khan Bahadur Naziruddin Ahmad.	Mr. H. D. Majumdar.
Rai Bahadur K. C. Banerji.	Mr. N. N. Mookerji.
Mr. S. C. Chakraverti.	Mr. B. C. Mukherji.
Mr. K. A. Chowdhury.	Mr. R. Pal Chaudhuri.
Mr. L. C. Das.	Dr. K. S. Ray.
Mr. B. C. Datta.	Mr. A. D. Roy.
Mr. N. C. Datta.	Mr. Biren Roy.
Mr. M. R. Jaipuria.	Mr. K. C. Roy Chowdhury.
Alhadj Khan Bahadur S. K. Mohd. Jan.	Mr. S. N. Sanyal.
Mr. H. Kabir.	Khan Sahib Maulvi Wahiduzzaman.
Rai Bahadur B. M. Maitra.	

NOES—24.

Khan Sahib F. Ahmad.	Mr. D. J. Cohen.
Mr. M. Ahmed.	Mrs. K. D'Rozario.
Mr. N. Ahmed.	Mrs. L. P. Dutt.
Mr. S. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. Mohamed Hossain.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Mr. T. B. Nimmo.
Khan Bahadur A. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. Mohd. Habibullah Chowdhury.	Khan Bahadur M. Shamsuzzoha.
Mr. C. E. Clarke.	Mr. J. W. R. Steven.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being 21, and the "Noes" 24, the amendment is negatived.

Mr. PRESIDENT: The question before the House is that clause 41 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: The House stands adjourned till 2-15 p.m., on Monday next.

Adjournment.

The Council then adjourned till 2-15 p.m. on Monday, the 14th August, 1944.

Members absent.

The following members were absent from the meeting held on the 10th August, 1944:—

(1) Mr. Kader Baksh.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. K. K. Dutta.
(4) Mr. R. W. N. Ferguson.
(5) Khan Bahadur Abdul Gofran.
(6) Maulana Mohd. Akram Khan.
(7) Mr. Abdul Latiff.
(8) Mr. N. N. Moholanabish.
(9) Khan Bahadur M. A. Momin.
(10) Mr. R. S. Purssell.
(11) Khan Bahadur Mukhlesur Rahman.
(12) Mr. B. K. Roy Chowdhury.
(13) Dr. K. Talukdar.

BGP-44/5-9077A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 76.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 14th August, 1944, at 2-15 p.m., being the seventy-sixth day of the First Session of 1944, pursuant to section 62 (2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Condolence Resolution.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, it was only a week ago that we mourned the loss of one of our valued colleagues in this House. It is my melancholy duty to rise today again for moving another condolence resolution concerning the death of another of our valued colleagues in this Council. Sir, it is very regrettable that within such a short time we should be losing two of our colleagues. But, Sir, we have no other alternative but to submit to the will of the Almighty.

Khan Bahadur Kazi Abdur Rashid whose death we mourn today was present in the House even on Thursday last. He was suddenly taken ill and succumbed within a few hours. Sir, the Khan Bahadur was a man of enterprising spirit. After graduating, unlike the general run of our young men, he did not hanker after Government services but took to the business of bookseller and publisher and within a few years succeeded in establishing the Bengal Moslem Provincial Library as the premier Moslem Book-selling and Publishing firm in Bengal. His life should be an example to our youngmen who instead of hankering after service should take to business and trade in larger numbers. Sir, he was a man of quiet nature, quite unostentatious in his habits. May his soul rest in peace! Sir, I now move the condolence resolution: This Council records its sense of sorrow at the demise of Khan Bahadur Kazi Abdur Rashid, a sitting member of the House who was a man of amiable disposition, great enterprising spirit and a self-made man.

Mr. PRESIDENT: Motion moved: this Council records its sense of sorrow at the demise of Khan Bahadur Kazi Abdur Rashid, a sitting member of the House who was a man of amiable disposition, great enterprising spirit, and a self-made man.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I beg to associate myself with the resolution moved today by the Hon'ble the Leader of the House. Really, Sir, I never imagined that we would have to mourn the loss of another friend within such a short time after losing an honourable colleague of this House only the other day. After all, this is the way of life which is transitory. What I just now hear of him about his enterprising spirit, I hope all our countrymen, the Bengalis, should follow in his footsteps. May his soul rest in peace!

Mr. LALIT CHANDRA DAS: Sir, on behalf of myself and also on behalf of the party to which I have the honour to belong, I desire to associate ourselves with the resolution of condolence which has been moved by the Hon'ble the Leader of the House. We really never thought that we will have to mourn the loss of another member of the House within so short a time as has been pointed out by the Hon'ble Leader of the House. We desire that our condolence be conveyed to the bereaved family and I trust that you will adjourn the House as a mark of respect to the memory of the deceased.

Mr. HARIDAS MAZUMDAR: Sir, on behalf of myself and of the party to which I have the honour to belong, I fully associate myself with the resolution regarding the death of Khan Bahadur Kazi Abdur Rashid. The Khan Bahadur was a self-made man and his example should serve as an ideal for our young men. With his death an enterprising man has been taken away prematurely and really it is a pity that in Bengal these people who ought to live for at least four score years should die before achieving many of the things which they set their hands to. We sincerely mourn the loss of a friend and colleague and I associate myself with the remarks which have fallen from the Hon'ble the Leader of the House.

Mr. W. B. C. LAIDLAW: Sir, for the second time within a short time it is my melancholy duty to associate my party with the remarks that have fallen from the Leader of the House: in this case, in respect of the death of Khan Bahadur Kazi Abdur Rashid. We are extremely sorry and we extend our condolences to the relatives of the deceased.

Mr. NUR AHMED: Sir, it is really sad to think that Khan Bahadur Kazi Abdur Rashid who was with us only the other day is no more in our midst. Indeed inscrutable are the ways of Providence! As the Leader of the House has said very aptly, he was one of those gentlemen who has not run on the usual track. As a map of business, with all his enterprising spirit and energy he showed the way to our young men how they might succeed in this world by dint of industry and devotion to duty. From an humble beginning he became one of the richest men in Bengal. He has spread his name and fame throughout Bengal and has done really good service by publishing many books on Bengali literature. I whole-heartedly associate myself with the remarks made by the previous speakers about the various qualities of his head and heart.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Sir, I would be failing in my duty if I did not associate myself with the remarks made by the Hon'ble Leader of the House and the previous speakers on this melancholy occasion. It was really a shock to me when I heard that our honourable friend Khan Bahadur Kazi Abdur Rashid was no more. Only on Thursday evening, one or two hours before his death, he was in the Lobby of this House when Khan Sahib Wahiduzzaman along with many of our members were sitting with him. He left the House earlier because he was not feeling well, reached home, said his prayers and died immediately. Born of a respectable Kazi family of Sonargaon in the district of Dacca he had a distinguished career. He graduated in 1917 and started his career as Assistant Headmaster. But he was not the man to rot on the bondage of service. He collected Rs. 5,000 from his friends and admirers and started a library. By dint of hard labour he came to the forefront of the publishing business in course of a few years and made immense fortune. He was a man of charitable disposition and intimately connected with many educational institutions. He was a self-made man and was an example to be emulated by the younger generation who are struggling for a career. He was a charming personality and occupied a prominent position in the social life of Dacca. His death will be mourned not only by the members of this House but by many outside. With these words, I commend the resolution to the acceptance of the House.

Mr. HUMAYUN KABIR. Sir, I beg to associate myself with the remarks that have fallen from the Leader of the House and other speakers this evening. I had known Khan Bahadur Kazi Abdur Rashid for several years. What was most remarkable in him was his simplicity and unostentatious character. He was, as has been suggested by many members, a perfect gentleman. Indeed, if one talked to him one could never imagine that he was a successful businessman. He was entirely a self-made man, and rose to prominence by dint of his own endeavour. It is a great loss to the province that he should die a premature death; for after all, he was not very old judged

by the standard of life in other countries. I am sure that all members of this House will join in expressing deep condolences for his death and in wishing that our sympathies may be extended to the bereaved family.

Mr. PRESIDENT: Before placing the motion before the House, the Chair desires to associate itself with the sense of regret that has been expressed by the members of this House on the loss of another valued colleague in the course of the week. As has been observed by several speakers, Khan Bahadur Kazi Abdur Rashid came from an ancient and aristocratic family of Dacca district. By dint of his merit, he rose in business and as such he was a self-made man. The Khan Bahadur was generous and amiable and he was respected by the members of all communities in the Dacca district. We deeply mourn his loss. I request you gentlemen to signify your assent to the motion by rising in your places

I believe it is the desire of the honourable members that a message of sympathy and condolence should be sent to the members of the bereaved family.

As a mark of respect to the memory of the deceased, the House now stands adjourned till 2-15 p.m. to-morrow

Adjournment.

The Council then adjourned till 2-15 p.m., on Tuesday, the 15th day of August, 1944.

Members absent.

Following members were absent from the meeting held on the 14th August, 1944:—

(1) Mr. Kader Baksh.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. K. K. Dutta.
(4) Mr. R. W. N. Ferguson.
(5) Khan Bahadur Abdul Gofran.
(6) Mr. M. R. Jaipuria.
(7) Maulana Muhammad Akram Khan.
(8) Mr. Abdul Latif.
(9) Mr. N. N. Mohalanabish.
(10) Mr. N. N. Mookerjee.
(11) Mr. T. B. Nimmo.
(12) Mr. R. S. Pursell.
(13) Dr. K. S. Ray.
(14) Mr. Biren Roy.
(15) Mr. B. K. Roy Chowdhury.
(16) Mr. J. W. R. Steven.

BGP-44/5-9371A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 77.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 15th August, 1944, at 2-15 p.m., being the seventy-seventh day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, with your permission I should like to correct an error which entered into my statement in connection with the position regarding the supply of vegetables. I made a statement in reply to a short-notice question that the area under vegetable for consumption by the military was 3,000 acres but it is not so; it is 1,650 acres which is equivalent to 5,000 bighas. I want to correct this figure accordingly.

Mr. PRESIDENT: Very well; this will go into the official proceedings. I find that there are no questions for today. So far as I remember, however, some statement was to be made by the Hon'ble Minister in charge of Public Health in connection with an adjournment motion which was proposed to be moved the other day. Is the Hon'ble Minister for Public Health going to make that statement?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am prepared to make a statement on his behalf, Sir.

Mr. PRESIDENT: All right.

Statement regarding supply of Quinine to Bengal districts.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I welcome this opportunity of making a statement about the supplies of quinine and other anti-malarial drugs to Bengal districts and to tell the House what Government has done to make them as widely and easily available as possible. I should explain here that I am using the word "quinine" to cover all kinds of anti-malarial drugs including cinchona, sepocrine and quinocrine tablets. The Director of Public Health controls the provincial quota of quinine and periodically sends consignments to the Civil Surgeons. Every Civil Surgeon is a rationing authority for his district. He has to allot and distribute quinine but he has to consult the District Public Health Officer regarding local needs and to take the District Magistrate's approval in selecting retail agents for sale or for free distribution. In view of the severity of the present epidemic of malaria, the Civil Surgeons were instructed a month ago to appoint sufficient retail agents to ensure that no one need go more than three or four miles to obtain them, and also to appoint sufficient number of agents for free distribution to persons who cannot afford to buy it. Quinine is distributed free through every hospital, dispensary, and satellite treatment centres and also through non-official medical relief organisations; but for areas which are too far from any of these sources individual agents are appointed for free distribution. Civil Surgeons have also been instructed to keep proper stocks of quinine in subdivisional jails and to arrange for retail agents to be able to replenish their stocks with the least possible difficulty and inconvenience. The Subdivisional Health Officers have been directed to pay special attention to quinine distribution, to help in every way possible to promote the smooth working of these measures and to inform the Civil Surgeon of any special local want.

In view of the large supplies of quinine sent to districts in the last two months there should be no cause for any part of Bengal to complain that quinine is not available or even that there is a dearth of quinine. But such complaints have been made specially in respect of Chandpur, Munshigunge, Brahmanberia, Kishoregunge and Madaripur. In addition to the stocks held in each of these four districts at the beginning of April in each case between 500 and 1,500 pounds—they have subsequently been supplied with further quantities as follows: Tippera—3,792 lbs. or full doses for 40,000 patients; Dacca—2,800 lbs.; Faridpur—2,983 lbs.; Mymensingh—8,244 lbs. or enough to treat 8 lakhs of persons and more is being sent now to Mymensingh and Tipperah to ensure that they do not run short. Supplies to the rest of the districts are equally ample and will continue to be so. I am placing on the library table a statement to show for all districts in the province the stocks in hand at the beginning of April and the quantities subsequently supplied up to date. The original allotment of quinine to the province for the current year was 120,000 lbs., but with the import of mepacrine tablets this allotment has lately been increased by another 100,000 lbs. In addition, we are asking the Government of India to make available during the coming months as much more mepacrine as possible up to 350,000 lbs.

In the face of these liberal supplies, there should be less temptation to hoard or to work a black market; but nevertheless people should be on their guard to see that their local retail agents do fairly issue to malaria patients all the quinine which they obtain. Each agent has to show daily what is his stock in hand.

If there is a local shortage anywhere it is probably due to ignorance of Government's arrangements for distribution, so that people do not know what they are supposed to be getting, what they should complain about or to whom to make the complaint. Accordingly, orders have been recently issued to district rationing authorities to arrange to publish for general information through schools and other media the names and addresses of all retail agents from where quinine is obtainable and the proper prices to pay. If any malaria-stricken locality is without a retail agent or is short of quinine, information should at once be given or sent to the Civil Surgeon, the District Health Officer or the Subdivisional Health Officer—or, indeed, to any Government officer with a request to pass it on to the Civil Surgeon.

Mr. HUMAYUN KABIR: Sir, may we ask some information arising out of the statement of the Hon'ble Minister?

Mr. PRESIDENT: If you want any further information to clear up certain matters you may do it.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please give us an idea of what is the percentage of quinine in the anti-malarial drugs that are now being actually supplied? For example, the Hon'ble Minister has said that in Mymensingh about 8,000 pounds and odd quinine have been supplied: how much of it is really quinine and how much is other type of non-quinine anti-malarial drugs?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not got that information at present.

Mr. HUMAYUN KABIR: There is another information I want to ask the Hon'ble Minister and that is with regard the scheme of distribution of quinine. We hear that quinine is being distributed sometimes by persons who are absolutely lay men and have no knowledge of medicine, but the claims of those men who have had training for 3 or 4 years in some medical schools are ignored. I want to know whether their services cannot be utilised?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I remember, the claims of trained medical men as such have not been ignored or overlooked

or kept down but it may be that in certain cases they may not have been appointed. I may assure the House that I shall look into the matter and see that they are included in the scheme.

Mr. LALIT CHANDRA DAS: Sir, I have heard the statement of the Hon'ble Minister but the statement is too general and there is no specific reference at all to the area that has been mentioned in my adjournment motion. My allegation is that there has been a total dearth of quinine in that locality. Sir, a serious situation has arisen due to Government's failure to supply quinine, the total dearth of which, on information received on the 13th August, 1944, is responsible for the havoc caused by malaria which, in its full fury, is taking a toll of numberless people and is causing untold miseries on others in the Burichang and Kasba thanas within the Brahmanbaria subdivision of the district of Tippera. I may mention here what information has been gathered with respect to this. An honourable member of the Bengal Legislative Assembly toured through these two thanas. He says "I visited Mulagram, Kasba, Dharkar, Mohari, Manianda, Badair unions in Kasba thana and Chandla, Brahmanpara, Sasidal and Madhabpur unions in Burichang thana. Everywhere I found the people attacked with malaria. Miseries of the people beggar all description. There are families in which there is no one free from the attack of malaria and there are none to look after them. The people are silently suffering, there being no provision for treatment. There is total dearth of quinine. Not to speak of the poor, even those, who can afford to purchase quinine, cannot have it in the market. Not a grain of quinine is available. The situation calls for immediate attention of the authorities." This statement was published in the newspapers on Sunday, the 13th August, 1944, and the situation is growing worse daily. Will the Government enlighten us as to what immediate steps they have taken with regard to the removal of grievances of the people in these two subdivisions —Kasba and Burichang?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is the primary duty of everybody who has a report of this kind to place it before the District Magistrate and also the Civil Surgeon of the affected area and to enquire of them as to what they have done in regard to this matter. The District Magistrate may not have full knowledge of these matters in a particular locality but certainly this matter might be brought to their notice and if after that no steps are taken then it might be matter for complaint.

Mr. LALIT CHANDRA DAS: It is as a complaint that we have given this information to the House by means of an adjournment motion.

Mr. PRESIDENT: The Hon'ble Minister has definitely mentioned Brahmanbaria subdivision in the district of Tippera. He said that sufficient quinine had been given to that district for supplying those areas where there was dearth of quinine. So I think there is no more urgency and I suggest that you might place the facts before him and try to induce him to take further action, if necessary.

Mr. LALIT CHANDRA DAS: The quinine supplied is not sufficient compared to the havoc caused.

Mr. PRESIDENT: There was sufficient supply of quinine for 400,000 people. It is true that there are 27 lakhs of people but the quinine supplied should meet the need to a large extent. You gave us to understand that there was no quinine supplied by Government.

Mr. LALIT CHANDRA DAS: In a district where there was a population of more than 30 lakhs, if you make provision for 4 lakhs, it is certainly not sufficient. I propose to move my adjournment motion. I am not at all satisfied with the statement made by the Hon'ble Minister.

Mr. PRESIDENT: In view of the Hon'ble Minister's statement I do not consider the matter to be urgent.

Mr. LALIT CHANDRA DAS: I have made a reference to particular thanas where there was total dearth of quinine.

Mr. PRESIDENT: I know that in Brahmanbaria there are many thanas but when the Hon'ble Minister on behalf of Government says that sufficient quinine for at least 400,000 people has been supplied to the district it is expected that the quinine supplied would reach those thanas regarding which complaint has been made.

Khan Sahib WAHIDUZZAMAN: It is all the more necessary in view of the statement that this question should be discussed in the House.

Mr. PRESIDENT: Order, order. The Chair has got to admit or refuse an adjournment motion according to rules. In view of the statement, which I think is very clear, there is not so much urgency regarding the matter and I think the best course would be for the honourable member to meet the Hon'ble Minister and discuss it with him and then——

Mr. LALIT CHANDRA DAS: Will you kindly allow me to explain the urgency?

Mr. PRESIDENT: I cannot allow more time.

Mr. HARIDAS MAZUMDAR: As regards the quality of quinine, I want to put the question as to what steps the Government have taken to detect the various admixture of spurious materials with quinine.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as possible, we supplied quinine manufactured by responsible firms and unless definite complaints are brought to our notice that a particular firm's tablets of quinine are not reliable or up to the standard, it is very difficult for us to take steps——

Khan Sahib WAHIDUZZAMAN: In view of this, Sir, is the Hon'ble Minister prepared to examine the quinine that is being supplied to the people of Bengal before distributing it and to find out whether the quality of quinine that is being supplied by different firms is of good quality?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as I have already stated, the charges are vague. Unless a definite charge in the shape that a particular firm is supplying quinine or quinine tablets which are not up to the standard is made, it is not possible to make any examination and to find out whether the quinine supplied is of bad quality or is not up to the standard. Moreover, it is expected that quinine must be sent immediately to the districts, and so if we hold up the stocks of quinine for examination, demand for immediate supply of quinine cannot be quickly met.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister promise us that immediately quinine will be supplied to the areas mentioned by me?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will direct the District Magistrate to see that quinine is sent to these thanas.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to inform the House whether Government have any machinery for examination of drugs and to see that proper standards are maintained as in the case of British Pharmaceutical products? There is a Drugs Control Order there under which if there is any deviation on the part of a particular firm, the firm concerned, whoever it might be, would be penalised and as a result there is really no deviation from such standards. Have Government of Bengal any machinery to see that a particular standard is maintained?

The Hon'ble Khwaja Sir NAZIMUDDIN: With reference to the query made by Mr. Humayun Kabir, I say that certainly there is a machinery for testing drugs and medicines, and unless Government are satisfied that the manufactured articles are up to the recognised standard, they are not passed.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, with regard to the quality of quinine supplied, the Hon'ble Minister has said that it is not possible to examine it unless there is a definite and serious complaint about the quality. May I tell the Hon'ble Minister that so far as certain districts are concerned, the Civil Surgeons, the Assistant Surgeons and all the medical practitioners do condemn that the present quinine—whether in powder form or in tablet form or in the ampoule form for injection, is of very very inferior quality and that it does not stop fever unless larger quantities of quinine are administered.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I shall certainly make enquiries about this and on receipt of information Government would take steps.

Mr. HUMAYUN KABIR: Sir, before you take up adjournment motions, may I through you mention that there are certain outstanding questions which still remain unanswered. Some of them were admitted by you at short notice. But whether Government have accepted them at short notice or not, is not known to us. Even the period prescribed for long notice is over and we are having, day after day, discussions in this House without any questions whatsoever. Would you kindly see that our questions are answered in time?

Mr. PRESIDENT: I shall look into the list of outstanding questions and then ask the Council Department to put itself into touch with the Government departments.

Mr. LALIT CHANDRA DAS: As a matter of fact, a list of such questions was circulated yesterday and we learn as many as 50 questions are still outstanding.

Mr. PRESIDENT: I do not think we need discuss that question. I shall look into the matter, as I have said just now.

Adjournment Motions.

Mr. NAGENDRA NATH MAHALANOBISH: I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation arising out of the recent order of the District Magistrate of Murshidabad purporting to be one under the Defence of India Rules, by which he seeks to abrogate the powers of the municipalities of the district under the Bengal Municipal Act, in the matter of seizure, destruction and prevention of sale of unwholesome food articles belonging to the Executive or the Civil Supply Authorities even though such food articles are found to be unfit for consumption by man and cattle and thereby seriously endangering public health.

Mr. PRESIDENT: That is all right: you need not make a speech now. May I hear the Government point of view?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, we have no information. I, therefore, suggest that a short-notice question may be put on the subject and Government will answer it.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I understand that the subject is covered by another motion, namely, that of Mr. Lalit Chandra Das, relating to this particular order of the District Magistrate of Berhampore in reference to a particular quantity of *atta*. If that is so, then the District

Magistrate was acting in exercise of his statutory powers. Can such a matter form the subject of an adjournment motion? I submit, Sir, that the order which has been passed by the District Magistrate in regard to a particular quantity of *atta* which according to him is unsuitable for human consumption—cannot be made the subject-matter of an adjournment motion.

Mr. PRESIDENT: The point is this: A certain statutory right of the municipality of Murshidabad has been superseded by an order of the District Magistrate under the Defence of India Rules; the order has taken away a valuable right of the local authority and that is no doubt an important issue.

Mr. HAMIDUL HUQ CHOWDHURY: But that is only with reference to a particular matter.

Mr. PRESIDENT: It may be a particular matter, but the local authorities are responsible for the health of the inhabitants of the town and its right has been admittedly superseded by the District Magistrate under the Defence of India Rules. Whether the motion should be admitted or not I am not prepared to say at this moment; but in view of what has been stated by the Hon'ble Chief Minister that Government had no information in the matter and that Government would be prepared to enquire from the District Magistrate, the motion should not be considered today. If on receipt of the reply the honourable member is not satisfied, then he may come up to the House again and I shall consider whether the motion may be moved or not: that is the line I would suggest.

Mr. HUMAYUN KABIR: Sir, this matter was published in all the newspapers and every time Government say that they have no information and that if a short-notice question were put it would be answered. There is no knowing, Sir, that that would be done, for as you have admitted on the floor of the House you have no power unfortunately to compel the Ministers to answer short-notice questions. So the Hon'ble Minister's assurance does not satisfy us.

Mr. PRESIDENT: But when this suggestion for a short-notice question has come from the Government themselves, it may be taken that it will be answered. Government themselves have undertaken to answer a short-notice question and you may rely on it.

The Hon'ble Chief Minister says that he is prepared to answer this question day after tomorrow.

Mr. LALIT CHANDRA DAS: Sir, here is an adjournment motion which is admittedly of a very great public importance. If this adjournment motion does not offend the rule of our Bengal Council Procedure Rules and if it is within the four corners of the rule, I do not understand why should a member be asked to convert his adjournment motion into a short-notice question.

Mr. PRESIDENT: Apart from the question of adjournment motion, the point is this: though it is true that if a particular motion is within the four corners of the rule it should be admitted ordinarily, but you must remember also that the time of the House is very valuable and the ordinary business of the House should not be suspended if it can be avoided by satisfying the House otherwise than by an adjournment motion. Moreover, without any authentic information the matter cannot be discussed or replied to by the Government. So when Government say that they have at present no information, I think it is only fair that Government should be given sufficient time to obtain information. In the meantime, you can put a short-notice question as suggested by Hon'ble Chief Minister. On receipt of the answer to the short-notice question if Mr. Mahalanobish is not satisfied and if he still wants to move this motion, I would certainly waive the question of urgency. But I do not say whether I shall admit it or not.

Mr. NAGENDRA NATH MAHALANOBISH: I am sorry, Sir, that we have from time to time to bring up motions to adjourn the business of the House. We know the value of the time of the House and we also know the value of our own time. At the same time, we cannot but bring up before the House urgent matters of public importance which require immediate consideration and if we are not allowed to move these adjournment motions——

Mr. PRESIDENT: Mr. Mahalanobish: I do not think you are right in what you say, because in the course of the last fortnight you had the privilege of moving an adjournment motion. So it is not correct to say that you are not allowed to move adjournment motions.

Mr. NAGENDRA NATH MAHALANOBISH: I have never said that you do not allow. But I said if you do not allow——

Mr. PRESIDENT: Will you accept the suggestion of the Hon'ble Chief Minister?

Mr. NAGENDRA NATH MAHALANOBISH: If you permit me to say so, I do not understand what question I am to put to the Hon'ble Chief Minister. The matter referred to in my motion is a fact, although the Hon'ble Minister says that he has got no information about it. It was published in all the local newspapers three or four days ago and I think that information must have come to his notice. Well, Sir, if the information is incorrect, Government can obtain information in 24 hours. It is for the Chief Minister to ascertain whether an order of this nature has or has not been passed by the District Magistrate of Berhampore; and therefore it is not a matter to be dealt with in a short-notice question. What benefit can I have by obtaining answer to a short-notice question?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I will get the information by wire and I will enlighten the House on the point day after tomorrow.

Mr. PRESIDENT: The Hon'ble Chief Minister says he would send the wire just now and I think that is satisfactory.....

Khan Sahib Maulvi WAHIDUZZAMAN: But, Sir, before you decide——

Mr. PRESIDENT: Order order, it is not the practice for any member to get up to speak when the President is on his legs.

Khan Sahib Maulvi WAHIDUZZAMAN: This is because, Sir, you give the ruling before hearing us.

Mr. PRESIDENT: The position is this: The Chief Minister has promised to make a statement day after tomorrow.

Mr. NAGENDRA NATH MAHALANOBISH: I would request the Chief Minister to make the statement tomorrow.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, the date for the discussion of the adjournment motion may be fixed.

Mr. PRESIDENT: I have made the position absolutely clear. The Chief Minister will make a statement day after tomorrow and if after that statement the honourable member is not satisfied, he can bring up his adjournment motion.

Mr. HUMAYUN KABIR: Sir, may I draw your attention to two features of the matter? First, when the Hon'ble Minister says that he has

no information it shows that he is ill-informed. This thing appeared in all the Calcutta newspapers day before yesterday. The second consideration is——

Mr. PRESIDENT: Yes, the matter appeared on the newspapers very prominently.

The Hon'ble Mr. H. S. SUHRAWARDY: It is not my duty to look at the newspapers everyday.

Mr. HUMAYUN KABIR: Sir, I made no reference by name. It only shows that the cap has fitted the person for whom it was really meant. Government should have kept information regarding this matter without waiting for any notice from the Opposition in the form of an adjournment motion. This has been the practice in the past. The second feature is that the municipality wanted to destroy the condemned food and the District Magistrate did not allow that to be destroyed and thereby tried to abrogate the powers of the municipality. The municipality wanted to destroy the condemned food for they were afraid that the food would go into the market and impair the health of the people. So, the longer the question is held up, the greater is the danger.

Mr. PRESIDENT: The Chief Minister says that he would send a wire to the District Magistrate today, and just now, asking for information. So, I think that sets the machinery in motion.

Mr. LALIT CHANDRA DAS: Sir, should you allow the adjournment motions to be sabotaged by suggestions that there should be short-notice questions and that we must wait for the answers? You have seen, Sir, with what bravado the Hon'ble Minister stands up and says that he does not care to read the newspapers. Is this attitude of the Hon'ble Minister to be tolerated? We stand by our rules as regards the adjournment motions. If you see that the motion is within the four corners of the rules, then you will please give consent to the motion and the Hon'ble Minister can reply to it on the date fixed for discussion of the motion.

Mr. PRESIDENT: The point is this: this question cannot be really discussed without Government obtaining full information. So, the Chief Minister says he will send a wire just now to the District Magistrate to ascertain information.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. In the first place, with regard to the reading of newspapers I do not think the honourable members can compel me to read newspapers. I cannot waste my time in reading newspapers. I have many other important business to attend to. In the second place, except quoting a few lines from a report published in the newspaper the honourable member has not said anything to substantiate his ground for moving the adjournment motion.

Mr. SACHINDRA NARAYAN SANYAL: Sir, is there any rule by which adjournment motions could be substituted by short-notice questions?

Mr. PRESIDENT: There are heaps of rulings on this point. An adjournment motion cannot be discussed until there is authentic information in the possession of Government. I have in my hand a ruling of the Central Legislature where it is said——

Mr. LALIT CHANDRA DAS: Sir, let a day be fixed for the discussion of the adjournment motion.

Mr. PRESIDENT: Let the Chief Minister ascertain the facts first. No date can be fixed till the information is obtained by the Chief Minister. He wants to make a statement day after tomorrow and I do not think we will lose much time by this delay.

Mr. HARIDAS MAZUMDAR: If that information is correct, will there be any objection to allow the adjournment motion?

Mr. PRESIDENT: I shall consider the question in the light of the information.

Mr. HARIDAS MAZUMDAR: The only point that remains to be considered is: whether as a matter of fact an order of this nature was or was not passed by the District Magistrate. On that I believe you will give your decision as to the admissibility of this motion.

Mr. PRESIDENT: It is for the Hon'ble Minister to decide what information he actually wants.

Mr. HARIDAS MAZUMDAR: From what has been said it appears that the difficulty of admitting my motion is that Government have not got any definite information regarding the matter.

Mr. PRESIDENT: That is about Mr. Mahalanobish's adjournment motion.

Mr. BANKIM CHANDRA MUKHERJI: I have got an adjournment motion.

Mr. PRESIDENT: There is very little difference between the two motions and I do not think there is any necessity of discussing the matter again. It has been sufficiently discussed.

The Hon'ble Mr. H. S. SUHRAWARDY: After receiving notice of this adjournment motion, I made a reference to the District Magistrate of Midnapore for information and the information supplied by him is radically different from the information of the honourable member. There is rice in the town of Midnapore in considerable quantities; only the honourable member could not find it. It is very difficult to help him to find this out. There is plenty of rice and they are available from our shops. I made a further reference back pointing out that on certain dates rice was not available and asking what he has to say on that behalf. I find in the adjournment motion a definite statement has been made that the authorities stopped supply of rice from the 26th July. On reference to the District Magistrate I have not been able to get this information and I propose sending the reference back again for finding out the information.

Mr. PRESIDENT: In view of the urgency and importance of the matter, I give my consent to the adjournment motion.

The Hon'ble Mr. H. S. SUHRAWARDY: It was at a meeting of the Town Committee held only on 11th August that a resolution had been passed to move Government for supply of sufficient rice and it can hardly be said that the matter has been hanging for several days.

Mr. PRESIDENT: This adjournment motion was not moved by the honourable member on your promising to make a statement after reference to the District Magistrate. I think this is a matter of sufficient urgency and if Government are not in a position to make an authoritative statement, I shall be inclined to allow the adjournment motion.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, before you give your ruling may I say a few words?

Mr. PRESIDENT: Yes.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the Hon'ble Minister has said that he has got information from the District Magistrate that the statement made in the last adjournment motion was not correct. If that is so, and that is what I understood the Hon'ble Minister to say,—then, Sir, the adjournment motion itself should not be allowed——

Mr. LALIT CHANDRA DAS: On a point of order, Sir. You have already given your consent to the motion, and there is nothing further to say.

Mr. PRESIDENT: No; I said that I was inclined to give my consent to it.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the notice of the last adjournment motion was given sometime ago and the Hon'ble Minister was given a chance to get the point mentioned in the motion verified. On verification the fact has been found to be contrary to what has been stated in the motion. So, I submit, Sir, that so far as the present adjournment motion is concerned, the Hon'ble Minister should also be given a chance, as he was given on the last occasion, to make enquiries and find out whether the fact is true or not.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, in the first place, the statement made by the honourable member that rice is not available in the Midnapore town is incorrect, because rice is available in the Midnapore town. As a matter of fact, there is a considerable amount of rice there. It is being brought into the Midnapore town by traders and put on the market. If rice was not available in the Midnapore town, as the honourable member has stated, then its price would have been Rs. 40, Rs. 50 and Rs. 60 and not Rs. 20 per maund, as stated. It may be that in a particular shop, to which the honourable member may have gone, rice was not available for the time being. But to say that rice was not available in the Midnapore town is, on the face of it, ridiculous.

Now, Sir, the next point is that it is admitted by the honourable member himself that rice is available only in very small quantities in the black market. Then, Sir, what is the definite matter of urgent public importance, if rice is available? There is no such thing as black market of this type there. There is no black market in existence in the town. There is a free market, namely, a market of rice brought in by traders. Then again, on the 11th August, 1944, a resolution was passed by the Town Food Committee to move the Government to supply sufficient quantity of rice for local consumption. The resolution is self-contradictory. For, if rice was not available there, prices would have been much higher. In the motion itself it is admitted that rice is available. In the first sentence of the adjournment motion it is stated that rice is not available but in the next sentence it is stated that rice is available and in the third sentence Government are requested to supply sufficient quantity of rice for the consumption of the people.

Mr. PRESIDENT: The point is this: The Chair has nothing to do with the merits of the case. The Chair is only concerned with the urgency, namely, as to whether this is a definite matter of urgent public importance. The definiteness of the motion arises from the allegation that the honourable member has made in his statement on the floor of the House that he himself had been to the place and tried to get rice but failed. I believe he was prepared to take responsibility for the assertion he had made and there is no doubt that if that is the situation then it is a definite matter of urgent public importance. Whether the facts are correct or not, it is for him to assert and for the Government to refute: that will be judged in course of the debate. I cannot disallow the motion on the ground that you made a reference to the District Magistrate and that the District Magistrate replied that sufficient rice was available.

The Hon'ble Mr. H. S. SUHRAWARDY: Before you give your final ruling, Sir, I would raise a point of order and that is that Government have not taken the responsibility of seeing that all shops should sell rice.

Mr. HUMAYUN KABIR: On a point of order, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: I too am on a point of order, Sir.

Mr. PRESIDENT: What is your point of order?

The Hon'ble Mr. H. S. SUHRAWARDY: My point of order is: that because the honourable member went to a particular shop and did not find rice there, it does not show that rice is not available anywhere in the town of Midnapore. Government have not taken the responsibility to see that every single trader or shopkeeper in Midnapore should be able to supply rice.

Mr. HUMAYUN KABIR: Is that a point of order?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, it is.

Mr. PRESIDENT: Order, order, Mr. Kabir. When an honourable member gets up and raises a point of order, the Chair has to listen to him. Let him finish and then you can raise your point of order, if you like.

Mr. HUMAYUN KABIR: In future, we shall also make speeches while stating our points of order. You must have the same rule for everybody and not different rules for some persons.

The Hon'ble Mr. H. S. SUHRAWARDY: The point of order that I raise is this: you, Sir, stated just now that the honourable member had gone to Midnapore town and did not find rice in certain shops. My point of order is that Government is not responsible for supplying all the traders of Midnapore with rice——

Mr. PRESIDENT: That may be your reply to the debate but that is certainly not a point of order. If you take another view, you can certainly do so in your reply.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I consider my point of order proper. Before you admit the motion finally, you ought to consider whether Government is responsible for this or not——

Mr. HUMAYUN KABIR: I rise on a point of order, Sir.

The Hon'ble Mr. H. S. SUHRAWARDY: But I am already on a point of order.

Mr. HUMAYUN KABIR: Your point of order has already been ruled out by the Chair.

The Hon'ble Mr. H. S. SUHRAWARDY: No, no——

Mr. PRESIDENT: Yes, Mr. Kabir, what is your point of order?

Mr. HUMAYUN KABIR: Sir, you had observed this afternoon that members ought to sit down when the Chair is on his legs and we have always obeyed that instruction. But today I have found on the contrary that Mr. Suhrawardy instead of taking his seat has continued to dictate to the Chair in the most objectionable manner and the President had to take his seat. This is my point of order, Sir, and not only a point of order, but also a point of privilege of the House. Mr. Suhrawardy has no right to make the President sit down when the President is on his legs.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, when a member defies the President——

The Hon'ble Mr. H. S. SUHRAWARDY: But——

Mr. PRESIDENT: But you cannot pursue that subject again.

Mr. SULTANUDDIN AHMED: On a point of order, Sir.
(Interruptions.)

Mr. PRESIDENT: What is your point of order?

Mr. SULTANUDDIN AHMED: Sir, my point of order is on the point of order raised by Mr. Humayun Kabir——

Mr. PRESIDENT: I am afraid you cannot do it.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, my humble submission is this: on a point of order—— (MR. LALIT CHANDRA DAS: Is submission a point of order?). Yes, yes. You have to consider whether on the statement of an honourable member it can be made obligatory on the Government to accept this adjournment motion. The statement upon which it is proposed to admit the motion is that honourable member went to certain shops and found that no rice was available there. But is that the responsibility of Government——

Mr. PRESIDENT: But the point is this: Mr. Mukherji is perfectly clear in his statement that he went to Midnapore and tried to find rice in the market and failed to get rice. His information is that rice is not available in Midnapore in sufficient quantity and it was not available there on a certain date. In that view of the matter, I admit the motion and give my consent to it. Has Government any objection to it?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes.

Mr. PRESIDENT: The motion is this:

"That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen out of the fact that rice is not available in Midnapore town and in the neighbouring villages. The authorities stopped supply from the 26th July, 1944, and rice is available in very small quantities in the black market at 8 annas to 10 annas per seer. At a meeting of the Town Food Committee on the 11th August, 1944, a resolution was passed to move Government in the matter to supply sufficient rice for the consumption of the people."

Do Government object to it?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes.

Mr. PRESIDENT: Members who are in favour of this motion will please rise in their places. (After the members rose in their seats.) As more than 13 members rose in support of the motion, leave has been granted by the House. Now, when do you propose to take it up?

The Hon'ble Mr. H. S. SUHRAWARDY: As I have asked for time for further information and the House do not want to wait for that, we may take it up tomorrow.

Mr. PRESIDENT: But when are you likely to get the information?

The Hon'ble Mr. H. S. SUHRAWARDY: Probably by tomorrow afternoon.

Mr. PRESIDENT: Then let it be taken up day after tomorrow.

The Hon'ble Mr. H. S. SUHRAWARDY: If honourable members wish to know the situation, then I think they had better wait till day after tomorrow. But if it is a party propaganda——

Mr. PRESIDENT: I think it should be taken up day after tomorrow as Government are prepared to supply more information. I do not think there should be any difficulty in taking it up day after tomorrow.

Mr. HARIDAS MAZUMDAR: Sir, it may be taken up tomorrow——

Mr. PRESIDENT: We will take it up day after tomorrow after the question hour.

Mr. NAGENDRA NATH MAHALANOBIS: May I rise on a point of information, Sir? As we have just now fixed the date for discussion of the adjournment motion day after tomorrow——

Mr. PRESIDENT: As one adjournment motion has been admitted, you cannot discuss any other adjournment motion today.

Mr. NAGENDRA NATH MAHALANOBIS: I rose only on a point of information. You have fixed day after tomorrow for statement in reply to my adjournment motion and also you have fixed this adjournment motion day after tomorrow. Will not one exclude the other.

Mr. PRESIDENT: No. The Hon'ble Chief Minister will make a statement in connection with your adjournment motion day after tomorrow.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, we object to it. We have a right to object.

Mr. PRESIDENT: The business of the House would be impossible if you go on objecting in this way.

The Bengal Agricultural Income-tax Bill.

Mr. PRESIDENT: The House will now resume further discussion of the Agricultural Income-tax Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in clause 42 of the Bill, in paragraph (*1*), *for* the words "the members" in line 2, the words "the names of the members" be substituted.

Sir, the passage where the amendment is sought to be inserted is "...the return of the members of the firm..." I think "the names of the members" of the firm is more suitable.

Mr. PRESIDENT: Amendment moved: That in clause 42 of the Bill, in paragraph (*1*), *for* the words "the members" in line 2, the words "the names of the members" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I think the amendment is quite unnecessary. I oppose it.

Mr. PRESIDENT: The question before the House is: That in clause 42 of the Bill, in paragraph (*1*), *for* the words "the members" in line 2, the words "the names of the members" be substituted.

The motion being put, a division was challenged and taken with the following result:—

AYES—14.

Khan Bahadur N. Ahmad.	Alhadj Khan Bahadur Sk. Mohd. Jan.
Rai Bahadur K. C. Banerji.	Rai Bahadur B. M. Maitra.
Mr. S. C. Chakraverti.	Mr. H. D. Majumdar.
Mr. K. A. Chowdhury.	Mr. N. N. Moholanabish.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. B. C. Datta.	Mr. R. Pal Chaudhuri.
Mr. N. C. Datta.	Khan Sahib Maulvi Wahiduzzaman.

NOES—27.

Khan Sahib F. Ahmad.	Mr. C. E. Clarke.
Mr. M. Ahmed.	Mr. D. J. Cohen.
Mr. N. Ahmed.	Mrs. K. D'Rozario.
Mr. S. Ahmed.	Mrs. L. P. Dutt.
Khan Sahib N. Amin.	Khan Bahadur Abdul Gofran.
Khan Sahib A. Aziz.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. D. L. Barua.	Mr. L. Hossain.
Mr. Moazzemali Chowdhury.	Mr. M. Hossain.
Mr. H. Huq Chowdhury.	Maulana Mohd. Akrum Khan.
Khan Bahadur A. H. Chowdhury.	Mr. W. B. G. Laidlaw.
Mr. Mohd. Habibullah Chowdhury.	Khan Sahib Subidali Mollah.

Khan Bahadur M. A. Momin.	Khan Bahadur M. Shamsuzzoha.
Khan Bahadur Muklesur Rahman.	Dr. K. Talukdar.
Mr. Yakub H. S. Sattar.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being,—14, and "Noes"—27, the amendment is negatived.

The question before the House is: that clause 42 stand part of the Bill.

(The motion was agreed to.)

Clause 43.

Mr. PRESIDENT: Clause 43 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 43 of the Bill, the comma after the words "to be taken" in line 3 be deleted.

Mr. PRESIDENT: Order, order. I do not think it is really an amendment, though it is a fact that some such amendments were admitted in the past. It is merely an error which can be rectified as a clerical mistake, if necessary. So I do not allow it.

Khan Bahadur NAZIRUDDIN AHMAD: Would you kindly hear me?

Mr. PRESIDENT: I do not think it is necessary to hear you. I have considered the matter already.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, you have not considered my arguments.

Mr. PRESIDENT: What is your argument? I hope you will be very brief.

Khan Bahadur NAZIRUDDIN AHMAD: Yes, Sir. I know that the Secretary of the House where the Bill originated has the power to correct these mistakes if he thinks necessary. But commas are introduced within the Bill and punctuation also is inserted. The real effect of a comma or punctuation in general is not really relevant. I think it is a part of the Bill——

Mr. PRESIDENT: The fact that a comma should be included or a comma should be deleted is a thing which can be rectified, if necessary, by the Secretary.

Khan Bahadur NAZIRUDDIN AHMAD: But, Sir, the House has no means of compelling the Secretary to rectify the mistakes.

Mr. PRESIDENT: Order, order. The question before the House is: that in clause 43 of the Bill, the comma after the words "to be taken" in line 3 be deleted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 43 stand part of the Bill.

(The motion was agreed to.)

Clause 44.

Mr. PRESIDENT: Clause 44 stand part of the Bill.

Mr. LALIT CHANDRA DAS: Sir, I beg to move that in sub-clause (2) of clause 44 of the Bill, for the words "in section" in line 2, the words "under section" be substituted.

Now, Sir, in sub-clause (2) we find the following provision, namely, that "if an assessee makes an application within the time mentioned in the

notice of demand in section 33 for being allowed to pay the tax due by instalments, the Agricultural Income-tax Officer may in his discretion, by order in writing allow the assesseee to pay the tax due in instalments not exceeding four in number at such intervals as the said officer may fix in his discretion."

Sir, if this amendment is allowed, it would read thus "if an assessee makes an application within the time mentioned in the notice of demand under section 33 for being allowed to pay the tax due by instalments.....". Now, Sir, I would invite the attention of the House to what Government did in connection with sub-clause (*1*) of clause 44.

Sir, sub-clause (*1*) of clause 44 runs thus: Any amount specified as payable in a notice of demand under section 33 or an order under section 35, section 36 or section 37, shall be paid within the time, at the place and to the person mentioned in the notice or order, etc. Here Government has actually used the word "under" section in sub-clause (*1*) of clause 44. Therefore, it must be a case of mistake or inadvertence that has crept in in sub-clause (*2*) of clause 44 and "in" instead of "under" has been put in. In respect of sections 33, 35, 36 or 37, the word "under" has been used; whereas in the case of sub-clause (*2*) of clause 44, the word "in" has been put in the identical connection. Therefore, I move that the word "under" should be similarly retained in this sub-clause also, as has been done in the other cases as the most appropriate word. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*2*) of clause 44 of the Bill, for the words "in section" in line 2, the words "under section" be substituted.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I support the amendment: It is practically a Government amendment and it wants to give a sense to the clause. The clause as it stands really is meaningless. It says that if an assessee makes an application within the time mentioned in the notice of demand in section 33 for being allowed to pay the tax due by instalments, etc. Now we want that the word "in" should be substituted by the word "under". It does not require much intelligence to follow that the word "in" here is absolutely out of place and it does not carry any meaning whatsoever. What do you mean by the notice of demand "in" section 33? What was intended by the authorities was perhaps the notice of demand that is issued upon the assessee under the provisions of section 33. Therefore the word "in" is most inappropriate and not only inappropriate but is wrong and it must give way to the word "under": that will make the meaning clear. Otherwise, to say that the assessee should make his application within the time mentioned in section 33 does not carry any meaning whatsoever, and that is why this amendment has been tabled. I should think that there is absolutely no objection to the admission of a mistake of this nature. We have found that there were several mistakes which Government have obstinately refused to acknowledge but it is never too late to mend and I should further say that if you want to have this bill in a workable shape so that there may not be any unnecessary dispute or litigation over the meaning of the words and phrases used in this taxation measure, I think Government should accept this amendment which is intended to make the meaning intelligible. The word "in" here does not make any sense of the clause. Therefore, I wholeheartedly support the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise to support the amendment moved by my friend Mr. Lalit Chandra Das. The Bill clause which is affected by this amendment reads thus without the amendment— "If an assessee makes an application within the time mentioned in the notice of demand *in* section 33." There is, however, no notice of demand in section 33. A notice of demand may be issued *under* section 33. The

proper expression should be "notice of demand under section 33". The expression "in" in the Bill-clause was due to an error and this amendment was tabled by the Government which they did not move. The amendment should therefore be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, as the amendment is unnecessary, I oppose it.

Mr. PRESIDENT: The question before the House is: that in sub-clause (2) of clause 44 of the Bill, *for* the words "in section" in line 2, the words "under section" be substituted.

(The amendment was negatived.)

(When the Hon'ble President declared that "Noes" have it, Khan Sahib Maulvi Wahiduzzaman said "Ayes" have it.)

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, I said "ayes have it".

Mr. PRESIDENT: I have not heard it. You ought to have stood up and asked for division.

Khan Sahib Maulvi WAHIDUZZAMAN: Yes, Sir, I did call for a division and said "ayes have it" as soon as you declared "noes have it". You may have been otherwise busy.

Mr. PRESIDENT: Well, I did not hear you.

Khan Sahib Maulvi WAHIDUZZAMAN: You might say that, Sir; it is your prerogative not to hear us.

Mr. HAMIDUL HUQ CHOUDHURY: Sir, he should withdraw that expression. It is a reflection on the Chair.

Mr. BANKIM CHANDRA MUKHERJI: I beg to move that in clause 44 of the Bill, after sub-clause (2) the following new sub-clause be added, namely:—

"(3) In the case of the Ruler of an Indian State the Agricultural Income-tax Officer shall request the Crown representative to take steps for payment of the amount assessed upon the Ruler of an Indian State".

Sir, we want that the tax should be realised in a regular and proper way from the Rulers of an Indian State and they should not find any loophole in the Act so as to escape the payment of this tax. If we look to clause 46, we find that provisions are made for the purpose of recovery of tax and penalties and therefore penalties are imposed and notice is served upon persons to appear and pay the income-tax. Now, Sir, if we look to the privileges of the Ruler of an Indian State, we find that they are not liable or subject to the jurisdiction of courts ordinarily and they cannot be asked to appear before a court for the purpose of answering any demand by the Agricultural Income-tax Officer. If we refer to section 86 of the Civil Procedure Code, we find that provision is made as to how the Ruler of an Indian State is to be approached. Section 86 is as follows:—

"Any such Prince or Chief, and any ambassador or envoy of a foreign State, may, with the consent of the Governor-General in Council, certified by the signature of a Secretary to the Government of India, but not without such consent be sued in any competent Court".

Then clause (2)—

"Such consent may be given with respect to a specified suit or to several specified suits, or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court

in which the Prince, Chief ambassador or envoy may be sued; but it shall not be given unless it appears to the Government that the Prince, Chief, ambassador or envoy—

(*a*) has instituted a suit in the Court against the person desiring to sue him, or

(*b*) by himself or another trades within the local limits of the jurisdiction of the Court, or

(*c*) is in possession of immovable property situate within those limits and is to be sued with reference to such property or for money charged thereon."

Therefore, there is no bar to obtain consent which is necessary under section 86. Then, clause 3 says "No such Prince, Chief, Ambassador or envoy shall be arrested under this Code, and, except with the consent of the Governor-General in Council certified as aforesaid, no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy." So this makes definite provision that you cannot realise tax either by arresting him or by following against the properties belonging to the Ruler of an Indian State. I do not think it is necessary to refer to other clauses at this stage. Therefore, so far as Rulers of Indian States are concerned, they are not amenable to the jurisdiction of the courts in British India even though they may have properties except as provided in section 86 of the Civil Procedure Code. Now, we know that under the Government of India Act there are Crown Representatives who represent the Rulers of Indian States and upon whom notices may be served. Therefore, I have proposed in the amendment that in order to realise the tax from the Ruler of an Indian State, we should make a separate provision in the manner indicated in the amendment so that the Crown Representative may be requested to take steps for payment of the amount assessed upon the Ruler of an Indian State. Without a provision like this it would be difficult to enforce payment upon the Ruler of an Indian State. With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in clause 44 of the Bill, after sub-clause (*2*) the following new sub-clause be added, namely:—

"(*3*) In the case of the Ruler of an Indian State the Agricultural Income-tax Officer shall request the Crown representative to take steps for payment of the amount assessed upon the Ruler of an Indian State."

Mr. LALIT CHANDRA DAS: Sir, I would like to support the amendment which has been moved by my friend Mr. Bankim Chandra Mukherjee. Sir, the Rulers of Indian States stand under some Treaty obligations with the Government and it would be but decent and proper, I should say, that in the matter of realisation of income-tax of this kind, steps should be taken in the form of making a request and that request should ordinarily be addressed to the Crown Representative who ordinarily resides in the territory of the Ruler of an Indian State. Difficulties which might possibly arise would then be obviated.

With these few words, I support the amendment.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I also rise to support the amendment. We have already had a great deal of discussion about the Rulers of Indian States. Now, this amendment tries to introduce a machinery for realising tax assessed upon them. The Hon'ble the Finance Minister has expressed his doubts or misgivings as to the workability of these clauses. He has said that if Bengal loses the tax on account of the defects in drafting, then she must thank herself for it. As the House has decided to tax the Rulers of Indian States, there must be some machinery

to give effect to the purpose. If you levy the tax on the Rulers of Indian States, then there must be some channel through which we can work and the amendment here tries to provide that this should be done through the diplomatic agency of the Crown Representative. This is the agency through which matters are adjusted between the Government of India and the Indian Princes. The Crown Representative is not only the adviser to Government but also a kind of a guardian to the Indian States and his agency would supply some amount of moral pressure upon the States for the realisation of taxes. This is a necessary amendment like others in this group and I think this should be accepted. I support the amendment.

Mr. HUMAYUN KABIR: I beg to support this amendment. When there was discussion on this point, I found the Hon'ble Finance Minister very jubilant. I do not know the cause of his merriment. I take it that with the advent of the *Pujah* and *Ramzan*, he is confident that the Bengal Legislative Assembly is not to be summoned. The mortal terror which he has of the Bengal Legislative Assembly will for a while sleep. However, this has nothing to do with the amendment.

Now, Sir, with regard to this amendment, as was stated earlier, we have no machinery for enforcement of the penal provisions under this Bill against the Indian States. The difficulty was raised whether they are subject to tax by the Provincial Legislature or not. It was however held that though there was some doubt on the matter, the question of taxing the Indian Princes could be considered in this House. They are held taxable but unfortunately no machinery has been provided for realising the tax from them. As pointed out by the honourable lawyer members, Mr. Bankim Chandra Mukherjee and Khan Bahadur Naziruddin Ahmad, by reference to the Criminal Procedure Code and other similar Acts, there is no way by which we can compel the Indian Princes to appear before the Court and pay any tax which may be due from them. The only way we can devise for the purpose is through the Crown Representative. If any tax is imposed on the Indian Princes and if that tax is to be realised from them, this could only be done through the Crown Representative. If my honourable friend the Finance Minister really wants to tax the Indian Princes and if he is serious about it, he should not let them escape for lack of machinery through which the tax could be realised.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I can quite understand the anxiety of the mover of the amendment to protect the Rulers of the Indian States and I find a stalwart of the Krishak-Praja Party standing out for the Rulers of the Indian States. But I see absolutely no reason why we should ask His Excellency the Crown Representative to pay the tax. The amendment, as I have read it, is that the Crown representative should pay the tax. I can assure the House that there is ample machinery available to Government for realising the agricultural income-tax accruing from the Ruler of an Indian State——

Mr. BANKIM CHANDRA MUKHERJEE: On a point of information, Sir. Has the Hon'ble the Finance Minister read my amendment?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I have read it several times.

Mr. BANKIM CHANDRA MUKHERJEE: Then possibly he was sleeping when he was reading my amendment. Because in my amendment I said that the Crown Representative should take steps for payment of the amount assessed upon the Ruler of an Indian State.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: But, Sir, this House has no power to compel His Excellency the Crown Representative to take steps for payment of the agricultural income-tax assessed upon the Ruler

of an Indian State. On the other hand, there is a special machinery for enforcing payment of income-tax accruing from a Ruler of an Indian State. Therefore, I think this amendment is both amusing and unnecessary.

Mr. PRESIDENT: Order, order. The question before the House is that in clause 44 of the Bill, after sub-clause (2) the following new sub-clause be added, namely:—

"(3) In the case of the Ruler of an Indian State the Agricultural Income-tax Officer shall request the Crown Representative to take steps for payment of the amount assessed upon the Ruler of an Indian State".

The motion being put, a division was challenged and taken with the following result:—

AYES—13.

Khan Bahadur N. Ahmad.	Rai Bahadur B. M. Maitra.
Rai Bahadur K. C. Banerji.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. K. A. Chowdhury.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Mr. R. Pal Chaudhuri.
Mr. B. C. Datta.	Khan Sahib Maulvi Wahiduzzaman.
Mr. H. Kabir.	

NOES—27.

Khan Sahib F. Ahmad.	Mrs. L. P. Dutt.
Mr. M. Ahmed.	Khan Bahadur A. Gofran.
Mr. N. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. S. Ahmed.	Mr. L. Hossain.
Khan Sahib N. Amin.	Mr. M. Hossain.
Khan Sahib A. Aziz.	Maulana Mohd. Akrum Khan.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. Moazzemali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Rahman.
Mr. Mohd. Habibullah Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Khan Bahadur M. Shamsuzzoha.
Mr. D. J. Cohen.	Dr. K. Talukdar.
Mrs. K. D'Rozario.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—13, and "Noes"—27, the amendment is negatived.

Mr. PRESIDENT: The question before the House is that clause 44 stand part of the Bill.

(The motion was agreed to).

Clause 45.

Mr. PRESIDENT: Clause 45 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (2) of clause 45 of the Bill, *for* the words "so however that" in line 5, the words "so that" be substituted.

Sir, the Bill-clause is absolutely unintelligible. The word "however" is absolutely a trespasser in this clause. I shall read only a part of the text of the clause which will show how absurd the word "however" is in the text,—"the Agricultural Income-tax Officer may direct the recovery of any sum less than half the amount of the arrears and may enhance the sum so directed to be recovered from time to time in the case of a continuing default, so however that the total sum so directed to be recovered shall not exceed half the amount of the arrears payable". Here, the expression "so that" is meant. The word "however" somehow or other, slipped into the clause, how I do not know. Instead of the words "so however that" the words "so that" should be substituted. I submit that

if the Hon'ble Minister will read the passage, the absurdity of this expression would be at once apparent. I do not want to take up the time of the House any more. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 45 of the Bill, *for* the words "so however that" in line 5, the words "so that" be substituted.

Mr. LALIT CHANDRA DAS: Sir, I would like to support the amendment which has been moved by my friend Khan Bahadur Naziruddin Ahmad. The duty of this House is to revise the errors committed elsewhere and to present the Bill in as good a form as it is possible under the circumstances. Here, Sir, at the dictation of the Hon'ble Finance Minister, every amendment—however good an amendment may be, is being voted down. We want to show that we may be out-voted but we cannot be out-reasoned. That is the reason why this attempt is made to improve the draft in the Bill. I think the Hon'ble Finance Minister will find it very difficult to defend himself. With these words, I support the amendment.

Mr. NAGENDRA NATH MAHALANOBIS: Sir, I beg to support the amendment. The idea underlying the sub-clause (*1*) of clause 45 was to impose a penalty for non-payment of the tax in time.

Now, clause (*2*) deals with that matter in a different way. It says "For the purposes of sub-section (*1*), the Agricultural Income-tax Officer may direct the recovery of any sum less than half the amount of the arrears and may enhance the sum so directed to be recovered from time to time in the case of a continuing default, so however that the total sum so directed to be recovered shall not exceed half the amount of the arrears payable." In the first clause, the Income-tax Officer has been given the power to impose "a sum not exceeding half that amount shall be recovered from the assessee by way of penalty". In clause (*2*), instead of imposing a penalty, he may impose a tax less than half in case of a continuing default. If that is so, the words used here "so however that" seem to be entirely confusing. I do not think it is easy reading or easy to comprehend what is intended to be conveyed by the draftsman. I think the word "however" is wrongly placed. It had no business to be here. It actually makes no sense, it serves no purpose; rather it confuses the meaning and makes the meaning obscure. Therefore, this word should be omitted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the amendment would not only not be an improvement but, I submit, that the word has been placed there with a definite purpose to serve. In drafting this provision we have followed section 46(*1*)(*a*) of the Indian Income-tax Act which reads as follows: "For the purpose of sub-section (*1*) the Income-tax Officer may direct the recovery of any sum less than half the amount of the arrears and may enhance the sum so directed to be recovered from time to time in the case of a continuing default, so however that the total sum so directed to be recovered shall not exceed half the amount of the arrears payable." Although our penalty is much less severe, I think in following the drafting of the Central Act, we have been on the right side.

Mr. PRESIDENT: The question before the House is: "That in sub-clause (*2*) of clause 45 of the Bill, *for* the words "so however that" in line 5, the words "so that" be substituted.

The question being put, a division was challenged and taken with the following result:—

AYES—13.

Khan Bahadur N. Ahmad.
Mr. S. C. Chakraverti.
Mr. K. Alam Chowdhury.
Mr. L. C. Das.
Mr. B. C. Datta.
Rai Bahadur B. M. Maitra.

Mr. H. B Mozumdar.
Mr. M. M. Mohatanabish.
Mr. S. C. Mukherji.
Mr. R. Pal Chaudhury.

Rai Sahib J. N. Ray.
Mr. A. D. Roy.
Khan Sahib Maulvi Wahiduzzaman.

NOES—27.

Khan Sahib F. Ahmad.
Mr. Mesbahuddin Ahmed.
Mr. N. Ahmed.
Mr. S. Ahmed.
Khan Sahib N. Amin.
Khan Sahib A. Aziz.
Mr. D. L. Barua.
Mr. M. Ali Chowdhury.
Mr. H. Huq Chowdhury.
Khan Bahadur A. H. Chowdhury.
Mr. Mohd. H. Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen.
Mrs. K. D'Rozario.

Mrs. L. P. Dutt.
Khan Bahadur A. Gofran.
Hon'ble Khan Bahadur S. M. Hosain.
Mr. L. Hossain.
Mr. M. Hossain.
Maiana Mohd. Akram Khan.
Mr. W. B. G. Laidlaw.
Khan Sahib Subidali Mollah.
Khan Bahadur M. A. Momin.
Khan Bahadur M. Rahman.
Mr. Yukub H. S. Sattar.
Khan Bahadur M. Shamsuzzoha.
Dr. K. Talukdar.

Mr. PRESIDENT: The House has divided. The "Ayes" being—13, and the "Noes"—27, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*4*) of clause 45 of the Bill, in paragraph (*c*), for the words "payment of tax" in lines 1 and 2, the words "payment of the tax" be substituted.

Sir, this is a drafting amendment. The ordinary use of the English language would require that the amendment should be accepted.

Mr. PRESIDENT: Order, order. Amendment moved that in sub-clause (*4*) of clause 45 of the Bill, in paragraph (*c*), for the words "payment of tax" in lines 1 and 2, the words "payment of the tax" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (*4*) of clause 45 of the Bill, in paragraph (*c*), *for* the words "payment of tax" in lines 1 and 2, the words "payment of the tax" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 45 stand part of the Bill.

(The motion was agreed to.)

Clause 46.

Mr. PRESIDENT: The question before the House is that clause 46 stand part of the Bill.

(The motion was agreed to.)

Clause 47.

Mr. PRESIDENT: Clause 47 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*1*) of clause 47 of the Bill, for the words "If any individual, Hindu undivided family, company, Ruler of an Indian State, firm or other association of persons satisfied the Agricultural Income-tax Officer" in lines 1 to 3, the following words be substituted, namely:—

"If the Agricultural Income-tax Officer is satisfied that any individual, Hindu undivided family, belonging to the Mitakshara school, company, Ruler of an Indian State, firm or other association of individuals is satisfied".

This is merely a drafting amendment, Sir, and I need not make any speech on it.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 47 of the Bill, *for* the words "if any individual, Hindu undivided family, company, Ruler of an Indian State, firm or other association of persons satisfied the Agricultural Income-tax Officer" in lines 1 to 3, the following words be substituted, namely:—

"If the Agricultural Income-tax Officer is satisfied that any individual, Hindu undivided family belonging to the Mitakshara school, company, Ruler of an Indian State, firm or other association of individuals is satisfied."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose this amendment, as I think our drafting is better, and, moreover, we have followed the language of the Indian Income-tax Act.

The motion being put a division was challenged and taken with following result:—

AYES—12.

Khan Bahadur N. Ahmad.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. K. A. Chowdhury.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Mr. R. Pal Chaudhury.
Mr. B. C. Datta.	Rai Sahib J. N. Ray.
Rai Bahadur B. M. Maitra.	Khan Sahib Maulvi Wahiduzzaman.

NOES—27.

Khan Sahib F. Ahmad.	Mrs. L. P. Dutt.
Mr. M. Ahmed.	Khan Bahadur A. Gofran.
Mr. N. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. S. Ahmed.	Mr. L. Hossain.
Khan Sahib N. Amin.	Mr. M. Hossain.
Khan Sahib A. Aziz.	Maulana Mohd. Akrum Khan.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. M. Ali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Rahman.
Mr. Mohd. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Khan Bahadur M. Shamsuzzoha.
Mr. D. J. Cohen.	Dr. K. Talukdar.
Mrs. K. D'Rozario.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—12, and the "Noes"—27, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in sub-clause (*1*) of clause 47 of the Bill, for the words "association of persons" in lines 2 and 3, the words "association of individuals" be substituted.

Sir, this is mainly a drafting amendment, but it may have some bearing on the real meaning of the clause. Sir, the word "person" has been defined in clause 2. According to that definition, "person" includes a Hindu undivided family, a firm, a company or a Ruler of an Indian State. Here the word "association of persons" really means "association of individuals." The House will be pleased to consider a similar passage in clause 48 in line 3, where the words "association of individuals" occur. The expression in the Bill-clause, I believe, is a mistake, and I have no doubt about it now because the mistake has been detected and the same amendment has been tabled by Government in amendment Nos. 317 and 318. With these few words, I move my amendment.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, is there quorum?

Mr. D. J. Cohen was entering the Chamber at that time and including him there was quorum.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*1*) of clause 47 of the Bill, for the words "association of persons" in lines 2 and 3, the words "association of individuals" be substituted.

Mr. LALIT CHANDRA DAS: Sir, I rise to support the amendment. I think Government detected the mistake and that is why they gave notice of amendment. It would appear that in clause 48 everywhere the word "individuals" has been used In clause 48(*1*) "Notwithstanding anything in section 47, a share-holder of a company, a partner of a firm or a member of an association of individuals....." In (*2*) "Any share-holder .....or member of an association of individuals..... " "In (*3*) "..... paid by a firm or association of individuals....." wherever the word "association" has been brought in it is followed by the word "individual". So instead of the word "person", the appropriate word should be "individual" and it should read "association of individuals" instead of "association of persons".

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I beg to support this amendment. The word "person" is in my opinion wrong in this place and in place of that word the word "individuals" should be substituted for the simple reason that what was intended was to include something other than persons. But certainly the draftsman did not intend to include those who come under the definition of person in sub-clause (*9*) of clause 2. Now what is intended is that it should really bring in those persons who did not come within the meaning of the word "persons". That was the amendment proposed on behalf of Government by Mr. Biren Roy. Now what is the idea behind this phrase? I say that either this word "persons" has been deliberately inserted to give a different meaning or it has been inserted inadvertently. My reading of this clause is: that this word "persons" has been used inadvertently. If, however, it is supposed that this has been inserted deliberately, then I submit that the Government intends to include certain Hindu undivided families or firms or companies and the Rulers of Indian States within the definition of "association of persons". Supposing two companies carry on joint business, you will assess them as association of persons. I think if the word person is there, you can very easily say that because there is a joint venture of two companies, they come under association of persons. That, I think, was never intended. Nor if two undivided families carry on a joint business of agriculture, you can tax them under association of persons. So you will find that the difference in the words would certainly make a difference in the assessment and in the liability. That being the case, I think the House should accept the amendment by substituting the word "individuals" for the word "persons" which I think was really intended.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: That in sub-clause (*1*) of clause 47 of the Bill, for the words "association of persons" in lines 2 and 3, the words "association of individuals" be substituted.

The motion being put, a division was challenged and taken with the following result:—

AYES—11.

Khan Bahadur N. Ahmad.	Mr. N. N. Moholanabish.
Mr. S. C. Chakraverti.	Mr. B. C. Mukherji.
Mr. K. A. Chowdhury.	Mr. R. Pal Chaudhuri.
Mr. L. C. Das.	Rai Sahib J. N. Ray.
Rai Bahadur B. M. Maitra.	Khan Sahib Maulvi Wahiduzzaman.
Mr. H. D. Majumdar.	

NOES—25.

Khan Sahib F. Ahmad.	[illegible] Sahib N. Amin.
Mr. M. Ahmed.	Kh[illegible] Sahib A. Aziz.
Mr. N. Ahmed.	Mr. D. L. Barua.

Mr. M. Ali Chowdhury.
Mr. H. Huq Chowdhury.
Mr. Mohd. H. Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen.
Mrs. K. D'Rozario.
Mrs. L. P. Dutt.
Khan Bahadur A. Gofran.
The Hon'ble Khan Bahadur S. M. Hosain.
Mr. L. Hossain.
Mr. M. Hossain.
Maulana Mohd. Akrum Khan.
Khan Sahib Subidali Mollah.
Khan Bahadur M. A. Momin.
Khan Bahadur M. Rahman.
Mr. Yakub H. S. Sattar.
Khan Bahadur M. Shamsuzzoha.
Dr. K. Talukdar.
Mr. Sultanuddin Ahmed.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—11, and the "Noes"—25, the amendment is negatived.

I think amendments Nos. 319 and 320 do not arise as they are the same as the previous one.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*2*) of clause 47 of the Bill, for the words "The Assistant Commissioner in the exercise of his appellate powers or the Commissioner in the exercise of his powers of revision if satisfied to the like effect" in lines 1 to 3, the following words be substituted, namely:—

"If the Assistant Commissioner in the exercise of his appellate powers or the Commissioner in the exercise of his powers of revision is satisfied to the like effect".

This is a drafting amendment and is simply a re-arrangement of the words in a regular form. This has been recommended by the highest authorities in the art of draftsmanship. In order to strengthen a sentence or a clause sometimes re-arrangement is necessary, and in order to make the meaning precise and clear this is often indispensable. I would leave it to the House to consider, if it is inclined to consider and I think that, if Mr. Hamidul Huq Chowdhury condescends to consider this matter, then I think he too will agree that this amendment is necessary. I, therefore, submit the amendment for the considered consideration of the House.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*2*) of clause 47 of the Bill, for the words "The Assistant Commissioner in the exercise of his appellate powers or the Commissioner in the exercise of his powers of revision if satisfied to the like effect" in lines 1 to 3, the following words be substituted, namely:—

"If the Assistant Commissioner in the exercise of his appellate powers or the Commissioner in the exercise of his powers of revision is satisfied to the like effect".

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, this is a drafting amendment and I prefer our own drafting which is in accord with the language of section 48(*2*) of the Indian Income-tax Act.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*2*) of clause 47 of the Bill, for the words "The Assistant Commissioner in the exercise of his appellate powers or the Commissioner in the exercise of his powers of revision if satisfied in the like effect" in lines 1 to 3 the following words be substituted:—

"If the Assistant Commissioner in the exercise of his appellate powers or the Commissioner in the exercise of his powers of revision is satisfied to the like effect."

The question being put, a division was challenged and taked with the following result:—

AYES—12.

Khan Bahadur N. Ahmad.
Rai Bahadur K. C. Banerji.
Mr. S. C. Chakraverti.
Mr. K. A. Chowdhury.
Mr. L. C. Das.
Mr. M. R. Jaipuria.

Rai Bahadur B. M. Maitra.	Mr. B. C. Mukherji.
Mr. H. D. Majumdar.	Rai Sahib J. N. Ray.
Mr. N. N. Moholanabish.	Khan Sahib Maulvi Wahiduzzaman.

NOES—24.

Khan Sahib F. Ahmad.	Mrs. K. D'Rozario.
Mr. M. Ahmed.	Khan Bahadur A. Gofran.
Mr. N. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. S. Ahmed.	Mr. L. Hossain.
Khan Sahib N. Amin.	Mr. M. Hossain.
Khan Sahib A. Aziz.	Maulana Mohd. Akrum Khan.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. M. Ali Chowdhury.	Khan Bahadur M. A. Momin.
Mr. H. Huq Chowdhury.	Khan Bahadur M. Rahman.
Mr. Mohd. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Khan Bahadur M. Shamsuzzoha.
Mr. D. J. Cohen.	Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—12, and the "Noes"—24, the amendment is negatived.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move: That in clause 47 of the Bill, after sub-clause (*3*), the following sub-clause be added, namely:—

> "The Assistant Commissioner or the Commissioners may on being staisfied that an individual Hindu undivided family, Company, Ruler of an Indian State, firm or other association of persons is not liable to tax he may grant an exemption certificate."

Sir, looking to clause 47, we find a provision has been made for refund of taxes when they have been assessed wrongly or otherwise. I think a similar clause may be inserted in order that persons who are not liable to tax may approach the Assistant Commissioner and obtain a certificate for exemption. I would remind the Hon'ble the Finance Minister that there is a similar provision in the Indian Income-Tax Act, and this being the Act which he is quoting all along, I may request him to consider whether he should allow this amendment. There would be a lot of saving of trouble for the assessees and also the officers of the Assessment Department. One other consideration which I may request the Hon'ble Finance Minister to give to this subject and that is that the amendment which I have proposed, if accepted, will remove a real difficulty in the Act itself. As a matter of fact, if we look to the agricultural population there will be many who will be on the border line and if they are given certificate of exemption that would, as I have already submitted, mean a saving of time of the assessment officer. With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in clause 47 of the Bill, after sub-clause (*3*) the following sub-clause be added, namely:—

> "The Assistant Commissioner or the Commissioners may on being satisfied that an individual Hindu undivided family, Company, Ruler of an Indian State, firm or other association of persons is not liable to tax he may grant an exemption certificate."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, when an officer decides that a particular person is not liable to pay any agricultural income-tax, he would certainly record an order to that effect and the person concerned is entitled to a certified copy of that order. The honourable mover has said that there was an analogous provision in the Indian Income-tax Act. He has not specified what particular section of the Act was meant; possibly he was firing a blank shot. I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in clause 47 of the Bill, after sub-clause (*3*) the following sub-clause be added, namely:—

"The Assistant Commissioner or the Commissioners may on being satisfied that an individual Hindu undivided family, Company, Ruler of an Indian State, firm or other association of persons is not liable to tax he may grant an exemption certificate."

The motion being put, a division was challenged and taken with the following result:—

AYES—12.

Khan Bahadur N. Ahmad.	Rai Bahadur B. M. Maitra.
Rai Bahadur K. C. Banerji.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. K. A. Chowdhury.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Rai Sahib J. N. Ray.
Mr. H. Kabir.	Khan Sahib Maulvi Wahiduzzaman.

NOES—24.

Khan Sahib F. Ahmad.	Mrs. K. D'Rozario.
Mr. M. Ahmed.	Khan Bahadur A. Gofran.
Mr. N. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. S. Ahmed.	Mr. L. Hossain.
Khan Sahib N. Amin.	Mr. M. Hossain.
Khan Sahib A. Aziz.	Maulana Mohd. Akrum Khan.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. M. Ali Chowdhury.	Khan Bahadur M. A. Momin.
Mr. H. Huq Chowdhury.	Khan Bahadur M. Rahman.
Mr. Mohd. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Khan Bahadur M. Shamsuzzoha.
Mr. D. J. Cohen.	Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—12, and the "Noes"—24, the amendment is negatived.

Khan Sahib WAHIDUZZAMAN: Sir, before you proceed further with the business of the House, may I raise the question of adjourning for "*Ashar*" prayers?

Mr. HAMIDUL HUQ CHOWDHURY: But *Ashar* prayers commence from 5-45 p.m. and will continue right up to 6-30 p.m.

Khan Sahib WAHIDUZZAMAN: No, no. Not from 5-45 p.m. but from 5-15 p.m. If Mr. Hamidul Huq Chowdhury does not know that, then I am really sorry.

Mr. HAMIDUL HUQ CHOWDHURY: You do not know anything of this.

Khan Sahib WAHIDUZZAMAN: Certainly, I claim to know.

Mr. HAMIDUL HUQ CHOWDHURY: So do I.

Mr. PRESIDENT: It is a very difficult question: surely I cannot settle it. I must ask the views of the Honourable the Leader of the House or of the Moulana Sahib on this matter.

Maulana AKRAM KHAN: The time for *Ashar* prayers will last up to 6-30 p.m.

Khan Sahib WAHIDUZZAMAN: It is necessary that we should say our prayers just in time.

Maulana AKRAM KHAN: Not necessary.

Mr. PRESIDENT: Will the Maulana Sahib please say when the *Ashar* prayers will start?

Maulana AKRAM KHAN: It lasts from 5 p.m. to 6-30 p.m.

Mr. PRESIDENT: We wil ordinarily adjourn from today at 6 p.m. but when do you think we should adjourn for prayers?

Maulana AKRAM KHAN: Even if we disperse at 6 p.m., there will be time left for saying *Ashar* prayers.

Khan Sahib WAHIDUZZAMAN: I want to differ from the opinion just given by the Maulana Sahib. The earlier we finish our prayers the better. I am glad that Mr. Hamidul Huq Chowdhury has been contradicted by the Maulana Sahib and if hereafter he still insists on his view, then I am really sorry for him. Sir, before you decide finally, I would like you to refer to the proceedings of the other House. You will find from there what is the actual prayer time in these days and on the basis of that you may give your ruling.

Mr. PRESIDENT: I am afraid it is not the ordinary practice of this House to adjourn for prayer. The other House is not in session now. The time of the prayer, I believe, is at sunset. Here we have the opinion of one of the greatest Maulanas——

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, he represents one section of the Muslims and not all sections of the Muslims.

Mr. PRESIDENT: I find that there is difference of opinion but the larger section—the majority—accept the opinion of the Maulana in preference to yours.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, we all accept——

Khan Sahib Maulvi WAHIDUZZAMAN: Your version has been contradicted by your leader.

Mr. PRESIDENT: Order, order. The question before the House is that clause 47 stand part of the Bill.

(The motion was agreed to.)

Clause 48.

Mr. PRESIDENT: Clause 48 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 48 of the Bill, in sub-clause (*1*), for the words "anything in" in line 1, the words "anything contained in" be substituted.

(Here the Hon'ble the President left the Chamber and Mr. W. B. G. Laidlaw took the Chair.)

Sir, before proceeding further with the amendment, may I submit that there is a limitation of our mental powers; and as the Hon'ble the President, who is a veteran parliamentarian and who has gone through all sorts of experience in parliamentary and other affairs, has found it necessary to enjoy some physical relaxation, should we not also deserve some physical rest? Mr. Chairman, we have submitted to the needs of the moment as long as possible. But we have sat long enough. In the circumstances, may I pray, Sir, that the House be adjourned because our brains are much over-worked already and may not comfortably bear further strain. When a distinguished man like the Hon'ble President required rest, I think we are also greatly in need of this rest and so far as I am concerned I have had to do a very large volume of work.

Mr. HUMAYUN KABIR: Sir, whatever may be the position in the case of other matters, clauses 48 and 49 are very important clauses and I think even the members opposite agree that these two clauses are the most

contentious clauses in the Bill. The most important debate will take place on clauses 48 and 49, and if we take it up at the fag-end of the day, I am afraid we shall not be able to do justice to ourselves or to the clauses.

Mr. CHAIRMAN (Mr. W. B. C. Laidlaw): Order, order. With regard to the remark of Khan Bahadur Naziruddin Ahmad, I may say that the Hon'ble President was in the Chair continuously from 2-15 until 5-15. He has now gone for some relaxation and refreshment and he will be back very shortly. As regards the second point raised by Mr. Humayun Kabir, I may say that discussion on clause 48 has already started under the chairmanship of the Hon'ble President and I think we ought to continue it.

Khan Bahadur NAZIRUDDIN AHMAD: But, Sir, we also require similar refreshment and rest.

Mr. CHAIRMAN (Mr. W. B. C. Laidlaw): Order, order. You may go on.

Khan Bahadur NAZIRUDDIN AHMAD: I have moved the amendment and I have nothing more to say except that it is a drafting amendment and it should be accepted.

Mr. CHAIRMAN (Mr. W. B. C. Laidlaw): Amendment moved: that in clause 48 of the Bill, in sub-clause (*1*), *for* the words "anything in" in line 1, the words "anything contained in" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I submit that the amendment does not improve our draft. So I oppose the amendment.

Mr. CHAIRMAN (Mr. W. B. C. Laidlaw): The question before the House is: that in clause 48 of the Bill, in sub-clause (*1*), *for* the words "anything in" in line 1, the words "anything contained in" be substituted.

The motion being put, a division was challenged and taken with the following result:—

AYES—9.

Khan Bahadur N. Ahmad.	Mr. N. N. Moholanobish.
Rai Bahadur K. C. Banerji.	Mr. B. C. Mukherji.
Mr. S. C. Chakraverti.	Rai Sahib J. N. Ray.
Mr. K. A. Chowdhury.	Khan Sahib Maulvi Wahiduzzaman.
Mr. L. C. Das.	

NOES—22.

Mr. M. Ahmed.	Mrs. K. D'Rozario.
Mr. N. Ahmed.	Khan Bahadur A. Gofran.
Mr. S. Ahmed.	Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. M. Hossain.
Mr. D. L. Barua.	Maulana Mohd. Akram Khan.
Mr. M. Ali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Khan Bahadur M. A. Momin.
Mr. Mohd. H. Chowdhury.	Khan Bahadur M. Rahman.
Mr. C. E. Clarke.	Khan Bahadur M. Shamsuzzoha.
Mr. D. J. Cohen.	Dr. K. Talukdar.

Mr. CHAIRMAN (Mr. W. B. C. Laidlaw): Order, order. The House has divided. The "Ayes" being—9, and the "Noes"—22, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in sub-clause (*1*) of clause 48 of the Bill, *for* the words "the total world income of such shareholder, partner or member if such total world income were agricultural income chargeable to agricultural income-tax under this Act" in lines 10 to 12, the words "total agricultural income arising out of land in Bengal" be substituted.

Mr. Chairman, Sir, this is a very important amendment. This sub-clause (*1*) of clause 48 deals with refunds of taxes. The standard on which tax has been imposed under this Bill is based upon the Bengal Agricultural income alone. The world income is a standard which is adopted by the Indian Income-tax and English Income-tax Acts. So far as the Bengal Act is concerned, the standard is that of agricultural income. The rate of tax will depend on the agricultural income of different classes mentioned in the schedule. While, in imposing the tax the standard is the Bengal agricultural income, refund is based on the standard of world income. Suppose, a man as a small partner of a big agricultural firm gets an income of Rs. 500. Suppose further, that he has had to pay an agricultural income-tax of 30 pies in the rupee. Suppose again, that he has other agricultural income of Rs. 4,500. His total agricultural income will then be Rs. 5,000. He should be liable to pay agricultural income-tax on only Rs. 1,500 at the rate of 9 pies in the rupee. He would thus plainly be entitled to a refund of the excess tax of 21 pies in the rupee on Rs. 500. But under the clause, if he has a big world income of a non-agricultural nature, he will be entitled to no refund.

But our standard is Bengal agricultural income. We have nothing to do with the world income. Then, why should we be parsimonious in refunding the excess tax except on the basis of Bengal agricultural income? To introduce world income here would mean that the Government is unwilling to refund the excess tax in ordinary deserving cases. To lay down two different sets of tests—one for assessing the tax and the other for refunding the excess tax would be not to show give and take but, rather, take and take. This principle is, I submit, mischievous. This would have been justified if the standard of world income had been accepted in assessing the tax. These considerations would enable the House to see the injustice or rather anomaly or illogicality of the standard. I do not know whether such a provision will be beyond the scope of the Provincial Legislature. At least, a refund should have nothing to do with the world income. In the circumstances, I submit that the amendment should be accepted. It will set a uniform standard for the purpose of taking and also for the purpose of giving. With these few words, I submit my amendment for the consideration of the House.

Mr. CHAIRMAN (Mr. W. B. C. Laidlaw): Amendment moved: that in sub-clause (*1*) of clause 48 of the Bill, *for* the words "the total world income of such share-holder, partner or member if such total world income were agricultural income chargeable to agricultural income-tax under this Act" in lines 10 to 12, the words "total agricultural income arising out of land in Bengal" be substituted.

Mr. NAGENDRA NATH MOHALANABIS: Sir, I would like to support this amendment not exactly on the ground put forward by Khan Bahadur Naziruddin Ahmad but on slightly different grounds. This clause 48 deals with refunds of tax deemed to have been paid by companies, firms and associations on behalf of others. Now, it is said that a company, a firm or an association has to pay the agricultural income-tax under this Act on behalf of certain persons and if there is any difference between the rate of tax that the company, firm or association of persons were liable to and the rate at which the person himself is liable, then he is entitled to a refund of the difference. That in substance must be the idea behind this clause. Again, in this clause it is said that "the total agricultural income of such company, firm or association and the average rate which would be applicable to the total world income of such share-holder, partner or member if such total world income were agricultural income chargeable to agricultural income-tax under this Act." If we turn to the definition clause, we

find that the "total world income" is defined in sub-clause (*17*) of clause 2 of the Bill. " 'Total world income' means the sum of—

(*a*) the total world income as defined in the Indian Income-tax Act, 1922, and

(*b*) the total agricultural income as defined in this Act, and

(*c*) the agricultural income derived from land in British India excepting Bengal:"

so that you have the aggregate of several incomes taken as the total world income; first, income under the Indian Income-tax Act, then the income under this particular Act and then the agricultural income derived from land outside Bengal. Now, Sir, the question arises that when you are taxing a company under this Act you are taxing a company's agricultural income; it means that income which is derived from land held within the province and if that income is up to a certain standard you charge the company at a certain rate and if the income goes up the rate to be charged also goes up accordingly, so that naturally an individual assessee may have returns or income from agricultural land within Bengal which may vary from that of the income of the Company of which he may have been a shareholder. The Company may be earning a great deal and the company may be paying the tax at a very high rate and the individual may be paying the tax at a lower rate and when the tax is realised from the company he can naturally ask for refund on the basis of the difference, but when you are bringing in the question of total world income then in the case of refund you are taxing the man much more than he is liable for. You do not stand only upon the agricultural income. A man may have a big income from sources other than agricultural and may have a small agricultural income, but being a shareholder of a company he might be taxed at a higher rate. So that I submit that it will not be fair to take into consideration the world income of this particular shareholder in case of refund. Why should we take into consideration other income, namely, non-agricultural income or income from land outside the province of Bengal at the time when you are giving him a refund? That I submit is unfair and unjust. In giving refund you ought ordinarily to follow the simple procedure of granting him refund on the difference in the rate that he might otherwise be liable to pay if he were the assessee. The Company pays not on its own behalf but on behalf of the shareholder and the ordinary rule is that the shareholder is to get a refund on the basis as if he himself was being assessed. You take from the company tax at 10 pies in the rupee but the man's income does not perhaps allow you to charge more than 6 pies in the rupee, so that he ought to get a refund of 4 pies, the difference between the two rates of tax. Therefore I submit that there is no justification for taking the whole world income into consideration in the case of refund. Therefore the average rate in the clause should be the difference between what has been realised from him and what he ought to pay as agricultural income if that was his income. We should not bring in the world income into this matter when in this connection we are not going to tax his other income or income from land situated outside the province of Bengal.

Mr. HUMAYUN KABIR: Sir, I rise to speak on the amendment neither to support it nor to oppose it, but to ask for clarification from the Hon'ble Minister. I must confess that the speeches of the honourable gentlemen who have just spoken have succeeded in confusing a layman like me and I am not quite clear as to what exactly the import of this amendment is. I find one or two impatient friends on the other side who are prepared to sit for longer hours but are not prepared to pay the price of sitting for longer hours in the weariness and tiredness which are inevitable if the House sits for longer hours. They are hurrying through things without

understanding them and I know, Sir, that they are not concerned in understanding anything. They have deposited whatever power of understanding they have, whatever brains they have—and I do not say that they have no brains—they have deposited whatever brains they have in the safe-custody of the Hon'ble Finance Minister. I confess that as a layman I find that the amendment is very confusing indeed——

Mr. SULTAN AHMED: On a point of order, Sir. Is Mr. Kabir entitled to speak when he himself says that he speaks neither for nor against the amendment? Can he speak when he is neither for nor against the amendment?

Mr. PRESIDENT: It is quite possible for a member to speak either for or against an amendment. When time of voting comes he may remain neutral. So a member can speak neither for nor against an amendment. He may remain neutral at the time of voting.

Mr. HUMAYUN KABIR: I find, Sir, that more time is taken in useless points of order than in actual discussion. I do not know if it is the attitude of my friends opposite simply to record their votes without understanding anything and compelling others to vote without understanding. I know that my friends opposite are very intelligent; but I do not understand why they should not allow some indulgence to one who claims that he is finding some difficulty in understanding the amendment. I ask the Government to explain the position, since it is the duty of the Government to convince us by explaining what they intend. My friends opposite are trying to shut up discussion because of their artificial majority. But I think it is the duty of the Government to explain the position.

Now, Sir, coming to the clause itself, I find that there are several parts. I leave out the early parts and take the portion where it is stated "such company, firm or association", etc. In other words, the tax which is here imposed on this class of persons is imposed upon them not in their personal capacity but in virtue of their partnership of either a company or a partnership of an association of individuals. Again, Sir, I find from clause 48, sub-clause (*1*), that the amount which is taken into consideration in assessing the tax in this particular clause is with regard to the income from the profit made by the company or the partnership or the firm or the association of individuals. It is not on the income which a man makes in his own right or by his individual exertion. I also find, Sir, that the income-tax, whatever it is, is paid on behalf of the individual in virtue of his partnership of a firm or membership of an association of individuals. Therefore, we are concerned only with that portion of the income which he obtains by virtue of his partnership of any one of this type of association or bodies. The income which he derives by his individual exertion or by his individual business or any other sort of an individual undertaking is left out of account. The tax is deemed to have been paid by the company or firm, on behalf of individuals. Now, what will be the rate? The rate will be the rate which would apply to the total agricultural income of such a company. Now, Sir, for the sake of illustration, supposing it is one anna—I am taking the figure only for clarification. I know that the rate of agricultural income when we consider the total agricultural income of a company is fixed at two and a half annas, but for the sake of convenience, let us take it as one anna. Now, therefore in the case of the individual, when the portion of his income which is derived in virtue of his partnership of such company or association is taxed, it is taxed at the rate of anna one in the rupee. This tax of one anna is paid on his behalf by his firm. Now the question of difference comes in. There is first, the rate which is actually paid on his behalf by his firm in virtue of his membership. There is, on the other hand, the average rate which would be applicable to the total world income of such

share-holder, partner or member if such total world income were agricultural income chargeable to tax under this Act. In the latter portion of this clause, the income which we are considering is his total world income; and assuming that this total world income is assessable to the agricultural income-tax, it is quite obvious that the total world income would be greater than the total agricultural income. Therefore, if the world income is higher than the total agricultural income of the company or the firm, the rate of income-tax would also be higher. Now, if the rate be annas two for the total world income of the partnership or association, then even if the agricutlural income-tax had been based on this total world income, the rate would be the same. For firms, the rate of income-tax would be annas two in the rupee. An individual may pay at the rate of one anna or it may be that he has paid two annas. Later on he might be given a refund on account of the difference in the two rates.

Here I have to ask the Hon'ble the Finance Minister two questions. First, in what way is the tax going to operate? Is it going to operate to the advantage of the person taxed? When the refund is given, are we to assume that the rates were calculated on the basis of the total world income, though actually this was not done? The question of refund arises if only we treat for the purposes of taxation as if the total world income were also the total agricultural income of a firm or company. Earlier, we have been told this is not the case. If that is not the case, then on the basis of the rate which we have suggested, (say one anna for the sake of argument), a person may have been taxed at the rate of one anna. At the time of refund, if the basis of calculation be at the rate of two annas, then is the difference going to be refunded? As I have stated at the outset, the speeches of the two honourable members have not clarified this point. I am not convinced by the speech of my honourable friend Khan Bahadur Naziruddin Ahmad who says that it is parsimonious on the part of the Government to refuse the refund. I find the contrary is the case. Instead of giving the assessed person a smaller sum, the Government is giving him a larger refund. It seems to me that there is room for confusion in the clause as it stands and I find it difficult to understand. Earlier, it has been stated clearly that only the agricultural income will be considered in assessing the tax. If that is clearly laid down, it seems to me that the other half is altogether unnecessary. If the amendment were carried, the clause would then read: "Notwithstanding anything in section 47, a share-holder of a company, a partner of a firm or a member of an association of individuals on whose behalf agricultural income-tax is by section 17 deemed to have been paid by such company, firm or association, shall be entitled to a refund of agricultural income tax on account of any difference between the rate of agricultural income-tax applicable under this Act to the total agricultural income of such company, firm or association and the average rate which would be applicable to the total agricultural income arising out of land in Bengal".

It seems to me that in that case the two rates would be identical. If Khan Bahadur Naziruddin Ahmad's amendment is carried, the other rate would also be the total agricultural income of the company. The whole clause would become superfluous. There is no difference between the two, as it stands now. I do not see the propriety of having the latter portion of this clause. Since the rate of assessment is determined by the total agricultural income, the question of any refund on the basis of average rate would not arise at all, because it would be a higher rate. Therefore, the difference will only operate in favour of the assessees and against the interest of the province. I hope, therefore, the Hon'ble Finance Minister will clarify the point.

Khan Bahadur NAZIRUDDIN AHMAD: May I rise on a point of personal explanation? Sub-clause (*1*) makes the distinction between the

rate chargeable on the company and the refund. If it is a person, it will charge at the maximum rate and the refund is in income of the person. This is the difference.

Mr. HUMAYUN KABIR: I see the point in the case of refund. You are taking the total world income of the transaction. In one case you are taking the income of the company and in the other case you are taking the total world income of the individual. I would ask the Finance Minister to explain the relation of the two.

Mr. LALIT CHANDRA DAS: Sir, I also want to speak on this amendment.

Mr. PRESIDENT: Yes, you may speak.

Mr. LALIT CHANDRA DAS: Sir, I rise to support the amendment moved by my friend Khan Bahadur Naziruddin Ahmad. Now, Sir, section 48(*1*) reads as follows:—

> "Notwithstanding anything in section 47, a share-holder of a company, a partner of a firm or a member of an association of individuals on whose behalf agricultural income-tax is by section 17 deemed to have been paid by such company, firm or association, shall be entitled to a refund of agricultural income-tax on account of any difference between the rate of agricultural income-tax applicable under this Act to the total agricultural income of such company, firm or association and the average rate which would be applicable to the total world income of such share-holder, partner or member if such total world income were agricultural income chargeable to agricultural income-tax under this Act."

Sir, the Khan Bahadur wants that in place of the words "the total world income of such share-holder, partner or member if such total world income were agricultural income chargeable to agricultural income-tax under this Act", the words "total agricultural income arising out of land in Bengal" be substituted. What is quite apparent to me is this that the Hon'ble the Finance Minister is attempting to reduce the amount of refund which would be made payable to a share-holder, and with this object in view he has brought in the question of the total world income of that share-holder, partner or that member, for then only it will be found that the rate payable by such a share-holder, partner or member will be higher than if only his agricultural income derived from his land in Bengal is taken into consideration. For instance, Sir, the company, say, pays 2½ annas in the rupee as agricultural income-tax. By that payment he pays on behalf of the share-holder or partner or member. Now, if only agricultural income of the share-holder is taken into consideration, the share-holder would be found to be paying 9 pies in the rupee, or say, one anna in the rupee, and the difference will have to be refunded, say, the difference of one anna or say one anna and six pies will have to be refunded but if instead of taking the question of the total agricultural income arising out of land in Bengal into consideration, the question of world income is taken into consideration, it may be found that the rate applicable would be one anna and six pies in the rupee, but he will be refunded only two and half pies in the rupee or it may very well be that it may be found that the rate applicable to the share-holder will be even 2½ annas which is exactly the rate which the company is paying so that it will get actually no refund. If refund is to be payable at all, it should be payable by the difference which will be payable by the rate that has to be paid by the share-holder in relation to his total agricultural income derived arising out of his land in Bengal without considering his world income. This will be equitable and just and with this object the amendment has been brought in.

Mr. BANKIM CHANDRA MUKHERJEE: Mr. President, Sir, I spport the amendment which has been moved by my friend Khan Bahadur Naziruddin Ahmad. It seems there is some misapprehension in the House with regard to the effect of the clause itself and also the effect of the amendment. Now, so far as the clause itself is concerned, I may state by referring to the clause itself which runs thus:—

> "Notwithstanding anything in section 47, a share-holder of a company, a partner of a firm or a member of an association of individuals on whose behalf agricultural income-tax is by section 17 deemed to have been paid by such company." Now, we have to go back to clause 17 for the purpose of determining what are the taxes that a company will have to pay. I am reading clause 17 accordingly:—A company, firm or other association of individuals which has paid agricultural income-tax under this Act in respect of its agricultural income as such company——

Mr. PRESIDENT: Order, order: The Council stands adjourned till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Wednesday, the 16th August, 1944.

Members Absent.

The following members were absent from the meeting held on the 15th August, 1944:—

(1) Mr. Kader Baksh.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. K. K. Dutta.
(4) Mr. R. W. N. Ferguson.
(5) Mr. Abdul Latiff.
(6) Mr. N. N. Mookerjee.
(7) Mr. T. B. Nimmo.
(8) Mr. R. S. Purssell.
(9) Dr. K. S. Ray.
(10) Mr. B. K. Roy Chowdhury.
(11) Mr. K. C. Roy Chowdhury.
(12) Mr. J. W. R. Steven.

BGP-44/5-9269A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 78.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 16th August, 1944, at 2-15 p.m. being the seventy-eighth day of the First Session of 1944, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTION AND ANSWER

Famine Inquiry Commission.

252. Mr. BANKIM CHANDRA MUKERJEE: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) if the Government of Bengal have been consulted about the procedure to be adopted by the Famine Inquiry Commission; and

(b) if the Government propose to consider the desirability of pressing upon the Commission for getting members from the Bengal Legislature to be co-opted for the purpose of the enquiry in Bengal?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (a) No.

(b) The relevant Ordinance of the Government of India does not provide for co-option of members.

Adjournment Motion regarding shortage and high prices of cloth.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I gave notice of a motion for adjournment on a very important subject, namely, the situation arising out of the shortage and high prices of cloth. It is a very important matter so far as the people of this province are concerned. So I ask your permission to move this adjournment motion.

Mr. PRESIDENT: Is it not a matter which concerns the Central Government?

Rai KESHAB CHANDRA BANERJEE Bahadur: No, Sir, it is a matter which concerns the Bengal Government also. The Civil Supplies Department has appointed a Textile——

Mr. PRESIDENT: But it involves more than one issue and concerns both the Government of India and this Government.

Rai KESHAB CHANDRA BANERJEE Bahadur: It involves both the Governments; but it is the primary concern of the Bengal Government.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, most of the matters arising out of this motion comes within the purview of the Government of India. The question of supply, the question of the maintenance of price level and even arrangement for the regular supply—these are matters outside the purview of this Government. Then, Sir, the question of supply depends on movement and upon the facility of transport. I would have been able to make a statement. But I do not want to enter into a controversy at the present moment. The Textile Commissioner is coming to

Calcutta on the 19th instant to meet the Advisory Committee when we shall discuss the matter. There are also many outstanding matters, one of which is the quota allotted to the Government of Bengal.

Mr. SHRISH CHANDRA CHAKRAVERTI: Does not the Government of Bengal decide the quota?

The Hon'ble Mr. H. S. SUHRAWARDY: We have nothing to do with quota and that matter has not been decided to our satisfaction. So we have decided to discuss with the Textile Commissioner this and many other matters that are outstanding and of which perhaps the mover is not aware. The Textile Commissioner is going to give us four days for the discussion of these matters. I submit, Sir, apart from this fact, namely, that it is extremely undesirable to ventilate on the floor of the Chamber now matters regarding which we shall have discussion with the Textile Commissioner, the motion is out of order.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, the discussion of this question will help the Hon'ble Minister in carrying on negotiations with the Textile Commissioner. So far as the Bengal quota is concerned, it is the Bengal Government which makes arrangement with the Central Government to ensure a proper supply of cloth for Bengal. I could not explain the position because the Hon'ble Minister was on his legs. However, my point is this: we in Bengal have been suffering for want of cloth and high prices of cloth. Now, every time we approach the Hon'ble the Civil Supplies Minister he says it is not a provincial subject but that it is a central subject. But, Sir, how can we approach the Government of India? As the Hon'ble Minister says, the Textile Commissioner is coming here. In my opinion, that is all the more reason why a discussion of this subject should be allowed. The Hon'ble Minister cannot possibly know what our grievances are unless he gives us a hearing.

The Hon'ble Mr. H. S. SUHRAWARDY: There seems to be a lamentable ignorance of the actual conditions relating to this problem. I do not think that any good would come out of the discussion in which the honourable members would participate. For instance, he talks about the price-level being high and also thinks that we can reduce the price-level. He ought to know that price is fixed by the Government of India under elaborate price-lists and the tex-mark is made in conformity with the price-lists. The Government of India are trying to reduce the price and they have been able to reduce the price progressively. We cannot fix a price which is below the price-level fixed by the Government of India. We have to purchase cloths from the Bombay mills at the price which is fixed by the Government of India. Secondly, it is not possible for us to fix a lower price-level. It shows that the honourable member knows nothing at all.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, may I draw your attention to the remarks made by Mr. S. C. Roy, Chairman of the Textile Committee——

Mr. PRESIDENT: I must be satisfied before I give my consent to your motion that the subject-matter of this motion is primarily the concern of the Provincial Government. Your motion raises more than one issue, namely, price-level, supply and distribution. Supply, I understand, is the concern of the Central Government. Price-level is also the concern of the Central Government and distribution probably, I speak here subject to correction, is the concern of the Local Government. So, the subject-matter of your motion is not primarily the concern of the Provincial Government. That is the difficulty regarding your motion.

Rai KESHAB CHANDRA BANERJEE Bahadur: If the Government of India fails to ensure regular supply, then is it not the duty of the Provincial Government to arrange for the supply?

Mr. PRESIDENT: That is a different question. I realise the importance of the point raised by you; but probably that grievance will have to be remedied by some other means not by moving an adjournment motion to adjourn the business of the House. An adjournment motion can be moved only according to the rules regarding such motions.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, the Government of India have placed certain restrictions on the supply of cloth. They have arranged that certain quantity of cloths will be made available to the consumers at reasonable price in a well-distributed manner. So, this cloth business is entirely in the hands of the Government of India. They have taken this power under certain Ordinances. So far as the Provincial Government is concerned, they can supply it but that does not make them primarily responsible for the situation complained of, because unless the primary responsibility is given to them you cannot say that the failure was due to the fault of the Provincial Government. Nobody agrees more with Rai Bahadur Keshab Chandra Banerjee than myself in thinking that there is an acute situation regarding cloth in Bengal. In the rules that are being made, either the Government of India has bungled or as my friend says, it has been made by the trade.

Rai KESHAB CHANDRA BANERJEE Bahadur: It is not a question of bungling. My point is this——

Mr. PRESIDENT: As I said, there is considerable force in what you say but you should note that your motion involves more than one issue; one concerns the Central Government and the other concerns the Local Government and primarily the Bengal Government are not concerned. So under section 98, I cannot allow it.

Rai KESHAB CHANDRA BANERJEE Bahadur: There is no denying the fact, as the Hon'ble Minister has pointed out, that so far as the Central Government are concerned, they are to maintain the price-level but what the adjournment motion really points to is——

Mr. PRESIDENT: Will you kindly try to reply to my objection that it involves more than one issue? The supply and fixing of prices is the concern of the Central Government, whereas distribution is the concern of the Local Government. How can you reconcile these two?

Rai KESHAB CHANDRA BANERJEE Bahadur: All that this adjournment motion wants is: examination on the part of the Local Government of the arrangement made by the Central Government to supply cloth to the people of Bengal. The adjournment motion does not want the Bengal Government to be responsible for the supply of cloth. The adjournment motion wants exertion on the part of the Civil Supplies Minister to take steps in the matter in order to ensure the supply of cloth.

Mr. PRESIDENT: You cannot adjourn the business of the House except for discussing a matter which is primarily the concern of the Local Government. The rules are very clear on the subject and I am afraid I must hold that this adjournment motion is not permissible.

Rai KESHAB CHANDRA BANERJEE Bahadur: Will you kindly permit me to make a statement tomorrow clearly setting forth the difficulties under which people——

Mr. PRESIDENT: This is not the normal procedure, Rai Bahadur. If you are really keen on this matter, you can put a short-notice question and if I find it in order, I shall certainly admit it and let the Hon'ble Minister make a statement if he likes.

Rai KESHAB CHANDRA BANERJEE Bahadur: Replies to short-notice questions will not bring us nearer to a solution of this problem.

Mr. PRESIDENT: What you want to say in moving the adjournment motion you can put in supplementary questions.

Rai KESHAB CHANDRA BANERJEE Bahadur: It is very difficult to elicit proper information by supplementary questions.

Mr. PRESIDENT: There is no use discussing this matter. You have been a member of the Legislature for a very long time and you know that private members are not allowed to make statements.

Rai KESHAB CHANDRA BANERJEE Bahadur: I stand corrected. It was a slip of tongue on my part to have used the word "statement". In fact, what I wanted to do is this. I wanted to move a motion so far as cloth is concerned——

Mr. PRESIDENT: That you can do under section 96.

Rai KESHAB CHANDRA BANERJEE Bahadur: I can do that if you permit me.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. Regarding my Special Motion the debate has not been concluded. When it is going to be concluded?

Mr. PRESIDENT: The debate will be resumed on Friday next.

Mr. LALIT CHANDRA DAS: Is it your wish, Sir, that on the non-official day also we shall sit from 2-15 to 6 p.m.?

Mr. PRESIDENT: As you like. If you wish to adjourn earlier, I have no objection.

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, on Friday we have to say our *Jumma* prayer.

Mr. PRESIDENT: We meet long after the *Jumma* prayer.

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, the time for *Jumma* prayer extends from 1 o'clock to 3 o'clock, and Government offices in the Writers' Buildings close from 1 o'clock to 3 o'clock.

Mr. PRESIDENT: I have yet to learn that the time for the *Jumma* prayer continues from 1 o'clock to 3 o'clock.

Khan Sahib Maulvi WAHIDUZZAMAN: I say that there is sufficient substance in my statement. But, if you fix the time of the *Jumma* prayer according to your own choice, certainly I am helpless.

Mr. YAKUB H. S. SATTAR: Sir, the *Jumma* prayer finishes at 1-30.

Mr. PRESIDENT: Order, order. The House will now resume further discussion of the Bengal Agricultural Income-tax Bill.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, yesterday I was referring to clause 17 of the Bill which refers to the tax which a company pays on behalf——

Mr. PRESIDENT: Mr. Mukherjee, I cannot follow you.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, there is so much *golmal* in the House, otherwise you could have followed me quite all right.

Mr. PRESIDENT: Order, order.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I was referring to clause 17 of the Bill which makes a provision for payment of tax on behalf of the share-holders of companies, firms or other association of individuals. In this connection we have further to note that in the Schedule to the Bill a provision has been made that a company, firm or other association of individuals has to pay two annas and six pies in the rupee. It is the maximum rate that is provided in the Schedule. Now, let us consider the clause itself which is now under discussion. Sub-clause (*1*) of clause 48 says as follows: "Notwithstanding anything in section 47, a share-holder of a company, a partner of a firm or a member of an association of individuals on whose behalf agricultural income-tax is by section 17 deemed to have been paid by such company, firm or association, shall be entitled to a refund of agricultural income-tax on account of any difference between the rate of agricultural income-tax applicable under this Act to the total agricultural income of such company, firm or association and the average rate which would be applicable to the total world income of such share-holder, partner or member if such total world income were agricultural income chargeable to agricultural income-tax under this Act."

I do not know what was the exact intention of the framers of the Bill but it seems that they want to grant refund on the basis of total world income to such share-holder. Now, what is the total world income referred to here? Is it the total world income under the Indian Income-tax Act, or total income which a share-holder has to pay under the United Kingdom Income-tax Act, with regard to which there is some reference in the other clauses of the Bill? There cannot be any doubt that so far as the total world income of such share-holder under the Indian Income-tax is concerned, the tax that he has paid under the Indian Income-tax Act is quite different from the total world income-tax which he is liable to pay under the United Kingdom Income-tax Act. So far as the United Kingdom Income-tax Act is concerned, we know that that tax is assessed on the basis of the income of an assessee after giving such assessee allowances on various heads as are mentioned in the British Income-tax Act, 1918, where we find provisions made for allowances from the total income in sections 9 to 16 of the Act. The rate is annually fixed and there is similar provision in subsequent statutes under the United Kingdom Income-tax Act. Now I do not know what the total world income is here referred to. Total world income has been defined in sub-clause 17 of clause 2, as the total world income as defined in the Indian Income-tax Act, 1922, the total agricultural income as defined in this Bill and again as the agricultural income derived from lands in British India excepting Bengal—these are the three incomes referred to in sub-clause (*17*) of clause 2. Naturally, when we find mention of the word total world income in clause 48, we have to go back to the definition of the total world income in that sub-clause. Here again, there is some difficulty. So far as total world income under the Indian Income-tax Act is concerned, we know that tea companies are given a certain percentage of their income by the Income-tax Act and certain other income under the Bengal Agricultural Income-tax Act; the proportion I believe is 60 per cent. and 40 per cent. respectively.

The present percentages, I believe, are 60 and 40. Now, in granting refund the total agricultural income chargeable to agricultural income under this Act would mean agricultural income-tax only. The total world income would mean the total income derived by the person from agricultural income derived from land in British India except Bengal. Here that is included. But that is not the tax under the Indian-tax Act, but it is a tax under some other provincial taxes, namely, the Bihar Agricultural Income-tax and the Assam Agricultural Income-tax. I would therefore submit that the clause as it stands does not clearly set out what the rate of refund would be and it would be larger than what the assessor would be entitled to get under the amendment of Khan Bahadur Naziruddin Ahmad. As a matter

of fact, we have been told in other clauses of the Bill that we are not concerned with the agricultural income-tax which a person has to pay with regard to land outside Bengal. Therefore, I submit that the amendment moved should be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, it is an amendment which, if accepted, would make the total agricultural income arising out of land in Bengal a basis for refund. That would be absurd. In fact, as was pointed out by my honourable friend Mr. Humayun Kabir last night, the acceptance of this amendment would practically mean acceptance of an amendment to delete the whole clause 48. I shall indicate the purpose of clause 48. This clause governs the question of refund to share-holders of a company, a partner of a firm or a member of an association of individuals and provides that this would be determined on the basis of their total world income. Such a provision is essential, as otherwise Government will have to refund to share-holders almost all they collect from the company on account of the artificial distinction made between agricultural and non-agricultural income—a distinction which is sought to be made by the Indian Income-tax Law. The Government have to take a compartmental view of a man's income. Such a compartmental view is not certainly inequitable nor wholly unreal. Sir, I oppose this amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 48 of the Bill, for the words "the total world income of such share-holder, partner or member if such total world income were agricultural income chargeable to agricultural income-tax under this Act" in lines 10 to 12, the words "total agricultural income arising out of land in Bengal" be substituted.

The motion being put, a division was challenged and taken with the following result:—

AYES—14.

Khan Bahadur N. Ahmad.	Alhadj Khan Bahadur Sk. Mohd. Jan.
Rai Bahadur K. C. Banerji.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. B. C. Datta.	Mr. A. D. Roy.
Mr. N. C. Datta.	Mr. S. N. Sanyal.
Mr. M. R. Jaipuria.	Khan Sahib Maulvi Wahiduzzaman.

NOES—24.

Khan Sahib F. Ahmad.	Mrs. K. D'Rozario.
Mr. M. Ahmed.	Mrs. L. P. Dutt.
Mr. N. Ahmed.	Khan Bahadur A. Gofran.
Mr. S. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. M. Hossain.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. M. Ali Chowdhury.	Khan Bahadur M. A. Momin.
Mr. H. Huq Chowdhury.	Khan Bahadur M. Rahman.
Khan Bahadur A. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. Mohd. H. Chowdhury.	Khan Bahadur M. Shamsuzzoha.
Mr. D. J. Cohen.	Dr. K. Talukdar.

Mr. PRESIDENT: Order,order. The House has divided. The "Ayes" being—14, and the "Noes"—24, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: that in sub-clause (*2*) of clause 48 of the Bill, for the words "if the Agricultural Income-tax Officer after such inquiry as he thinks necessary" in lines 6 and 7, the words "if after such inquiry as he thinks necessary the Agricultural Income-tax Officer is satisfied" be substituted.

Sir, I should like to have rearrangement of the clauses to strengthen the context.

Mr. PRESIDENT: Amendment moved: that in sub-clause (2) of clause 48 of the Bill, for the words "if the Agricultural Income-tax Officer after such inquiry as he thinks necessary" in lines 6 and 7, the words "if after such enquiry as he thinks necessary the Agricultural Income-tax Officer is satisfied" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I do not like the change in drafting and as the amendment would not improve the drafting, I would oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (2) of clause 48 of the Bill, for the words "if the Agricultural Income-tax Officer after such inquiry as he thinks necessary" in lines 6 and 7, the words "if after such inquiry as he thinks necessary the Agricultural Income-tax Officer is satisfied" be substituted.

The motion being put, a division was challenged and taken with the following result:—

AYES—11.

Khan Bahadur N. Ahmad.	Mr. H. D Majumdar.
Rai Bahadur K. C. Banerji.	Mr. N. N. Moholanabish.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. B. C. Datta.	Mr. S. N. Sanyal.
Mr. N. C. Datta.	Khan Sahib Maulvi Wahiduzzaman.
Alhadj Khan Bahadur Sk. Mohd. Jan.	

NOES—25.

Khan Sahib F. Ahmad.	Mrs. L. P. Dutt.
Mr. M. Ahmed.	Khan Bahadur A. Gofran.
Mr. N. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. S. Ahmed.	Mr. L. Hossain.
Khan Sahib N. Amin.	Mr. M. Hossain.
Khan Sahib A. Aziz.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Rahman.
Mr. Mohd. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Khan Bahadur M. Shamsuzzoha.
Mr. D. J. Cohen.	Dr. K. Talukdar.
Mrs. K. D'Rozario.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—11, and the "Noes"—25, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (3) of clause 48 of the Bill, for the words "total world income" in line 11, the words "total agricultural income arising out of land in Bengal" be substituted.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of order, Sir. When a member rises to speak, is it permissible for another member to cross the floor between the Chair and the member speaking?

Mr. PRESIDENT: No; under no circumstances should a member cross the floor.

Rai KESHAB CHANDRA BANERJEE Bahadur: Just now one honourable member crossed the floor when the Khan Bahadur was speaking.

Mr. PRESIDENT: Henceforth no honourable member should do so. Go on, Khan Bahadur Sahib.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the object of my amendment has been discussed in the course of debates on the previous amendments. There has been some amount of misunderstanding as to the idea of introducing world income in this clause. The maximum rate at which companies are taxed for agricultural income in Bengal is 30 pies in the rupee. It is a

universal rule that when we allow refund to a share-holder of a company, there is a difference between the company's maximum rate and the personal rate applicable to the assessee. I hope honourable members are familiar with these refunds. When a man receives a dividend, the maximum rate of tax is charged at the source. The usual practice in these cases is to attach the dividend warrant along with the income-tax return and the Income-tax Officer determines the assessee's total income including the dividend and finds out the rate applicable to his case and gives relief by refund or by adjustment. It, therefore, follows that the dividend of the individual share-holder is, by operation of the relief, taxed at the personal rate of the assessee. This wholesome universal rule is frustrated by this clause. The argument applies also to partners of firms and others.

Mr. PRESIDENT: Order, order. Mr. Chakraverti, members must not talk among themselves in that way. Yes, Khan Bahadur.

Khan Bahadur NAZIRUDDIN AHMAD: The Indian Income-tax Act does not include agricultural income arising in the provinces. But under the Bengal Agricultural Income-tax Bill "world income" is something more than world income under the Indian Income-tax Act. "World income" under the Bill is "world income" under the Central Act *plus* the provincial agricultural income. In reality, therefore, you are charging share-holders and partners a rate not depending on his agricultural income but on his agricultural as well as non-agricultural income. This is bad in principle. The Hon'ble Minister's reply to this argument would be that, if we accept the principle, large refunds will have to be made. There is no question as to whether large or small refund is to be made. The question is: whether the principle in the clause is in agreement with sound principle. Under the Indian Income-tax Act, the levy and refund depend on world income. But in Bengal, the levy will be on Bengal Agricultural income, while the refund will be on world income. In Bengal, the world income is used as a baffle wall to obstruct a legitimate refund. You cannot set up a novel standard for Bengal. The Bill seeks to tax people according to personal income arising out of agricultural income in Bengal. Having once laid down that standard for levying the tax, it is difficult to see on what principle the refund will be based on a composite provincial as well as foreign income. I think the refund should be based on the actual agricultural income of each assessee. The selection of two different standards—one for receiving and the other for refund—this anomaly is attempted to be cured by this amendment. The amendment seeks to introduce sheer justice and common sense. I think this should be fully appreciated before the amendment could be legitimately and reasonably opposed. With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*3*) of clause 48 of the Bill, for the words "total world income" in line 11, the words "total agricultural income arising out of land in Bengal" be substituted.

Mr. NAGENDRA NATH MOHOLANOBISH: I beg to support this amendment. The object of this sub-clause of clause 48 is to try to pay back as much less as is practicable under the circumstances. In ordinary income-tax law when a company pays a dividend and pays or undertakes to pay the tax, it grants a certificate to the share-holder saying that the tax on this amount at the highest rate has been paid or shall be paid by the company. On the production of the certificate by the share-holder at the time of his assessment he is allowed a rebate to the extent of the difference between his rate at which he himself is liable to be assessed and the rate at which the tax has been deducted at the source. Take for instance, a case in which a company has paid the tax at the highest rate, say, at 48 pice in the rupee and a particular assessee has been taxed at the rate of 12 pice in the rupee, then the difference between 48 pice and 12 pice, that is 36 pice, is to be refunded.

Now in this particular case, with regard to the Bengal Agricultural Income-tax we find that the provision that is sought to be made is that when a question of refund arises, the company concerned is taxed under the Bengal Agricultural Income-tax Act at the highest rate though the tax that is payable by the individual assessee on agricultural income may be nil or may be 6 or 8 pies. So far as the agricultural income-tax is concerned, he will not be allowed refund on that basis but in considering the refund to him the revenue authorities are to consider not only his agricultural income but also his total world income as defined in the definition clause so that all his world income is to be taken into account and then he will be given deduction on the difference between this average rate and the rate at which the company paid. That I submit is inequitable. When we consider this Agricultural Income-tax Act, we must give our consideration to the fact that this particular Act deals with only a particular item of income. It has got nothing to do with other incomes from other sources. It is a provincial tax and it is paid on a different basis and it has got nothing to do with the world income. Why bring in the world income? I submit that if you are charging agricultural income-tax to the company, what would have been the tax if I would have earned that income myself? That is the basis on which this refund should be granted. At the time of granting the refund you look to the other income. The gentleman may be earning lakhs and lakhs from other sources and for that he is paying tax separately; but he is getting the benefit of refund from other sources. I could not see what is the justification for the inclusion of this provision for bringing in an average rate of tax which he would be liable to pay on the basis of his world income. Sub-clause (*3*) reads: "The amount of any refund of agricultural income-tax due under the provisions of sub-section (*1*) shall be the product of the amount of agricultural income on which tax is deemed to have been paid by a company, firm or association of individuals and has been received by a share-holder, partner or member, as the case may be, and the difference between the rate of agricultural income-tax applicable to the total agricultural income of the said company, firm or association chargeable to agricultural income-tax under this Act, and the average rate of such tax applicable to an amount equivalent to the total world income of such share-holder, partner or ....."

I emphasize the word "product". Now, Sir, what is meant by the word "product" here and the "difference"? We understood that the product means the sum which is obtained by multiplication of two sums. But where are the two sums here of which the product is to be obtained. I may be wrong but I would like to be enlightened on the point. That is one item and the difference between the rate of agricultural income-tax applicable to the total agricultural income of the said company, firm or association chargeable to income-tax under this Act and the average rate of such tax applicable to an amount equivalent to the total world income of such share-holder, partner or member. I do not know what is actually meant by the word "product" here: whether it means the amount of agricultural income or the product of the agricultural income. I think, Sir, that it is extremely difficult to follow what is meant by the words "product of the amount of agricultural income". The company's rate and the average rate of the tax payable by the individual assessee on his world income, as has been rightly pointed out by the Khan Bahadur, the mover of this amendment, that at one place you are taking the agricultural income alone of the company and you are taking on the other hand the total world income of the assessee. Is it not unfair to compare and then to pay a refund on the difference of the agricultural income of the company and the total world income of the assessee? Now, here there is a substantial difference between the method adopted by the Indian Income-tax law and this law. Under the ordinary income-tax, they take the entire income into consideration on which a company pays tax and they give refund on the total income of the assessee. But, here, you take only the agricultural income of the company on which

the company pays the tax and you charge the assessee on the average rate of his total world income, and then you want to pay the difference. I therefore submit that it is most unjust and inequitable and the refund should be on the basis of the agricultural income of the assessee. It may happen that there are many assessees whose income from agriculture may not be at all assessable. So, I believe, Sir, that with a view to avoid these refunds this provision has been made and has been made most unjustly and so this amendment ought to be accepted.

Mr. HUMAYUN KABIR: Sir, I regret, I have to oppose the amendment of my honourable friend. Though I cannot congratulate the Hon'ble the Finance Minister for his drafting of this particular clause, I believe that the purport of the clause is, on the whole, all right. A lot of simple things, it seems to me, has been made unnecessarily difficult in this clause. The use of the word "product" which seemed to worry my honourable friend who has just sat down, has, I think, unnecessarily caused a good deal of confusion. In a way, this term "product" is inevitable if you want to find out the amount which will be refundable. You can find that out only by taking the actual world income and multiplying this figure by the rate which would apply to that income. The product of these two will determine for you the actual amount of money which will be refundable. Sir, from that point of view, the use of the term "product" is inevitable, but it seems to me that it has caused unnecessary confusion. If it had been simply stated in the draft that the refund will be governed by the difference between the rate at which the company actually pays and the rate at which the assessee would have paid if his total personal world income had been considered, that would have made the point clearer.

However, Sir, as I was submitting the use of the term "product" is almost inevitable in the form in which the thing has been drafted. I confess that I do agree with the remarks of my honourable friend who has just sat down that it is in fact not the intention of Government to make any refunds. As this sub-clause now stands, it really does not make any refund. On the whole, I am inclined to agree with the Government rather than with my honourable friend. This question of refund or the question of refusing a refund arises only after the level of income of Rs. 20,000 or more has been reached. Those who have a total world income of Rs. 20,000 or less will be entitled to some refund, because the rate for the agricultural income from companies is 2 annas and 6 pies in the rupee irrespective of the amount of income. Here also unnecessary confusion has been caused by the use of the term "total world income of a company". In the case of a company, there is no difference in the rate. Whether the agricultural income of a company is Rs. 5,000 or Rs. 5 lakhs, the rate in every case shall be 2 annas and 6 pies in the rupee, which is also the maximum in the case of an individual assessee. In the case of an individual assessee, the rate is two annas and 6 pies only for persons with an income above Rs. 20,000.

Mr. W. B. C. LAIDLAW: On a point of order, Sir. I would like to point out the fact that we decided in dealing with sub-clause (*1*) that the refund should be based on the total world income. Had we decided otherwise, the amendment which we are now dealing with would have been necessary as a consequential amendment; but as matters stand it appears to me that we have already gone into the whole arrangement as to whether it should be on the agricultural income only or should include the total world income. There is, therefore, no necessity to cover the same ground again in connection with sub-clause (*3*) which merely deals with the machinery for effecting what is required under sub-clause (*1*). That being so, I do not see the point of going over the whole point again for what is really or would have been a consequential amendment.

Mr. PRESIDENT: I think you are right, Mr. Laidlaw.

Khan Bahadur NAZIRUDDIN AHMAD: May I speak on this point of order, Sir? The question is not for a point of order being raised as

has been done by Mr. Laidlaw. It attempts to show some amount of repugnancy. When I raised a point of order and wanted to remove repugnancy—you, Sir, held, and I submit respectfully, rightly held, that the question of repugnancy was not a point of order but a question of merit and further that it was always a matter which could be discussed and voted upon. It is quite conceivable that one amendment may be inconsistent with another. We have not decided that yet. A certain proposition may not be consistent in one context but the question is: whether we cannot insert that very thing in another context. There may be repugnancy or inconsistency but that is another matter.

Mr. NAGENDRA NATH MOHOLANOBISH: If you will kindly refer to amendment No. 326 and compare it with No. 327, you will find, Sir, that these are two different matters.

Mr. HUMAYUN KABIR: There is one further point to be considered in connection with this point of order. Sub-clause (*1*) of clause 48 deals with the maximum amount of money that may be refunded. We have decided only the principle but when you set up the machinery and determine the actual sum to be refunded, variations may be made. If the refund exceeds a certain amount, it should not be conceded as in sub-clause (*1*) there would be grave repugnancy. If it can be kept within that amount, then of course there is no harm.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Yes, the House has accepted the total world income as the basis of refund. No doubt about it. So I think there is much force in the point of order of Mr. Laidlaw.

Mr. PRESIDENT: I think the point of order raised by Mr. Laidlaw is quite correct. Here the wording is this: ".....firm or association shall be entitled to a refund of agricultural income-tax on account of any difference between the rate of agricultural income-tax applicable under this Act to the total agricultural income of such company, firm or association and the average rate which would be applicable to the total world income of such share-holder....." That makes it quite clear. So I am afraid, having accepted that principle, this amendment is not in order. In this connection, I would refer to sub-rule (*4*) of rule 43 where it is laid down——

> "An amendment on a question must not be inconsistent with the previous decision on the same question given at the same stage of any Bill or motion".

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: that in sub-clause (*4*) of clause 48 of the Bill, for the words and inverted commas "Average rate" in line 1, the words and inverted commas "The expression 'average rate' " be substituted.

Sir, it is in the interest of good grammar, that I have suggested this amendment.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*4*) of clause 48 of the Bill, for the words and inverted commas "Average rate" in line 1, the words and inverted commas "The expression 'average rate' " be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*4*) of clause 48 of the Bill, for the words and inverted commas " 'Average rate' " in line 1, the words and inverted commas "The expression 'average rate' " be substituted.

The motion being put, a division was called and taken with the following result:—

AYES—11.

Khan Bahadur N. Ahmad.	Mr. H. D. Majumdar.
Rai Bahadur K. C. Banerji.	Mr. N. N. Mohalanabish.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. B. C. Datta.	Rai Sahib J. N. Ray.
Mr. N. C. Datta.	Khan Sahib Maulvi Wahiduzzaman.
Mr. H. Kabir.	

NOES—23.

Khan Sahib F. Ahmad.	Mrs. L. P. Dutt.
Mr. M. Ahmed.	Khan Bahadur A. Gofran.
Mr. N. Ahmed.	Hon'ble Khan Bahadur S. M. Hosain.
Mr. S. Ahmed.	Mr. L. Hossain.
Khan Sahib N. Amin.	Mr. W. B. G. Laidlaw.
Khan Sahib A. Aziz.	Khan Sahib Subidali Mollah.
Mr. D. L. Barua.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Rahman.
Mr. Mohd. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Khan Bahadur M. Shamsuzzoha.
Mr. D. J. Cohen.	Dr. K. Talukdar.
Mrs. K. D'Rozario.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—11, and the "Noes"—23, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: that sub-clause (*4*) in clause 48 of the Bill be omitted.

With regard to this, we find the average rate linked with total world income. We have accepted that the total world income would be the standard and I submit that for reasons which I have already given, this clause should be deleted.

Mr. PRESIDENT: Amendment moved: that sub-clause (*4*) in clause 48 of the Bill be omitted.

Mr. LALIT CHANDRA DAS: Sir, I would like to support this amendment. An attempt has been made to explain "average rate" in this way:—

> "'Average rate' in sub-section (*3*) means the rate obtained by dividing the amount of agricultural income-tax which would be payable by assessee in the year of assessment if his total world income in the previous year were agricultural income chargeable to agricultural income-tax at the rates applicable under this Act by the said total world income."

It seems to me that it would be better if this sub-clause be omitted, for there is an indication as to what the average rate would be in sub-clause (*1*) of section 48, which would make it confusing.

Mr. HUMAYUN KABIR: Sir, I also support this amendment. Already in sub-clauses (*1*) and (*3*) we have made references to the world income. In the Schedule, it has also been laid down that the maximum rate would be 2 annas and 6 pies in the rupee. Therefore, why attempt to find a new rate here which may be different from that rate. In sub-clause 40, the rate is sought to be determined by dividing the amount of tax by the total world income. I submit this would invariably give the figure 2 annas and 6 pies in the rupee. I take it, Sir, that persons below the income of Rs. 20,000 can rarely have any world income. The question of world income comes only in respect of people with fairly high income and they will come under this higher rate.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I submit that a definition of the expression "average rate" is very necessary and the expression "average rate" is necessary in view of the slab system adopted in this

Bill. According to the slab system, different rates apply to different slabs of income. Hence there is no one particular rate applicable to the whole of the income and that is why it has been necessary to introduce the idea of average rate and to define what we mean by it.

Mr. PRESIDENT: The question before the House is: that sub-clause (*4*) in clause 48 of the Bill be omitted.

The motion being put, a division was challenged and taken with the following result:—

AYES—8.

Khan Bahadur N. Ahmad.	Mr. N. N. Moholanabish.
Mr. S. C. Chakraverti.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Rai Sahib J. N. Ray.
Mr. B. C. Datta.	Khan Sahib Maulvi Wahiduzzaman.

NOES—24.

Khan Sahib F. Ahmad.	Mrs. K. D'Rozario.
Mr. M. Ahmed.	Mrs. L. P. Dutt.
Mr. N. Ahmed.	Khan Bahadur A. Gofran.
Mr. S. A. Ahmed.	Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. W. B. G. Laidlaw.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Rahman.
Mr. Mohd. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Khan Bahadur M. Shamsuzzoha.
Mr. D. J. Cohen.	Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—8, and the "Noes"—24, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: that sub-clause (*5*) of clause 48 of the Bill be omitted.

This question has been sufficiently discussed. The omission of this sub-clause would make the meaning of "World income" under the Central Act and the Bengal Bill uniform. The Bengal standard is higher and should at least be reduced to the level of the Central Act. I have already adverted to the disadvantage or rather the injustice of accepting one standard for receiving a tax and another standard for giving it back. I submit that the deletion of the sub-clause will avoid a great deal of anomaly.

Mr. PRESIDENT: Amendment moved: that sub-clause (*5*) of clause 48 of the Bill be deleted.

Mr. HUMAYUN KABIR: I rise to oppose the amendment moved by my friend Khan Bahadur Naziruddin Ahmad, for I think that his purpose is to exclude for the computation of the tax agricultural income derived from outside Bengal. As I understand it if this amendment were carried, the only difference would be that agricultural income derived from land outside Bengal should not be taken into account. So far as other elements are concerned, they would be governed in terms of the Indian Income-tax Act. Since in the Indian Income-tax Act, there is no provision whatever for considering any income derived from agriculture, the result of this amendment would be that the amount of money which would be covered by paragraph (*b*) of sub-clause (*5*) would be left out of account. Now, as I have stated earlier also, since this question of total world income would arise only in the case of a few persons, persons who are able to pay the tax, I do not see any special point in making special concessions in their case. The principle of all taxation should be that people should be taxed according to their capacity. Those who have the capacity of paying the tax, should be compelled to pay up to the maximum. Those who are unable to pay the tax should as far as possible be excluded. I would be in favour of raising the lower limit as I think the limit is quite adequate under the Indian

Income-tax Act. In fact, the limit laid down in the Indian Income-tax Act is too low. Under the Indian Income-tax Act, the limit is Rs. 2,000. In the case of higher incomes, incomes of Rs. 20,000 and over, I do not see any reason why there should be any special concession. Even in the present Bill, those who are earning more than Rs. 20,000 pay 2 annas 6 pies, which I think is too low. In the case of income of Rs. 20,000 or more, there is no reason why the rate of tax should not be higher. I would ask my friends to the left, I mean members of the European Party, to tell us what is the rate of tax on income of Rs. 20,000 and over in England. These are the general grounds, Sir, on which I am opposed to this amendment.

Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment not exactly on the ground advanced by my honourable and learned friend Mr. Humayun Kabir, but because I consider that sub-clause (*5*) is essential for the working of the provisions of clause 48 which the House has already accepted.

Mr. PRESIDENT: The question before the House is: that sub-clause (*5*) in clause 48 of the Bill be omitted.

The motion being put, a division was challenged and taken with the following result:—

AYES—6.

Khan Bahadur N. Ahmad.	**Mr. N. N. Moholanabish.**
Mr. L. C. Das.	**Mr. B. C. Mukherji.**
Mr. B. C. Datta.	**Khan Sahib Maulvi Wahiduzzaman.**

NOES—24.

Khan Sahib F. Ahmad.	**Mrs. K. D'Rozario.**
Mr. M. Ahmed.	**Mrs. L. P. Dutt.**
Mr. N. Ahmed.	**Khan Bahadur A. Gofran.**
Mr. S. Ahmed.	**Hon'ble Khan Bahadur S. M. Hosain.**
Khan Sahib N. Amin.	**Mr. L. Hossain.**
Khan Sahib A. Aziz.	**Mr. W. B. G. Laidlaw.**
Mr. D. L. Barua.	**Khan Sahib Subidali Mollah.**
Mr. H. Huq Chowdhury.	**Khan Bahadur M. A. Momin.**
Khan Bahadur A. H. Chowdhury.	**Khan Bahadur M. Rahman.**
Mr. Mohd. H. Chowdhury.	**Mr. Yakub H. S. Sattar.**
Mr. C. E. Clarke.	**Khan Bahadur M. Shamsuzzoha.**
Mr. D. J. Cohen.	**Dr. K. Talukdar.**

Mr. PRESIDENT: Order order. The House has divided. The "Ayes" being—6, and the "Noes"—24, the amendment is negatived.

Khan Bahadur M. A. MOMIN: Sir, before you take up the next amendment, may I make a submission? This is with regard to the manner in which our progress is being hampered. I have nothing to complain against the discussion on amendments. We drew your attention on a previous occasion to the fact that we are anxious that this Bill should be passed or finished before the month of Ramzan. If we have to sit during that month, it would be very inconvenient to some mufassil members. We expected that by increasing the time for discussion we will make a fair amount of progress and we also expected that probably we would finish sooner. Now we find that we have not achieved much progress and from the manner in which we are going on, I am afraid, that probably we may have to continue the whole month of Ramzan. If this delay was due to real debate and discussion, I would not mind. In view of the results of the divisions, I dare say all the members of the House clearly realise what these divisions are meant for. We may be excused for saying that most of them are deliberately frivolous. In the circumstances, Sir, I would request you to take any steps that you may deem proper so that the work may progress more fairly than it has been in the past. Particularly, it has become a regular harassment for members of the Council to have to attend for 3 or 4 hours everyday leaving their other works. There are two alternatives so far as I can see. Firstly, that we should try the experiment of

a whole night sitting, if it is necessary. That will no doubt be a drastic remedy; but a drastic disease requires drastic remedy and therefore we must allow more time to the discussion and finish the work as quickly as possible. Nobody can say that sitting whole night will be very comfortable but when duty requires it, I think we should not hesitate to take that trouble and put up with the inconvenience.

The other remedy which I would propose is a change of the rules by which it is required that in every case we should go and record our votes on a division being called, when we know that the disparity in the votes recorded by both sides is enormous. It might be possible for the President to find out the opinion of the House by show of hands. If that requires a change of rules, they must be changed. We have found now that the rules are operating very harshly on reasonable people. Therefore, my most humble request to you is that you should take whatever steps you deem proper to change the rules not only for this occasion but for all occasions to prevent harassment to members. My first submission to you is that we should sit longer hours and if necessary to have whole night sittings for as many days as may be required to finish this Bill; and secondly, to change the rules as quickly as possible.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I support my honourable friend Khan Bahadur Abdul Momin. I suggest that we try an experiment this evening and see how much longer we can sit——

Khan Sahib Maulvi WAHIDUZZAMAN: We are not prepared to sit longer hours——

Mr. PRESIDENT: Order, order.

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, we regret to find that we are always interrupted whenever we rise to speak in order to ventilate our grievances, whereas you always allow the Hon'ble Minister to speak uninterrupted, because they are Hon'ble Ministers. This is a question of facilities for all members, both Government members and Opposition members——

Mr. PRESIDENT: Khan Sahib, will you please take your seat? You have no right to make such observations. Members of the Opposition are given sufficient opportunities to ventilate their grievances.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I repeat my suggestion that we try an experiment this very evening, and let us see what progress we can make by sitting longer hours, because this Bill will have to be gone through as quickly as possible. I think an enormous amount of time is being wasted on divisions.

Mr. PRESIDENT: May I have the views of the Opposition?

Mr. LALIT CHANDRA DAS: Sir, the difficulty is the creation of the Hon'ble the Finance Minister himself, and it is also the creation of the members of the Government Party. The Hon'ble Minister at the very beginning directed the members of the Government Party to see that the Bill is passed through without change even of a comma. That, Sir, is a very serious point.

Then, Sir, there were as many as 500 amendments to the Bill and out of this number we have gone through 332 amendments; and in the course of these days, our duty was not confined only to deal with the provisions of this measure but to other duties also, namely, we had to ventilate the grievances of the whole of the province and on that account we have had to move adjournment motions and we have also had to move Special

Motions. In fact, the time of the House was very profitably spent. Moreover, it is a taxation measure and as such it cannot be rushed through with undue haste. Therefore, we could not go through as speedily as we thought we would be able to go through. But for these events this Bill would have been over by this time. But now we have really made very good progress. There is ahead of us only clause 49 which is a very important clause and after that there will be a sweep through down to clause 66 and the whole Bill will be over.

We are used to sit for two hours only. Sir, we remember the time when for only 5 clauses or 8 clauses of the Bengal Rural Primary Education (Amendment) Bill the Hon'ble Minister opposite, now the Leader of the House, kept us sitting for 30 days working for two hours a day. But here, Sir, we have doubled our working hours and instead of sitting for two hours we had been experimenting with a sitting of three hours for some days and now we are making an experiment with four hours. That is the experiment which is going on for three days but actually for one day only. On Monday we could not sit because a member of the House had died. On another occasion but outside this present scheme of 4 hours, another member had died and the House could not sit. Then this experiment was tried for holding a sitting for four hours and it may be said that this experiment has only begun today. If you go on with this trial at least till the next week then I think we shall be able to finish the business. If not, then only will the question of night sittings arise.

Mr. PRESIDENT: That will do. I do not think any further discussion on this point is necessary. I have heard the views both of the Opposition and of the Government side.

As regards your suggestion, Khan Bahadur, that the rules of the House should be changed, the Chair may do so but I do not think it would be fair to do so in the midst of discussion of such an important measure. So, that suggestion is ruled out. The duty of the Upper House is to revise any measure that is passed by the Lower House. This House is a revising Chamber and necessarily its function is to delay matters to some extent. It is therefore a delaying Chamber too. You cannot leave out that fact. But at the same time we must proceed with our business. I quite appreciate the suggestion of Khan Bahadur Momin that we must try to dispose of our work as quickly as possible without making unnecessary waste of time. That is the point which I would request members on both sides of the House to remember—there should not be any unnecessary waste of time. We have agreed to sit for four hours daily, that is we have doubled our sitting hours. And we should take full advantage of the longer sittings. I am inclined to agree with Mr. Lalit Chandra Das for the time being that the longer sitting has been tried only for two days; so let us see what progress we make and after some time, after sitting for a few days more, I shall review it and if necessary we shall sit for longer hours still or sit all-night, whatever course may be decided upon; but for the time being I hope there should be give-and-take on both sides. I quite appreciate the objection raised by the Opposition that the Government are not accepting any of their amendments and the Opposition take it as a grievance. Naturally, therefore, there is some amount of tension of feeling: but I hope that this tension of feeling will die out and both sides of the House will apply their minds to the business before the House and try to speed up the progress of the Bill. This is the appeal I make to the House. Let us proceed with the business and if after a few days we find that longer sittings are necessary we shall have to consider that matter further. (Khan Bahadur M. A. MOMIN: Only if the Opposition do not call unnecessary divisions.) Well, on that point it is the privilege of the Opposition to call divisions but whether they are necessary or unnecessary it is not for the Chair to make any remarks on it.

Khan Sahib Maulvi WAHIDUZZAMAN: May I say——

Mr. PRESIDENT: Order, order. The matter has been sufficiently discussed.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that the Explanation at the end of clause 48 of the Bill be omitted.

Sir, the Explanation says "a certified copy of an order computing the total world income under the Indian Income-tax Act, 1922, shall be conclusive evidence of the contents thereof". The omission of the explanation will remove the rigours of the law. So far as the determination of agricultural income in the case of tea is concerned, the Indian Income-tax authorities has the last say in the matter. But under the sub-clause, they would not be the final authority. In fact, the Agricultural Income-tax Officer may override the decision. The fact is that we have now laid down a "world" standard. When we are not tied down to the world standard as determined by the Indian Income-tax Act, it becomes a matter of allocation of agricultural income and manufacturing income so far as this matter is concerned. In the circumstances, the rigour of the law should be softened. With these words, I submit that the amendment should be accepted

Sir, may I in this connection submit that it has always been my anxiety to put matters briefly but thoroughly. I have tried to be concise and delay for its own sake has never been my object But the Council is a revising Chamber and it is also a delaying Chamber and some amount of latitude should be given to the members. There may be some amount of occasional irritation here and there, but, considering the importance and the size of the Bill and the Government's wholesale opposition, it must be agreed that there has been no unreasonable delay In the House of Commons in the 19th century a small Bill was fought word for word and inch by inch and the discussion went on for eight months. In the meantime, a slight heat once resulted in a hand-to-hand general fight in which Gladstone himself was involved. I hope we have not reached that standard. The good humour for which this House is justly famous, is generally maintained. If there is a little irritation here and there, it adds the necessary sauce to the debate and is, on the whole, tolerable and quite enjoyable. The greatest irritating factor on the side of the Opposition is this: the Government side do not open their lips. It is only by free debate that the Government party can ensure continuous good feeling and good humour in the House.

Mr. PRESIDENT: That is all right, Khan Bahadur, that is enough.

Khan Bahadur NAZIRUDDIN AHMAD: With these words, Sir, I submit my amendment for the consideration of the House.

Mr. PRESIDENT: Amendment moved: that the Explanation at the end of clause 48 of the Bill be omitted.

Mr. LALIT CHANDRA DAS: Sir, I rise to support the amendment of my friend Khan Bahadur Naziruddin Ahmad. The Explanation runs thus: "A certified copy of an order computing the total world income under the Indian Income-tax Act, 1922, shall be conclusive evidence of the contents thereof". Sub-clauses 5(*a*) and (*b*) lay down the manner in which the total world income shall be computed—it lays down the rule how to compute the agricultural income which is derived outside Bengal. Then, our process which is laid down may not be on all fours with the process that will be adopted by an officer appointed under the Indian Income-tax Act of 1922. Therefore, I say a certified copy of an order computing the total world income under the Indian Income-tax Act, 1922, should not be given a conclusive character in its evidence. It should not be made conclusive. For rules that the Bengal Government would make for the purpose of calculating the total world income as well as agricultural income to

be derived from lands outside Bengal may be such that computation by our officer may be necessary. With these few words, I support the amendment of Khan Bahadur Naziruddin Ahmad.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I beg to suppoort the amendment. I find that this explanation is absolutely unnecessary. In the first place, although it is introduced as an explanation, I do not know what it really explains. It is really a truism to say that a certified copy of an order computing the total world income under the Indian Income-tax Act, 1922, shall be conclusive evidence of the contents thereof. A certified copy of the Income-tax Department is certainly a conclusive evidence. Therefore, this explanation is really a misnomer. The section does not say anything which requires explanation. It seems to me and I have a shrewd suspicion that it is intended to force the assessee to produce certificate from the Income-tax Department with a view to ascertain what is his total world income under the Indian Income-tax Act; but as a matter of fact when the Bengal Agricultural Income-tax Officer is going to assess a particular individual it would be his duty to obtain the necessary information. Otherwise, it would be impossible for an assessee to get this information. Moreover, it would be oppressive to the assessee. Those who are in any way connected with the Indian Income-tax office and those who have been fortunate or unfortunate enough to be assessed, know how difficult it is to obtain a certified copy from the Income-tax Department. The officer will say: "You just supply your world income return and unless you do that, I cannot proceed." Then the person will have to run to the office for a month or two. In the meantime, the officer would ask for explanation as to why the assessee has not been able to comply with this order. Instead of this, Government should by an executive order or instruction get the return of the assessee or the order from the Income-tax Department. I think that would serve the purpose very well. It is not a question of producing a certified copy of that order. As regards the question of conclusiveness of that order, I think it does not require any argument or statement in order to make that order conclusive, so far as the total world income under the Income-tax Act is concerned,—it is to this extent unnecessary. So my apprehension is that under the guise of this explanation the Bengal Agricultural Income-tax Officer might force the assessee to produce certified copies. It is better to omit this explanation. It will not affect the business of assessment On the other hand, if they can obtain the information from the department, I think that will facilitate matters for quick disposal.

Rai KESHAB CHANDRA BANERJEE Bahadur: I rise to support the amendment. I do not think I can add very much to the arguments already put forward by the previous speakers. But one thing in this connection may perhaps be usefully referred to. I am referring to the illegal gratification that the assessees will have to pay to the ministerial officers of the Income-tax Department for the purpose of obtaining a certified copy. Why this unnecessary expenditure? Everybody is aware of the difficulties one has to experience now-a-days in getting any work done in the Government offices of this province, particularly in the mufassil offices, such as, the District Judge's office, Collectorate, etc. Sub-clauses (5) (*a*) and (*b*) of section 48 are clear enough. Sub-clause (5) (*a*) says: "where the total world income of an assessee under the Indian Income-tax Act, 1922, has been computed for the purposes of that Act, that computation shall be accepted as determining the total world income under that Act for the purposes of this Act and if such a computation has not been made the total world income of an assessee under that Act shall be computed in the manner prescribed."

So I do not think the explanation is really necessary. It is redundant and it will be a cause of unnecessary harassment to many assessees. So, I support the amendment.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I want to speak a few words in support of the amendment that has been moved by Khan Bahadur Naziruddin Ahmad. Now, the explanation under sub-clause (5) is as follows:—

> "A certified copy of an order computing the total world income under the Indian Income-tax Act, 1922, shall be conclusive evidence of the contents thereof."

If we look to this explanation and look to sub-clause (5) (*a*), we find:—

> "Where the total world income of an assessee under the Indian Income-tax Act, 1922, has been computed for the purposes of that Act, that computation shall be accepted as determining the total world income under that Act for the purposes of this Act and if such a computation has not been made the total world income of an assessee under that Act shall be computed in the manner prescribed."

I submit Sir, that, it is only in pursuance of an order passed by the Income-tax Authorities that the total world income is computed under the Indian Income-tax Act, 1922, and the assessee gets a notice stating clearly the amount at which the tax has been assessed under the Indian Income-tax Act, 1922. I do not understand, Sir, why after this it is again provided in the "Explanation" that "a certified copy of an order computing the total world income under the Indian Income-tax Act, 1922, shall be conclusive evidence of the contents thereof." They want that an order also is to be produced before the Income-tax Authorities will be satisfied as to the amount to be paid. I submit, Sir, that the return or the notice which the Indian Income-tax Authorities serve upon the assessees should be sufficient and sub-clause (*a*) states "that computation shall be accepted as determining the total world income" This is a mandatary provision and it is a proof of what the assessment is Therefore, I submit, Sir, that this "Explanation" is totally unnecessary We all know that in Bills we ought to avoid unnecessary clauses.

Then, Sir, I would like to refer to another very important matter which was also referred to in connection with the amendment moved by Khan Bahadur Naziruddin Ahmad to clause 25 of the Bill. Now, Sir, let us consider clause 25 of the Bill for a moment. I am now pointing out that there is repugnancy in the clause and so this repugnancy ought to be removed by accepting the amendment that has been moved by the Khan Bahadur. In clause 25(*1*) the provision is as follows:—

> "If the Agricultural Income-tax Officer is satisfied without requiring the presence of the assessee or the production by him of any evidence that a return made under section 24 is correct and complete, he shall assess the total agricultural income of the assessee, and shall determine the sum payable by him on the basis of such return."

There was some misapprehension, Sir, when we were moving and supporting amendments to clause 25 where also reference is made to "a certified copy of an assessment order under the Indian Income-tax Act, 1922." This repugnancy ought to be removed. If we refer to section 25 (*4*) we will find that Income-tax Authorities are authorised to make an enquiry irrespective of the fact that he had produced a certified copy of an order of assessment under the Indian Income-tax Act, and this sub-clause (*4*) of clause 25 runs in this way:—

> "The powers conferred by sub-sections (*2*) and (*3*) shall not except with the permission of the Commissioner be exercised by the Agricultural Income-tax Officer in the case of agricultural income which is assessed under the provisions of sub-section (*2*) of section 8 and

regarding which an assessee has submitted together with his return under section 24 a certified copy of an assessment order under the Indian Income-tax Act, 1922."

Now, here the provision is made that in spite of the fact that an assessee produces a certified copy of the order of assessment under the Indian Income-tax Act, 1922, the Commissioner of Income-tax may still permit the Agricultural Income-tax Officer to scrutinise the figures and to arrive at a different figure from that which is indicated in that certificate. It was sought to be explained by clause 8(*3*) where also reference is made to "a certified copy of an order of an assessment under the Indian Income-tax Act, 1922": and it was said that clause 25 only provided for the machinery of assessment. As a matter of fact, clause 25(*1*) makes provision for an order of assessment; and the procedure described under clause 25, sub-sections (*2*) and (*3*), do not form a substantive part of the authority of the Income-tax Officer to assess. That power is given under clause 25(*1*). If you refer now to clause 8(*3*), you will find the words "for the purpose of the assessment of agricultural income-tax under this section or any rule made thereunder a certified copy of an order of an assessment under the Indian Income-tax Act, 1922"—I leave out here other portions which are not relevant—"shall be conclusive evidence of the contents of such order". Now, Sir, I would submit that as long as you retain clause 25(*4*) which has been accepted by the House, I think the amendment moved by the Khan Bahadur ought to be accepted; otherwise, there will be inconsistency because when you are determining the tax and passing an order of assessing the tax upon an assessee under clause 25(*1*) and under this relevant clause, namely, clause 48, you have to determine the question of refund. It was being said that the order of the Indian Income-tax Authorities shall be conclusive evidence. Therefore, it is clear that for the purpose of an order of assessment you adopt one principle, but when you are refunding the tax which has already been paid by companies or by an association of persons on behalf of others, there you make an order under the Indian Income-tax Act. I submit that the two would be repugnant to each other and should not be allowed to remain. The offending clause is clause 25(*4*) and I submit that the Explanation which is incorporated is in the first instance unnecessary and in the second place it introduces a clause which is repugnant to sub-clause (*4*) of clause 25. Having kept sub-clause (*4*) of clause 25, this Explanation should go *ipso facto*.

Mr. HUMAYUN KABIR: Sir, some of my honourable friends have supported the amendment on the ground that the Explanation is unnecessary and repugnant to some of the other provisions of the Bill. I support the amendment for a different reason—for the simple reason that it unnecessarily puts the onus on the assesssee. The Government is certainly entitled to realise the tax from those who are assessable to the tax, but why—instead of a departmental arrangement with the Central Government by which the necessary figures might be obtained from the Indian Income-tax office—why is it that the assessee should be forced to submit a statement of accounts himself? In other words, my contention is that this Explanation is undesirable as it puts the onus upon the person assessed. Of course, there is nothing in the Explanation that he will have to submit to such an order of computation. But when it is said that the order computing the total world income will be regarded as conclusive evidence, the suggestion is that when a person wants any exemption or any reconsideration of the rate of the tax to which he had been actually assessed, he would have to produce such evidence.

Now, Sir, as you are aware, in the case of a certain type of income, returns have hardly to be made at all. Those who have fixed salaries—and the Hon'ble Finance Minister, so far as his income as Minister is concerned, will bear me witness in this respect—they have to submit no return. The deduction of the tax is made at the source. The income is known to the

Income-tax Department and without any trouble whatsoever, this tax is deducted. On the other hand, my friends to the left, I mean the European Party, who belong to commercial or industrial concerns—they are put to difficulties because the onus to submit the return lies with them. Even with the most careful calculations and accounting, and even with a very good type of management, they often fail to convince the Income-tax Officer. At least, that is what I have been told by persons who are concerned with industrial and commercial firms, as I have no personal knowledge about the return of a commercial or industrial concern. In the case of a private individual with a fixed salary, the tax is deducted at the source. It is an unnecessary imposition upon him if he is asked to submit a return. In such cases, figures are with the Government Income-tax Department.

I do not understand why the Agricultural Income-tax Department should not obtain the figures from the Indian Income-tax Department in similar cases. They can easily obtain the figures and as some members have already suggested, it is easier for Government to get these figures by inter-departmental arrangement than for private individuals to get these figures. I know, Sir, that to get a certified copy of a document or any papers from the Government, a private person has often to wait for a long time. Moreover, this would result in congestion of work to the ministerial officers concerned. Therefore, my submission is that the explanation should be omitted, because the existence of the explanation would tend to put the onus for submission of evidence on the assessee. This can be avoided if Bengal Government by mutual arrangement obtain the figures from the Government of India.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I do not see how it imposes an extra burden on the assessees in spite of the very learned speeches I heard this evening. I think it is entirely conducive to the convenience of the assessee.

Mr. PRESIDENT: The question before the House is: that the Explanation at the end of clause 48 be omitted.

The motion being put, a division was challenged and taken with the following result:—

AYES—9.

Khan Bahadur N. Ahmad.	Mr. H. D. Majumdar.
Rai Bahadur K. C. Banerji.	Mr. N. N. Moholanabish.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. B. C. Datta.	Khan Sahib Maulvi Wahiduzzaman.
Mr. H. Kabir.	

NOES—22.

Khan Sahib F. Ahmad.	Mrs. K. D'Rozario.
Mr. M. Ahmed.	Mrs. L. P. Dutt.
Mr. N. Ahmed.	Khan Bahadur A. Gofran.
Mr. S. Ahmed.	Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib A. Aziz.	Mr. L. Hossain.
Mr. D. L. Barua.	Mr. W. B. G. Laidlaw.
Mr. M. Ali Chowdhury.	Khan Sahib Subidali Mollah.
Mr. H. Huq Chowdhury.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Rahman.
Mr. C. E. Clarke.	Mr. Yakub H. S. Sattar.
Mr. D. J. Cohen.	Khan Bahadur M. Shamsuzzoha.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—9, and the "Noes"—22, the amendment is negatived.

Mr. HUMAYUN KABIR: I would like to speak on clause 48 as a whole before you put that to the vote. Sir, with regard to clause 48, the amendment which was moved by Khan Bahadur Nazirudd*i*n Ahmad was in my opinion, rightly negatived by the House. In this particular case, I find

myself in agreement with the Hon'ble Finance Minister, but there is one particular feature to which I want to draw his attention. The question to which I want to refer concerns particularly the European members of this House. Perhaps in anticipation of what I was going to say and which might not be quite palatable to them, they have left the House. I am glad to find the Leader of the European Party has just come in, because the remarks which I am going to make refer specially to them. I would congratulate them for their self-denying ordinance. The amendment which was moved by Khan Bahadur Naziruddin Ahmad concerned them primarily. I was opposed to it because the amendment wanted to change the Bill-clause which provides refunds to an assessee by taking into consideration his total world income. The total world income would obviously be greater than the total agricultural income of the assessee derived from land within Bengal, or income derived from any bonuses that they might obtain from any company or partnership or association which holds land in Bengal. Now, Sir, if the total agricultural income of the individual were alone considered, the rate of tax would be lower, whereas the rate of tax for any firm or association or partnership is the highest which we have under the present Act. Therefore, if instead of the total world income, the total agricultural income had been computed, the relief which would have been secured to the assessee would have been greater. Therefore, I compliment the European Party on their willingness to forego part of the refund which they might otherwise have obtained. When the Khan Bahadur Sahib first moved his amendment, I thought that the European Group would be trooping behind him. I thought they would forget their allegiance to the Government and follow Khan Bahadur Naziruddin Ahmad in his attempt to give protection to the interests of the class which the members of the European Party represent.

Now, Sir, my position generally has been that relief should be greater in the case of the lower scales of income. Section 48 only provides for refund in cases where in my opinion such relief is not necessary. Persons who have total world incomes are not normally persons who in Bengal could be regarded as either poor or economically in a weak position. It is only persons with a very high level of income who can be expected to have world incomes. Therefore, this is giving relief only to a certain class of assessees—a class of assessees who in my opinion do not need much relief. I have already stated that so far as the European Party is concerned, they have conceded a moiety of the relief which they might have otherwise claimed. It is worth complimenting them, for they could have demanded higher relief. The general objection to the clause, however, remains in so far as it means that relief is given only to a very rich class of persons. There is no question of refund or relief with regard to the poorer class of persons on the basis of family membership or the number of dependents who have to be supported on a particular income.

Now, I find, Sir, that the Hon'ble the Finance Minister has made a reference to the fact that the slab system has been introduced in assessing the tax. The slab system has been borrowed on the analogy of British income-tax. In the Indian income-tax, slab system has been introduced for the purpose of improving on the old system, but I find that the British slab system gives greater and more equitable relief to persons assessed by taking into consideration the number of dependents. In the case of the British Income-tax, the wife and the number of children that a particular person has to maintain are taken into consideration in assessing the tax. The rate is not only higher but much higher; but this is after granting relief to the family and the dependents. This higher rate does not, therefore, in any way operate to the disadvantage of the assessed person. Here in India it is otherwise. Neither in the income-tax nor in the agricultural income-tax is any relief given on the ground of necessity. In this clause, I find that whatever refund is given—and refund is always a relief—that

relief is confined only to a very rich class of persons. The relief is irrespective of any consideration of the number of dependents. Besides, there is no provision whatsoever for relief in the case of agricultural families.

I would submit that persons whom we regard as agriculturists in Bengal have nothing whatsoever to do with world income. They have no total world income. Out of these agriculturists, I submit, Sir, probably 90 per cent. have nothing to do with a share of a company or a partnership or a firm or commercial association of any kind. Therefore, Sir, I find that the proposed relief is confined only to a very rich class, an inordinately rich class of persons. The agriculturists, though quite a considerable number of them will come within the mischief of this Act, are left altogether untouched. There is no relief for them and no consideration for the number of dependants that they may have. We know, Sir, that like a Hindu undivided family, a Muslim family, particularly a Muslim peasant family, may also very often have a large number of dependants. I know of villages where there are as many as 20, 30 or 40 members in a family. The taxable limit of Rs. 3,500 for a person who has to maintain 50 persons is certainly not a high figure. So far as an individual with a small family of two or three members is concerned, this may be a quite reasonable figure; but when we have large families consisting of 40 to 50 members the sum of Rs. 3,500 is not necessarily a large amount.

My general protest against clause 48 is that while it is anxious to grant relief in the case of well-to-do persons who have a world income, and who derive income from partnerships and dividends of companies and through memberships of associations and in other ways, there is no provision whatsoever for any relief on account of the large families which inevitably have to be maintained by agriculturists in the rural areas of Bengal. The whole bias has been,—although the Bill is a Bengal Agricultural Income-tax Bill,—the whole bias has been towards the urban classes. Whenever the Bill thinks of relief in terms of refund, it is the urban areas that it is thinking of. It is the people in the urban areas who are partners, and share-holders in companies. It is such persons who are members of associations. It is such persons alone who derive any income from sources outside India. I would challenge the Hon'ble Finance Minister, or for the matter of that, the Hon'ble Minister for Agriculture, the leader of the House, who so often speaks on behalf of the poor agriculturists,—and I will concede that sometimes in the past he has fought for the interests of the agriculturists,—I would challenge him specially to give me any single instance where what we ordinarily call an well-to-do peasant has any world income derived from sources outside India. Where then is the provision for granting any relief to the poorer sections of the people? Wherever relief is sought to be given, it has been for the urban classes and for the rich and the ultra-rich classes. I would, therefore, ask the Hon'ble Ministers as to why there is no provision whatsoever for any relief on account of the large number of dependants which agriculturists have to maintain? Even though Rs. 3,500 is a high figure, yet is it fair for a family with a membership of 30 or 40?

Khan Bahadur NAZIRUDDIN AHMAD: Sir, in considering clause 48, Mr. Humayun Kabir has raised an interesting question. He is of opinion that if the amendment relating to clause 48(*a*) was carried, it would benefit the richer classes, possibly the Europeans, and on that ground he thinks that he is justified in his opposition to the amendment. I think his argument amounts to this: Europeans have more world income than the Indians and richer Europeans have more world income than the poorer Europeans; the acceptance of this amendment would relieve the burden only from the shoulders of the richer Europeans. I think, Sir, that in a measure of taxation, we have nothing to choose between European and non-Europeans, or between the richer or the poorer classes, except the principles of taxation involved in it. Poorer classes, which have forever

been the concern of my honourable friend have been sufficiently protected by the high limit of exemption. It is the upper middle classes and the richer classes that have been taxed. The true principle of demarcation would no doubt be between the rich and poor. But the ideal cannot be attained by opposing the amendment. The remedy lies in laying a heavier burden of taxation upon richer classes. That is perfectly intelligible. But in the amendment we are concerned with the important theory and practice of refund. I may say that refund really involves the principle of taxation. Take the case of a man whose ordinary agricultural income is Rs. 4,000. Suppose he earns over and above this, a dividend of one thousand on agricultural income. The total is Rs. 5,000. According to the Bill, he would have to pay at nine pies in the rupee. If you say that the man has an income of Rs. 5,000 and you will charge eighteen or twenty-four pies in the rupee, I have nothing to say. Here I agree with Mr. Humayun Kabir. But then I should change the schedule and not introduce absurd principles of refund. If it is once appreciated that refund is really an adjustment to the assessee's personal rate, all obscurities will vanish. I therefore respectfully submit that Mr. Humayun Kabir's principle should be introduced into the schedule rather than that we should lay down this unheard of principle of refund. The clause offends against the fundamental principles of taxation. The basis of the rate at which the refund will be allowed under the Bill should have nothing to do with non-agricultural income. It has an unsavoury appearance. The Bill taxes the income at the rate of 30 pies in the rupee for a share-holder in a limited company earning agricultural income. But at the time of giving him a refund you virtually tax him at a rate depending upon non-agricultural income. The problem is a humanitarian one and involves a question of principle. In the circumstances, I submit this clause is full of misconceptions. With these few words, I submit that clause 48 should be reconsidered.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, there is one thing I would like to mention with reference to clause 48 and it may be that the view which I am now pressing for the consideration of the honourable members of this House was lost sight of. Clause 48 deals with refund of agricultural income-tax paid by companies on behalf of share-holders and this rate is annas 2½ in the rupee. Now, as given in Schedule A, a particular share-holder may not have an income sufficient to cover the rate of annas 2½. Therefore, he would be entitled to a refund under the provision of clause 48. But there is another fact which I believe has not been considered and this is slightly hinted at in clause 49 of the Bill; but before going to clause 49 of the Bill, I would like to refer to one fact: that a share-holder on whose behalf a company has paid tax at the rate of annas 2-6 in the rupee has got a world income and has got to pay his tax in the United Kingdom under the Finance Act of the United Kingdom. We know, Sir, that under the provision of section 27 of that Act of 1920 the relief is granted to the assessees who are taxed by the Dominions with reference to their incomes with regard to the properties in the Dominions. If we refer to section 27, clause (*1*), sub-clause (*a*), we find "If the Dominion rate of tax does not exceed half of the appropriate rate of the United Kingdom tax the rate at which relief is to be given shall be the Dominion rate of tax." We know that the present prevailing rate in the United Kingdom is 10 shillings in the pound, that is, half of a person's income. Therefore, under the Finance Act a share-holder who has to pay his tax through the company will get a deduction of the entire tax which he has paid to the Bengal Provincial Treasury.

Now, if that is so, I do not think there is any scope for any further relief or refund, as is provided in clause 48 of the Bill. On the contrary, it gives a loophole to the share-holders who have also got properties outside India to claim refund and relief with respect to the same amount. I do not think that was the intention of the Legislature. Therefore, this clause 48 should be deleted in order that the question as to relief with reference to persons

who have already got a deduction to the extent of the entire tax may not want it again under the United Kingdom Tax Act. It may be that so far as clause 48 is concerned, there are also some persons but their number is limited and they would have a larger income and so can afford to pay. Therefore, the refund clause with reference to companies, firms and associations should be deleted. These are my submissions.

Mr. PRESIDENT: The question before the House is: that clause 48 stand part of the Bill.

(The motion was agreed to.)

Clause 49.

Mr. PRESIDENT: Clause 49 stand part of the Bill.

I am of the opinion that amendment No. 334 should come after amendment No. 354 and be renumbered 355.

Khan Bahadur NAZIRUDDIN AHMAD: I am not going to move 338, and that should take out a big load from the anxiety of the House. With regard to amendment No. 335, I submit that it should come after 339-344A.

Mr. PRESIDENT: Amendment No. 335 is out of order, as it deals with marginal notes.

Khan Bahadur NAZIRUDDIN AHMAD: I submit, Sir, that it is not out of order.

Mr. PRESIDENT: We have already held that marginal notes are no amendments.

Khan Bahadur NAZIRUDDIN AHMAD: Marginal notes can be referred to for the purpose of interpretation of statutes.

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir. Marginal notes can be referred to for purposes of interpretation.

Mr. PRESIDENT: The House of Parliament have held that they have nothing to do with marginal notes.

Mr. BANKIM CHANDRA MUKHERJEE: I submit, Sir, that this may be passed over today. Recently the Privy Council has held that marginal notes may be referred to, and I can produce that before you tomorrow.

Mr. PRESIDENT: I am referring to the decision of the Judges of the Privy Council.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, Halsbury refers to appeal cases and not the decision of the House of Lords.

Mr. PRESIDENT: Mr. Mukherjee, it is laid down here that the Houses of Parliament have nothing to do with marginal notes and the Courts cannot look at them. This is a most important point. In fact, I gave my ruling the other day on this point.

Mr. BANKIM CHANDRA MUKHERJEE: But not exactly on this. Marginal notes are referred to for the purpose of interpretation of Statutes. I shall produce this ruling of the Privy Council tomorrow.

Mr. PRESIDENT: A marginal note may be referred to, but it is a different question.

Mr. BANKIM CHANDRA MUKHERJEE: A marginal note becomes part of the Statute.

Mr. PRESIDENT: This is the opinion of Sir Courtenay Ilbert, Clerk of the House of Commons.

Mr. HARIDAS MAZUMDAR: It is 19th century old, Sir.

Mr. PRESIDENT: That may be so, but that is the opinion by which we go. He says that "marginal notes do not form part of a Bill and can be altered by the officers of the House".

Mr. HUMAYUN KABIR: That is 18th century opinion, Sir, not twentieth century.

Mr. PRESIDENT: In any case, that is my view and I stick to it.

Mr. HUMAYUN KABIR: But, Sir, why discuss this matter at all just now? If there is a definite ruling on this point by the Privy Council, as indicated by my friend Mr. Bankim Chandra Mukherjee, and as he has promised to lay it before the House tomorrow, I think we can wait till tomorrow.

Mr. PRESIDENT: The two points are entirely different, and that is where the confusion arises. The marginal notes may be considered by the courts but the House of Commons has held that they have nothing to do with them. Therefore, it is not an amendment in the true sense.

Mr. HUMAYUN KABIR: Whose opinion is that, Sir?

Mr. PRESIDENT: Of Sir C. P. Ilbert, who was Clerk of the House of Commons.

Mr. HUMAYUN KABIR: But that is not the opinion of the Judges, nor of the Speaker of the House of Commons.

Mr. PRESIDENT: That is also the opinion of the Judges.

Mr. HUMAYUN KABIR: But the Judges' opinion may be challenged and is not binding upon the Judges of the Privy Council. As a layman, I do not feel competent to comment on it, Sir; but I think that as Mr. Mukherjee has promised to lay certain decisions in a contrary direction being the judgment of the Privy Council, we can wait till tomorrow.

Mr. PRESIDENT: So far as I understand Mr. Mukherjee, he took the view that marginal notes can be referred to in construing a Statute or in the interpretation of a Statute. That is as regards the interpretation of a Statute by a court of law; so that is a different point. The point here is that unfortunately the House of Commons has nothing to do with marginal notes. So we should conform to the rules and my previous decision.

Mr. HARIDAS MAZUMDAR: Marginal notes do form part of a Bill, Sir.

Mr. PRESIDENT: I hope you will try to understand the point.

Khan Sahib Maulvi WAHIDUZZAMAN: How do you think, Sir, that he does not understand?

Mr. HAMIDUL HUQ CHOWDHURY: May I say a few words, Sir? What I want to say is this: Marginal note is the interpretation of the Legislature's intention. Whether it is the Privy Council or the Appeal Court or the High Court, they interpret what is the intention of the Legislature involved in regard to the provisions of any Statute that have been passed by them. Here the British Parliament themselves say that they have nothing to do with marginal notes and the Courts of Law are therefore bound to see that they respect the wishes of the Legislature. Our intention is a guide to the Court.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, marginal notes are considered by the Legislature and they form part of the statutes passed by

a Legislature. They may be either omitted or corrected. It has been held by courts that if a Legislature has actually taken into consideration marginal notes, they become part of the Statute.

Mr. PRESIDENT: But Mr. Mahalanobish, I would just request you to bear in mind what I have already explained. There is a definite ruling by——

Mr. HUMAYUN KABIR: By whom, Sir? Of the Clerk of the House of Commons? His view is not binding upon the Privy Council.

Mr. PRESIDENT: Opinion not of the Clerk of the House of Commons, but of the Judges, that the Houses of Parliament have nothing to do with marginal notes.

Mr. NAGENDRA NATH MAHALANOBISH: There are other systems of legislation in which there are marginal notes and when they come up before the House the House keeps them or omits them and it is the duty of the court to abide by them.

Mr. PRESIDENT: It is clearly the opinion of the Judges——

Mr. HUMAYUN KABIR: Even members of the other side agree that if we want we can consider it (voices from the Government benches: No, no, not at all). So we find that both sides are agreed on this point. You can overrule or throw it out; but we may be allowed to consider the amendment.

Mr. BANKIM CHANDRA MUKHERJEE: There is a decision of an Hon'ble Judge in the Privy Council who held that marginal notes is a part of the Act. I think that point should be considered. Then, Sir, the opinion of judges are liable to alteration. If the Privy Council decided otherwise, that should be taken into consideration. This point has been considered very recently under section 81 of the Government of India Act, whether that should be referred to or not——

Mr. PRESIDENT: What is your suggestion, Mr. Mukherjee?

Mr. BANKIM CHANDRA MUKHERJEE: That this may be postponed till tomorrow——

Mr. HAMIDUL HUQ CHOWDHURY: But, Sir, you have given ruling on a similar question.

Mr. PRESIDENT: Yes, that is my difficulty.

Khan Bahadur NAZIRUDDIN AHMAD: That was, Sir, an entirely different issue.

Mr. PRESIDENT: Very well, I postpone the consideration of this amendment today.

Mr. NAGENDRA NATH MAHALANOBISH: On a point of order, Sir. Before amendment No. 336 is taken up, I think the proper course would be to take up amendment Nos. 339, 344, 344A, because if amendment——

Mr. PRESIDENT: But amendment Nos. 339, 344, 344A are negative amendments and so out of order.

Mr. LALIT CHANDRA DAS: No Sir, that is a positive amendment——

Mr. PRESIDENT: No, it is a negative amendment and it is out of order.

Mr. LALIT CHANDRA DAS: In what way, Sir, it is out of order? Under what rule?

Mr. PRESIDENT: I will just give you the rule, you resume your seat.

Mr. NAGENDRA NATH MAHALANOBISH: I think you will give us time to argue this matter.

Mr. PRESIDENT: The rule is this: "an amendment may not be moved which has merely the effect of a negative vote".

Mr. LALIT CHANDRA DAS: What rule, Sir.

Mr. PRESIDENT: Rule 43(*2*).

Mr. NAGENDRA NATH MAHALANOBISH: That is what you decided the other day. On the first sitting day I think you corrected me by saying that that cannot be done and you quoted May's "Parliamentary Practice". So I request you to give us time to consider the point. If there is any objectionable feature in the clause, I think the members of this House have got every right to say that it should not be there.

Mr. PRESIDENT: You have a right to vote against it.

Mr. NAGENDRA NATH MAHALANOBISH: I would ask you to consider this point——

Mr. PRESIDENT: You can vote against it and negative it.

Mr. SHRISH CHANDRA CHAKRAVERTI: How can we vote against unless there is discussion?

Mr. PRESIDENT: That point, I am afraid, I cannot discuss.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, you will have to convince us why this should not be allowed.

Mr. PRESIDENT: That is the practice and that is the law.

Mr. NAGENDRA NATH MAHALANOBISH: That is not the law, I submit.

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Rule 43(*2*) to which you refer has no connection with amendments of a Bill. Legislation is dealt with under Part V of our Procedure Rules and you refer to Part IV. In Part V there is no rule so far as Bills are concerned under head "Legislation" that a particular clause cannot be moved to be deleted. Rule 43(*2*) refers only to motions——

Mr. PRESIDENT: You are confusing the matter. This rule applies to all motions.

Mr. NAGENDRA NATH MAHALANOBISH: Amendments are different things.

Mr. PRESIDENT: I am afraid, it is no use discussing the matter any more. We have been following this practice for a long time.

Mr. MESBAHUDDIN AHMED: Sir, you have already held that this amendment is out of order. So, there should not be any more discussion on the question.

Mr. HUMAYUN KABIR: Sir, it is quite true that if there is a motion that a particular Bill be rejected that cannot be moved; but here it is a particular clause and clauses are not motions. The Hon'ble the Finance Minister never moves or for the matter of that no Hon'ble Minister ever moves——

Mr. PRESIDENT: Mr. Kabir, may I just draw your attention to amendment No. 330 of Khan Bahadur Naziruddin Ahmad where I held

that as the amendment had a negative effect, the amendment could not be moved and the House agreed on that.

Mr. HUMAYUN KABIR: At that time we had not the rules with us. Now looking at the rules we find that this rule does not apply in the case of an amendment to a clause. Even if you had disallowed an amendment of this nature in the past, you did it under a misapprehension. If you, Sir, now look into the matter yourself, you will revise your decision. Here, one of my honourable friends on my left says that you yourself moved several amendments of this nature before your elevation to the Chair. I remember, Sir, many amendments of this nature have been moved on the floor of this House in the past; and in any case rule 43(2) deals with motions. I do not now discuss whether matters concerning legislation are motions or not. My honourable friend, Khan Bahadur Naziruddin Ahmad, says, they are not. Well, I am not commenting on that at the moment; legislative matters may or may not be a motion. Now, granting for the sake of argument that a bill is a motion, what about a clause? It is tried to be made out under Part IV of our rules that a clause too is a motion. If a particular clause is a motion, then sub-clause is also a motion and amendments to delete sub-clauses would also be out of order. But this is patently absurd. The fact is that when the first reading is taken up, viz., that the Bill be taken into consideration, an Hon'ble Minister moves the motion. After that the next motion comes in at the second reading, when the motion is moved by the Hon'ble Minister that the Bill be taken into consideration, clause by clause. Thereafter no body else moves any motion that particular clauses be taken into consideration. The whole second reading is a composite motion that the Bill be taken into consideration clause by clause and automatically the clauses come in. Government do not move any other motion that such and such clauses be taken into consideration. These are not motions at all. It is the Chair which says that clause number such and such be taken into consideration or stand part of the Bill. Now, as soon as you determine whether a particular clause or a sub-clause is a motion, then you will be able to decide whether rule 43(2) is applicable here or not. For the present, I am not raising any question of difference between a motion and a legislation. Granting for the sake of argument that it is a motion, even then the difficulty remains. As I have said, it is the Chair which puts the clause that clause 5 or clause 6 be taken into consideration. If such an amendment has been disallowed in the past, it was disallowed through oversight. I hope in giving the ruling you will bear this fact in mind.

Mr. LALIT CHANDRA DAS: Sir, in Part V of the rules, several sections relate to the consideration of amendments to a Bill. I draw your attention to rules 62, 63, 64 and 65. Rule 62 says, "When a motion has been agreed to by the Council that a Bill be taken into consideration ....." Here motion comes in—a motion has been agreed to by the Council. In rule 63 we find: "Any member who wishes to move an amendment to a Bill under the consideration of the Council shall give notice thereof.....at least 10 days.....and shall together with the notice send a copy of the amendment which he desires to move". (2) "The Secretary shall, if time permits, cause every notice of a proposed amendment to be printed and a copy shall be made available for the use of each member". And when a member has been supplied with a copy, that is a compliance under rule 63. Then rule 64 deals with short-notice amendments and in rule 65 we find: "Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate". I submit that in view of the procedure laid down in sections 62, 63, 64 and 65 coming after Part IV dealing with motions, the rule under section 43 cannot be made applicable in Bills. You can import any principle under

rule 44(2) and apply it under head "Legislation". I request you, Sir, to revise your decision with reference to this amendment, namely, that clause 49 be deleted in view of the fact that it was numbered as an amendment under section 65 and have been printed and circulated. You will not please apply rule 43(2) to amendments to the clauses of a legislation.

Mr. PRESIDENT: Mr. Das, so far I remember I have been always holding that a negative amendment of this nature should not be moved. That has been my practice, and this is under rule 43(2).

Mr. LALIT CHANDRA DAS: Sir, we also admit that through inadvertence we did not give the same application to the consideration of this matter. But this section 49 is a very important section in the Bill, and that is why we have put the amendment to this clause in the names of several persons.

Mr. PRESIDENT: But you do not lose the chance of voting against the clause.

Mr. LALIT CHANDRA DAS: That is a different matter, Sir.

Mr. SHRISH CHANDRA CHAKRAVERTI: The amendment is already there, and you have accepted it.

Mr. PRESIDENT: We have not accepted it.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I submit a ruling of the President of the Central Assembly? It is ruling No. 72. I have "the Decision of the Chair for 20 years" with me. He says that after the motion to omit clause 11 of the Hindu Child Marriage Restraint Bill had been negatived, Mr. B. Das sought to move an amendment, and it was said that the amendment might be moved. That shows that motion to delete a clause which is a negative amendment had been allowed to be moved.

(Here the Honourable member took the book to the President.)

Mr. PRESIDENT: I will take time to consider that. I think the matter has been sufficiently discussed now——

Mr. LALIT CHANDRA DAS: It is not a motion. It is an amendment—

Mr. PRESIDENT: I do not think any further discussion is necessary If any honourable member likes to discuss the matter further, I shall be very glad if he would come to my Chamber and discuss the matter with me there.

Mr. SHRISH CHANDRA CHAKRAVERTI: I hope you will kindly see the proceedings of the Central Assembly and of this House also in this connection.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, may I ask you to take this into consideration that once such a motion is passed, what becomes of the substantive motion, namely, that the clause be now put, because once a decision on the same matter has been given in the affirmative form, it cannot be re-opened again?

Mr. HARIDAS MAZUMDAR: Then, Sir, it goes out of itself.

Mr. PRESIDENT: The point is this: if the amendment that the clause be deleted is agreed to, then how the whole clause will be put?

Mr. LALIT CHANDRA DAS: That thing could not come up again.

Mr. PRESIDENT: But the original clause will have to be put!

Mr. HUMAYUN KABIR: Quite right, Sir, but why do you assume that the amendment for the deletion of the clause will be carried?

Mr. HAMIDUL HUQ CHOWDHURY: I am showing the absurdity of your argument: that once this amendment is carried, can you again discuss the matter in an affirmative form at the time of the final putting?

Mr. PRESIDENT: Order, order. We have now had sufficient discussion. Let us go back to the Bill. Will you move your amendment No. 336, Mr. Das?

Mr. LALIT CHANDRA DAS: Sir, in view of the suggestion made to you by my friend Mr. Nagendra Nath Mahalanobish that motions Nos. 339-344A should be taken up first in precedence to my amendment No 336——

Mr. PRESIDENT: Why, that is not necessary. For in that case, if the whole clause is deleted, then your amendment will go automatically.

Khan Bahadur NAZIRUDDIN AHMAD: The deletion ought to come first.

Mr. LALIT CHANDRA DAS: There is that difficulty no doubt, Sir, and it is a substantive amendment But in view of the late hour, I may be allowed to move my amendment tomorrow.

Mr. PRESIDENT: You may start today, as there are one or two minutes still to go.

Mr. LALIT CHANDRA DAS: As you please, Sir. I beg to move that for clause 49 of the Bill, the following be substituted ——

Khan Bahadur NAZIRUDDIN AHMAD: On a point of order, Sir. Shall he be permitted to carry on, when another amendment for the deletion of the whole clause is before the House?

Mr. PRESIDENT: That is not a point of order. That point has been sufficiently considered. Go on, Mr. Das.

Mr. LALIT CHANDRA DAS: I beg to move that for clause 49 of the Bill, the following be substituted, namely:—

> "49. Any individual, company, firm or association deriving assessable agricultural income from lands situated in Bengal shall pay his or its agricultural income-tax in Bengal even though he or it might have paid income-tax elsewhere in India or outside India on his or its world income including agricultural income derived for his or its lands situated in Bengal."

In order to understand the meaning and purport of the amendment which I have had the honour of moving just now, I desire to read the section which is sought to be substituted by my amendment. Clause 49 deals with reciprocal relief in respect of double taxation with other Governments.

Sir, it lays down that "the Provincial Government may, by notification in the Official Gazette, make provision for the granting of relief in respect of agricultural income on which both agricultural income-tax under this Act and other income-tax have been paid".

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, it is already 6 o'clock.

Mr. PRESIDENT: Yes, but let him finish his speech.

Mr. LALIT CHANDRA DAS: Now, Sir, "for the purpose of this section other income-tax means any income-tax, super-tax or sur-tax charged under (*a*) any law of a province other than Bengal in force in

that province, or (*b*) any law in force in any Indian State, or in any part of His Majesty's Dominions, or in the Untied Kingdom, where the laws of such province, State or part of His Majesty's Dominions, or of the United Kingdom, as the case may be, provide for relief in respect of tax charged on income both in such province, State or part of His Majesty's Dominions or in the United Kingdom, as the case may be, and in Bengal, which appears to the provincial Government to correspond to the relief which may be granted under this section." This is the main section, Sir, and my amendment seeks to replace——

Mr. PRESIDENT: Mr. Das, do you purpose to continue now or resume your discussion tomorrow?

Mr. LALIT CHANDRA DAS: Yes, Sir, I will resume tomorrow——

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, let us continue now.

Mr. PRESIDENT: I am afraid, this is prayer time and I must adjourn now.

The House stands adjourned till 2-15 p.m.: tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 17th August, 1944.

Members absent.

The following members were absent from the meeting held on the 16th August, 1944:—

(1) Mr. Kader Baksh.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. K. K. Dutta.
(4) Mr. R. W. N. Ferguson.
(5) Maulana Mohammad Akrum Khan.
(6) Mr. Abdul Latiff.
(7) Rai Bahadur B. M. Moitra.
(8) Mr. N. N. Mookerjee.
(9) Mr. T. B. Nimmo.
(10) Mr. R. S. Purssell.
(11) Dr. K. S. Ray.
(12) Mr. B. K. Roy Chowdhury.
(13) Mr. K. C. Roy Chowdhury.
(14) Mr. J. W. R. Steven.

BGP-44/5-9354A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 79.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 17th August, 1944, at 2-15 p.m., being the seventy-ninth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Release of persons detained under rule 26 of the Defence of India Rules and convicted under the Special Criminal Courts Ordinance.

253. Mr. NAGENDRA NATH MOHOLANABISH: Will the Hon'ble Minister in charge of the Home Department be pleased to state if all persons detained under rule 26 of the Defence of India Rules, and those convicted and imprisoned by Special Courts under the Special Criminal Courts Ordinance, have been released in view of the decisions of the Federal Court, and the Calcutta High Court, on the subject? If not, why not?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): No. The reasons are set forth below:—

(*a*) For persons detained under rule 26 of the Defence of India Rules.

The final judgment of the Federal Court held that no order of detention under rule 26 of the Defence of India Rules could validly be made except after the Governor had personally applied his mind to the case and been satisfied that the making of an order was necessary. Although an appeal against this order has already been filed before the Privy Council, steps were immediately taken to institute a review of the cases of all security prisoners then under detention in the light of the law as laid down by the Federal Court with a view to issue fresh orders in the cases in which continued detention was considered necessary. This review has been completed and revised detention orders under Ordinance III of 1944 have been issued in all cases requiring continued detention after personal review of the cases by His Excellency the Governor.

(*b*) For persons convicted under the Special Criminal Courts Ordinance.

The Hon'ble High Court's order, dated the 3rd August, 1943, regarding cases arising out of the Special Criminal Courts Ordinance (II of 1942) directed that persons aggrieved might move the lower appellate courts and the lower appellate courts might deal with them in the light of the Hon'ble High Court's judgment in the case of Sushil Kumar Bose *versus* the Emperor (Miscellaneous case No. 65 of 1943) and accordingly Government were not required to take up the question of release.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, may I enquire as to when this review was completed: how long after the judgment?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the orders under Ordinance III of 1944 were new orders for their detention?

The Hon'ble Khwaja Sir NAZIMUDDIN: These were orders under Ordinance III of 1944. I have nothing further to add to this.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state if detention of the security prisoners, after the date of the Judgment of the Federal Court and till fresh orders under Ordinance III of 1944 were passed, was not illegal?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a matter of law. The honourable member can go to the High Court.

Detenu Srijut Prafulla Chandra Nandi.

254. Mr. KAMINI KUMAR DUTTA: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if the Government are aware that Srijut Praful a Chandra Nandi of Kalikatcha, Tippera, is a detenu;

(*b*) if the Government are aware that his wife and young children are without any means of subsistence and that there are none to look after them or help them in any way; and

(*c*) if he proposes to consider the question of providing a suitable allowance for his wife and children and give necessary direction in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes. But he is of village Nasirabad, police-station Nabinagar, Tippera.

(*b*) It is reported that he has no wife or child.

(*c*) No.

Mr. LALIT CHANDRA DAS: Did the Hon'ble Minister enquire whether, there is such a person by name Prafulla Chandra Nandi who was an inhabitant of Kalikatcha within the subdivision of Brahmanbaria?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware, we have got no security prisoner of Kalikatcha.

Grievances of the prisoners and detenus of the Suri Jail.

255. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if his attention has been drawn to the following grievances of the prisoners and detenus in the Suri Jail, viz.:—

(*i*) that the food supplied is inadequate and of an inferior quality,

(*ii*) that prisoners are refused even the clothing to which they are entitled under the Jail Code,

(*iii*) that the tools and instruments supplied to the prisoners for various works are defective and out of order,

(*iv*) that no lime or bleaching powder has been supplied for the last three months, and

(*v*) that no soda or *shajeemati* is supplied to prisoners for washing their clothes, and

(*b*) whether he proposes to order an enquiry by a proper executive authority into the administration of the Suri Jail and take such steps as may be necessary for improving the administration?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The answer is in the negative.

(*b*) Does not arise.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state with reference to answer (*a*), whether the "negative" refers to the present position or is the "negative" with reference to the condition throughout the period under his tenure?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it refers to the conditions in the question. The question is—Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if his attention has been drawn to the following grievances of the prisoners and detenus in the Suri Jail?

and the answer is in the negative. It does not give any date.

Mr. HUMAYUN KABIR: What precisely the point is: did the grievances exist now or is it the contention of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think they existed at the time the honourable member was a supporter of Government.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state whether these conditions existed after the Hon'ble Minister assumed charge of the Department?

The Hon'ble Khwaja Sir NAZIMUDDIN: They continued for some time after which they were rectified.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if the conditions have been rectified now?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly; that is why the answer is in the negative.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, shall I now make my statement on Berhampore affairs regarding *atta*?

Mr. PRESIDENT: It is better that we take up the adjournment motion now; you may reserve your statement for tomorrow.

The Hon'ble Khwaja Sir NAZIMUDDIN: Assuming that the adjournment motion is carried, then there cannot be any further business.

Mr. PRESIDENT: It will be finished within two hours and we are going to sit for four hours.

Mr. HUMAYUN KABIR: Sir, the statement that Sir Nazimuddin was to have made refers to a different matter. It is with regard to the question of *atta* and flour in Murshidabad. But the adjournment motion of today refers to something quite different. It refers to Midnapore.

The Hon'ble Mr. H. S. SUHRAWARDY: The Hon'ble Member has not appreciated what the Hon'ble the Chief Minister said. He said that if the adjournment motion is carried, there can be no further business and so the statement cannot be made.

Mr. PRESIDENT: I declared yesterday that the adjournment motion would be taken up immediately after the questions. We should stick to that decision.

Mr. NAGENDRA NATH MOHOLANABISH: That is all right, Sir.

Mr. HARIDAS MAZUMDAR: Sir, I have got an adjournment motion.

Mr. PRESIDENT: No other adjournment motion can be taken up today.

Mr. HARIDAS MAZUMDAR: Would it then be taken up tomorrow?

Mr. PRESIDENT: That I don't know. Now, we have to take up the adjournment motion.

Adjournment motion.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance——

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY. Will the honourable member go to the microphone? We cannot hear him.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I can raise my voice. But as the honourable members like it, I am going to the microphone.

Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen out of the fact that rice is not available in Midnapore Town and in the neighbouring villages. The authorities stopped supply from the 26th July, 1944, and rice is available in very small quantities in the black market at 8 annas to 10 annas per seer. At a meeting of the Town Food Committee on the 11th August, 1944, a resolution was passed to move Government in the matter to supply sufficient rice for the consumption of the people.

Sir, I was surprised to learn on reaching Midnapore on the 5th of August that rice was not available for sale in the open market in any of the shops. I received this information from Mr. Kshitish Chandra Sarbadhikary, a local doctor. When I requested him to send for any shopkeeper from whom I would like to know the facts, a gentleman came to me and stated that he was the owner of a shop and was being supplied with rice by the Civil Supplies Department for sale. On or about the 26th July, 1944, supplies were stopped by the Civil Supplies Department. He stated to me that there were 24 shops to which the Civil Supplies Department was supplying rice for sale to the public. On or about the 26th of July the Civil Supplies Department stopped supplies and up to the 5th of August no rice was available in the open market from the shopkeepers. I had information, however, that in the Black Market very small quantities of rice were available at the rate of 8 annas to 10 annas per seer. I enquired why is it that rice was not coming from the villages for sale but was told that there was no rice available in the villages and landless labourers and *bhadralog* classes were coming to Midnapore town from the adjoining villages for purchasing rice. They could not get any supply and were going back without any rice. The Hon'ble Mr. Suhrawardy the other day stated in this House that he could not understand why that would be so, because Midnapore was a surplus district. I may state here, Sir, that the population of Midnapore town is roughly 40,000 and that of the district of Midnapore 29 lakhs. Khan Bahadur Saiyed Muazzamuddin Hosain in answer to a question by the Maharaja of Cossimbazar stated that in Midnapore district the production of rice this year was 2 crores of maunds. If that is so, and if the figures stated by the Agriculture Minister are accurate, then we cannot understand why rice is not available in Midnapore district. I was informed that Messrs. Ispahani were the purchasing agents for Midnapore and they were purchasing rice from the Midnapore district in huge quantities. Sir, I would like the Hon'ble the Minister of Civil Supplies to state the quantity of rice purchased by Government agents in Midnapore district and the rates at which they were purchased. We know that in the coastal belt in the Contai and Tamluk subdivisions of the Midnapore district large tracts of land could not be cultivated. We further know that in the police-station of Nandigram within Tamluk subdivision of the Midnapore district, paddy crops failed completely and in course of my visit in January this year to Tamluk and Mahisadal within the Tamluk subdivision I was informed that although there was failure of crops in portions of Tamluk subdivision, there was bumper crop in other portions and that if rice was not allowed to be exported from the Tamluk subdivision, there would be no scarcity. So far as the whole of the district of Midnapore is concerned, assuming that the

entire population of 29 lakhs were provided with rice, there should have been no deficiency in the whole of the district of Midnapore. The Gregory Committee estimated 344 lbs. per head as the annual consumption of an individual. This works up roughly to about 4½ maunds of rice per individual, but this is only on the basis of half a seer per day for each individual. As a matter of fact, I learnt on enquiry that labourers, cultivators and *bhadralog* classes in the villages of Bengal would require much more than half a seer as is proposed in the Report of the Gregory Committee. If we look to the Report of the Floud Commission, we will find there that they have provided 9 maunds of rice per annum for an individual. In answer to my question No. 245 enquiring from the Hon'ble Civil Supplies Minister as to what quantity of rice was provided for adults, male and female, for working children and adult dependants of a family of cultivators and labourers, the Hon'ble Mr. Suhrawardy answered as follows:—

"Presumably the honourable member refers to rural areas. The answer is—

"The total quantity of rice per week is 2 seers for adult (not below 12) and half the quantity for children between 2 and 12, children below 2 being neglected. If sufficient supplies are available in any area or if the shortage is grave in any area the quantities of ration may be increased to a maximum of 4 seers per week for adult and half the quantity for children between 2 and 12, children below 2 being neglected.

"No special revision has been made for any particular class of workers (diggers, carriers), etc., and no distinction has been made between workers and dependants or between males and females".

This was the answer that was given to my question, Sir.

Now, I would like to point out in this connection that on personal enquiry from cultivators owning lands, I was informed that they keep for their own provision and the members of their family and also for landless labourers whom they would have to employ for cultivation work during the cultivation season at the rate of one seer per day and if after all this there is any surplus that would be available for sale to the market. Even then they generally wait till September or October up to which time they retain sufficient stock for consumption during part of the next year and if in October the crop prospect is good, then they sell away the surplus stock. If the answer of the Hon'ble Mr. Suhrawardy is based on the fact that after determining a district to be surplus he was making provision for rice as stated in his answer, I submit, that the result which we have noticed now in Midnapore will follow in all the districts. As pointed out above, Midnapore would not be a surplus district if we take into account the provision of rice at the rate of 9 maunds per individual, as indicated in the Floud Commission Report. In the Floud Commission Report the members added that this was necessary in order to give two square meals a day for each individual. At page 106 of the report of the Floud Commission, Volume II, the requirements of Midnapore district on the basis of 9 maunds per head are estimated to be 25,191,000 maunds of rice. On this basis, if 2 crores of maunds were the production, then there would be a deficit. Sir, the cultivators owning lands keep rice for their consumption at the rate of one seer per head and sell only the surplus; and if the Government agents purchasing the surplus stocks from the land-owning cultivators export the rice to other districts, the position which we are noticing now in Midnapore town is the sure result. Sir, on the 26th April, 1944, I wrote a letter to His Excellency the Right Hon'ble Mr. Casey pointing out these facts.

Sir, I addressed a similar letter to His Excellency the Right Hon'ble Field Marshal Viscount Wavell, Viceroy and Governor-General of India, with reference to the question about the procurement of *aman* rice by the Government of Bengal and I pointed out that special care should be taken

in determining what is surplus and what is not surplus. His Excellency the Governor of Bengal wrote to me in reply saying that my letter had been sent to the Department of Civil Supplies for necessary action. I also received a similar letter from the Private Secretary to His Excellency the Viceroy. We were told by the Hon'ble Mr. Suhrawardy that they were keeping pockets of reserve in every district to be drawn upon during the time of emergency. Sir, it is to be regretted that the position of rice in Midnapore town should be as stated above. This clearly indicates that the policy of purchasing *aman* rice and its equitable distribution has been a total failure. If we refer to the statement of the Hon'ble the Agriculture Minister, we find that the total rice in all the districts of Bengal except Chittagong Hill Tracts was roughly 100 lakhs of tons and I would submit that the position could not have been as stated above if proper steps were taken as indicated in my letter to His Excellency the Governor. We are now, Sir, in August and we have yet to make provision for five months before the *aman* crop is harvested in Midnapore. I hope the Hon'ble the Civil Supplies Minister would have even now to consider the position very very seriously and take steps so that if there is a Government stock of rice in Midnapore, the rice may not be removed to other districts.

Sir, I would like to point out one further thing in this connection. I learnt on enquiry that the District Magistrate directed sometime on the 5th August that 1,000 maunds of rice would be supplied to the shop-keepers for distribution to the 40,000 people residing in the Midnapore town at the rate of ½ seer per individual. The daily consumption comes to 500 maunds. At a meeting of the Town Food Committee held on the 11th August last, the Subdivisional Officer who was presiding over the meeting, stated that he could supply 5,000 maunds of rice every month and the maximum amount allowed for every individual would be one seer every week, that is about two chattaks per day, which the people would have to take both during morning and evening. I would like the honourable members of this House to consider whether the Department of Civil Supplies is justified in thus starving the people of Midnapore town. Two chattaks a day, one chattak per every meal is nothing. I hope the Hon'ble the Minister of Civil Supplies will realise this and would not be so hard on the people of Midnapore. We would like, Sir, through you to request the Hon'ble the Civil Supplies Minister to disclose the entire *aman* procurement policy of the Government, the quantity the Government held, the rate at which the Government agents purchased rice from different districts in this connection. I would request the Hon'ble the Civil Supplies Minister to bring in supplies from outside if he has not got sufficient stock in Midnapore. There is one other fact which I would like to emphasize upon the Hon'ble Minister of Civil Supplies. We know that on account of bungling and mishandling of the situation, huge quantities of rice remained stored in the Government godown and were sold in the open market sometime in December, last year, while people were dying in the streets in several villages and towns in the province of Bengal. The situation is serious and if it is not handled properly, we would have a recurrence of the same state of things as we experienced last year. Sir, in this connection I would like to refer to one or two matters in regard to my adjournment motion. On the 7th August, I stated that rice was not available in any shop in Midnapore. In proof of my statement I cite the first editorial paragraph of the *Midnapore Hitaishi*, a Bengali paper—

জেলায় অভাবনীয় চাউলের অভাব। কয়েকদিন যেদিনীপুর সহরের কোন দোকানে চাউল না পাইয়া লোক অত্যন্ত উদ্বিগ্ন হইয়া উঠিয়াছে। সম্প্রতি অতিরিক্ত ম্যাজিষ্ট্রেট মহাশয়ের আদেশে দোকানে হাজার মণ চাউল দেওয়া হইবে বলিয়া শুনিতে পাইতেছি। কিন্তু এই হাজার মণ চাউলে ক'দিন চলিবে? চাউল না পাইয়া জনসাধারণ প্রায় ক্ষিপ্ত হইয়া উঠিয়াছে। অতিরিক্ত ম্যাজিষ্ট্রেট মহোদয়ের কৃপায় তাহারা পরে ক্ষান্ত হইয়াছে।

Now, Sir, here I would like to mention one thing. I was told that Messrs. Ispahani and Company were the purchasing agents of Government

for the district of Midnapore. They have purchased large stocks of rice and exported the same outside the district. I want to know from the Hon'ble Minister what is the total quantity of rice which that firm purchased and the rate at which they purchased and where those stocks have been kept and whether it is a fact that stocks have been exported to outside the district.

With these words, I move my adjournment motion.

Mr. PRESIDENT: Motion moved: That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen out of the fact that rice is not available in Midnapore Town and in the neighbouring villages. The authorities stopped supply from the 26th July, 1944, and rice is available in very small quantities in the black market at 8 annas to 10 annas per seer. At a meeting of the Town Food Commiteee on the 11th August, 1944, a resolution was passed to move Government in the matter to supply sufficient rice for the consumption of the people.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, may I suggest one thing? Now that the honourable member has moved the motion let the Hon'ble Minister now reply and on getting the full information we shall speak.

Mr. LALIT CHANDRA DAS: Yes, Sir, that would be convenient.

Mr. PRESIDENT: No, Mr. Chakraverti, the rule is that Government has always the last say in the matter. If I accept your suggestion, that would be a novel procedure. I do not think it ever happened before. It is the privilege of the Opposition to move an adjournment motion and an adjournment motion has to be supported by 13 members, otherwise an adjournment cannot be admitted. So, I think those honourable members who supported the motion must have felt the justness of the cause. I, therefore, do not find much justification for accepting your suggestion. I think it would be better that we stick to the usual practice that the members who want to support the motion should speak first and after that the Hon'ble Minister will reply. Your time is limited to ten minutes.

Mr. NAGENDRA NATH MAHALANOBISH: Mr. President, Sir, I beg to support this motion and want to point out that this complaint of want of supply of essential foodstuffs is coming to us from various quarters and the honourable mover of the resolution has done a great service to the people outside by drawing pointed attention to this fact. It only serves to show that our Civil Supply Department is not properly working and that there is something wrong somewhere. The want of rice in Bengal this year is certainly not due to want of the commodity in the province. Calcutta having been taken up by the Central Government, the rest of the province is now required to be supplied by the produce of Bengal. Therefore, there ought not to be shortage anywhere. The only question that is sometimes put forward is the question of difficulty of transport. That also ought not to be a plea for the Civil Supply Department for their inability to supply to the outlying districts. Now it is said that the Civil Supply Department does all it can do: but the transport is in the hands of the Central Government; therefore they are not to blame. With regard to that question my submission would be that it is really an excuse. If you have got to supply to the people of Bengal, you ought to take such steps that would ensure supply and you cannot remain content with the lapse or negligence of another agency. You must foresee that there may be some difficulty of the Transport Department of the Government of India and therefore you must be prepared beforehand so as to ensure supply properly. Sir, I may say that this Civil Supply Department is the youngest issue of the Government of Bengal—the last child I should say—I do not know if there is any other department opened since—but at present I may take it as the last child and as such it has really acquired all the vices that the youngest child

imbibes and we find that during this short period of less than two years it has become notorious in various ways. I need not give you the details. Perhaps you are all aware what the charges against this department are, but I would ask honourable members and the Government also to seriously consider whether or not it is better to abolish the Civil Supplies Department and to make over this business of procurement and supply and distribution to some business house which knows the business. I believe a large number of people has been recruited for the purpose of running this Civil Supplies Department who really have got no experience of business. A large number of I.C.S. people and a large number of B.C.S. people and other gentlemen have been recruited and perhaps the cost of running this new department is much more than that of all other departments taken together. The result, however, is that everywhere we find complaints either of this that or other things, and whenever they are asked to explain they say we are not at all at fault. It is the Government of India who do not supply us wagons, and there are transport difficulties and so on and so forth. I think the Government of Bengal should seriously consider the matter of making over this business to some experienced business house which will undertake to procure and supply without the least cost to the Government of Bengal. Any one who has got the interest of Bengal at heart would seriously consider as to what is the amount of expenditure Bengal is incurring for the Civil Supplies Department and what is the benefit that Bengal is getting out of it——

Mr. PRESIDENT: Mr. Mahalanobish, I hope you will confine your observation to the motion before the House.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, if I am not dealing with the motion before the House, I do not know what I am dealing with. I am dealing with the want of rice at Midnapore, and I said that it is entirely due to the want of ability on the part of the Civil Supplies Department and I also said that Government should entrust this difficult job to some business house which can manage these things. I have not got the least doubt that the mover has correctly given you facts that as a matter of fact there is dearth of rice and that people of Midnapore do not get rice as they require. I would be very chary to accept any contradiction of his statement. Therefore, you should accept this proposition that there is dearth of rice and that the people of Midnapore do not ordinarily get rice from the open market and that they get rice from the black market at high price. This black market again is the creation of the Civil Supplies Department and their agents. There is no proper enforcement of the price control orders, and I do not like to talk of bribery and corruption that is rampant in this department; but I say that it is entirely due to the inefficiency of this department. This is all that I had to say.

Mr. LALIT CHANDRA DAS: Mr. President, Sir, we have not had the privilege of hearing the Civil Supplies Minister before speaking on this matter. Here I have got the statement of the honourable mover, Mr. Mukherjee, on the point. He had been to the locality and he came to know that rice was scarce in Midnapore. Now, Sir, Midnapore is considered to be a surplus district. We wonder how rice could be scarce there. It admits of only one explanation, Sir, and it is that there has been a huge procurement of rice from Midnapore by Government agents. Government agents must have been there in large numbers and they purchased rice heavily and transported that rice to areas outside the district. If they had stored that rice in Midnapore, there would not have been this scarcity of rice there. The procurement policy is good only if it is followed by proper distribution of rice among the people. There has not been proper distribution. It is alleged by Mr. Mukherjee that rice could be had there only at the black market and that too at a very high price. The price was ranging from 8 annas to 10 annas per seer. Government has a way of doing things. There was an opportunity for the people to know about the

price of rice when the price was advertised and published in the *Calcutta Gazette*. We knew what was happening in Chittagong and so we could produce a copy of the *Calcutta Gazette* to convince you, Sir, that the price of rice there was ranging between Rs 30 to Rs. 40, and get our adjournment motion admitted in this House. But in the case of Midnapore when it is asserted by Mr. Mukherjee that the price was raging somewhere in the region of Rs. 20 to Rs. 25, probably it will be contradicted—I do not know what the Civil Supply Minister will say, probably he will contradict Mr. Mukherjee's statement and say "No, rice is available there and the price is lower." But we would prefer to believe Mr. Mukherjee's statement as he personally saw the state of affairs there. The ceiling price is certainly lower than the price that was prevailing in the neighbouring provinces and districts. Why is it that the ceiling price of rice could not be enforced and maintained in all the districts of Bengal? It is a primary duty of the Government to feed and clothe the people when they are in want and therefore the Government are guilty of dereliction of duty if they cannot enforce the ceiling price or bring down the price of rice within the easy reach of the poor. As long as rice is not easily available within the reach of the poor, then I should say that living in the midst of plenty people are dying. The Civil Supply Department is being maintained by Government at a huge cost, and I think the expenditure that the Government of Bengal is incurring for the maintenance of this department is somewhere over two crores. If that be the state of affairs, and if Government spend so much for the upkeep of this department, it will be very regrettable if any part of Bengal should be complaining like the complaint that has been made that rice is not available in Midnapore. Sir, it is very fortunate that one wing of the Legislature is open today, so that it is possible for the people to ventilate their grievances in this Council over this matter. I believe this story of scarcity of rice is not confined to the district of Midnapore only, but that its replica is to be seen in many parts of this province. It may be said by the Civil Supply Minister that although the price of rice has risen higher, yet the condition of the people has very much improved. To that also I desire to say that a certain proportion of the people might have benefited by the present war condition and gathered some amount of money, but generally speaking, the poor middle class and those persons who earn their daily bread by the sweat of their brow and labour from morning till evening—they can hardly meet the expense of purchasing rice.

In this matter why should there have been for a single day scarcity of rice in Midnapore? That answer should be given satisfactorily by the Hon'ble Minister If you bring in the question of transport—that there is transport difficulty—I would say that that explanation would not be worth accepting. Government ought to be responsible for bringing rice to the doors of every citizen of Bengal. It will not do for them to say that transport is in the hands of the Government of India and thus escape their liability. Even though transport may be in the hands of the Government of India, they should so arrange matters—transport or whatever it may be—that they will be able to save the lives of the people from starvation. It is their primary duty to do so. They must arrange matters so that transport can be possible easily from one part of the province to the other. In this particular case, it is known that large quantity of rice was purchased by Messrs. Ispahani & Co. Government should have so arranged that even this rice could have been made available—this rice should have been sent from one part of the province to the other and here in Midnapore to save the situation that has been created. It is known also that the Town Food Committee passed a resolution in which they recorded the fact that the people are starving for want of rice and desired that the authorities should be moved. In this matter Mr. Mukherji has done a public duty by drawing the attention of the authorities to the state of affairs and I hope similar grievances should be made by other members in case of scarcity so that the Hon'ble Minister may be made to see to the supply throughout the province.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I rise to support the motion so ably moved by my friend Mr. Bankim Chandra Mukherji. I support it not for the purpose of censuring the Civil Supplies Minister and the members of the happy family to which he has the honour and privilege to belong, but for the purpose of drawing the attention of the Government to the state of things prevailing in the mofussil.

Sir, before the district of Midnapore had time to recover from the effects of the terrible visitation of Nature—I mean the devastating cyclone that swept over the district in 1942—famine appeared, and like other districts Midnapore had also had its share of suffering. It is unfortunate that in spite of the elaborate paraphernalia of the Civil Supplies Department and the system of rationing which we are told has been introduced in some of the districts of Bengal, an important district like Midnapore should suffer from want of rice. Mr. Mukherji spoke from his personal knowledge of what was actually happening in the district of Midnapore. Not only the town but the neighbouring villages had been labouring under a great difficulty for want of rice and we are told that rice was selling between annas eight and ten per seer, which means Rs. 20 to Rs. 25 per maund. The control price there is about Rs. 13 per maund. The Hon'ble Minister pleaded ignorance yesterday when the motion was admitted saying that he had no knowledge of the shortage of rice in Midnapore. I congratulate Mr. Mukherji for the trouble he has taken to visit Midnapore recently and for giving us an idea of what was actually taking place there in the matter of food supply.

Sir, the Town Food Committee, as has been pointed out by Mr. Bankim Chandra Mukherjee, passed a resolution the other day to move the Government in the matter of supply of sufficient rice for the consumption of the people of the town and also of other parts of the district. Sir, we read in newspapers of the tonnage of rice that have been sent to different districts and the picture which is revealed in the press reports fill us with hope that there is no shortage or famine condition prevailing in any part of Bengal. But, Sir, the facts stated by Mr. Mukherjee cannot be controverted, because he spoke from his personal knowledge and it is for the Hon'ble Minister in charge of the Civil Supplies Department to come forward and say that the facts narrated by Mr. Mukherjee are not correct. We would like to hear from him whether or not supply of rice was stopped from the 26th of July and also the reason for stopping the supply. I come from a district which has suffered no less from the effects of the devasting famine that visited Bengal last year and I can speak from personal experience that the reports published in the newspapers are materially different from the actual state of things. Although I have no personal knowledge of the district of Midnapore, yet I feel for the people of that district because they have suffered so many privations: first, from the effects of cyclone and then from the famine that visited this province a year ago. I also congratulate Mr. Mukherjee on his being able to obtain your consent to move the adjournment motion without which it would not have been possible to know the actual position in Midnapore. With these few words, I support the motion.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: Mr. President, Sir, I beg to support the motion moved by my honourable friend Mr. Bankim Chandra Mukherjee. According to the suggestion of Mr. Shrish Chandra Chakraverti if the Chair had allowed the Hon'ble Mr. H. S. Suhrawardy to speak on the motion first we might have an idea of the situation and could see that his words did not go unchallenged. I also had waited to hear the supporters of Government but none rose to say anything. They only go to the lobby at the time of voting without knowing what they are supporting or opposing. Therefore, if the Chair had allowed the Hon'ble Minister to——

Mr. PRESIDENT: Order, order. The Chair has given its decision and you cannot discuss or challenge that.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: No, Sir, I did not challenge that. You said that to allow the Hon'ble Minister to speak first on an adjournment motion after the mover was a novel procedure. But, Sir, the world is changing.

Mr. PRESIDENT: If the world is changing, let it change for the better. So, will you please leave that point?

Khan Sahib NURUL AMIN: He has nothing to say.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: It would have been better if instead of interrupting my speech the supporters of Government would have risen and taking courage in both hands give some concrete suggestions to solve the problem.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. Is not the honourable member making an admission that he knows nothing of the situation and is merely wasting the time of the House. What he is saying is wholly irrelevant. (Mr. Lalit Chandra Das: Is that a point of order?)

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: It is true I have not gone to Midnapore——(Khan Sahib Nurul Amin: You know nothing about the motion.)

Mr. PRESIDENT: The honourable member should be allowed to speak uninterrupted.

Alhadj Khan Bahadur SHAIKH MUHAMMAD JAN: It is true, as stated by the Hon'ble Minister, that I did not go to Midnapore; but in view of the facts and figures given by one of our colleagues which up till now have not been contradicted by any member of the other side, I wholeheartedly support the adjournment motion moved by Mr. Bankim Chandra Mukherjee. There is little doubt, as was stated by Mr. Mukerji, that the Hon'ble Minister has completely failed to supply adequate quantity of rice and that the rice position in Midnapore is very critical. With these words, I support the motion.

Mr. HARIDAS MAZUMDAR: I support the adjournment motion moved by Mr. Bankim Chandra Mukherjee. Sir, after the cyclone and floods of last year, Midnapore would have attracted special attention of any other Government and scarcity of rice would not have occurred there at least. But the present Government complain that as transport is in the hands of the Central Government it can do very little. Evidently, the function of the Ministry is simply to draw money and do nothing else. Whenever they are pressed for any relief, they will say that this is a matter for the Transport Department of the Government of India. Indeed, wherever you press them they will come forward with the plea that the matter was the concern of the Central Government. Sir, when asked why a large quantity of paddy was allowed to rot on a station platform in Jessore last year, Mr. Suhrawardy said that the railway did not supply wagons. But in reply to a question in the Central Assembly, the Railway Member said that Bengal in this case did not indent wagons; they did not include in the programme that they wanted more wagons. During the famine last year, it transpired that wagons full of foodstuff could not be unloaded at Howrah. The Civil Supply Minister is leaving the Chamber, Sir——

Mr. PRESIDENT: The Hon'ble Mr. Tarak Nath Mukherji is representing the Civil Supplies Minister.

Mr. HARIDAS MAZUMDAR: During the prevalence of famine last year, Sir, the Howrah incident took place and they said that they had not sufficient labour force to unload this foodstuff. In Midnapore now the trouble is due to those shopkeepers who are apparently black-marketing the controlled rice. A similar condition was thus described by Sir Thomas

Rutherford in his broadcast speech in Bengal:—"As a result of administrative breakdown it is palpable to dispassionate observers, but the question is how long will this inefficiency of administration maintained at high cost to the tax-payer continue in this Province? I would suggest that a Committee of Enquiry should be appointed to investigate into the causes of this failure." I think a Committee should be appointed to go into this matter in detail and examine how the scarcity of foodstuffs can be possible in a district which is called a surplus district. Sir, with these words, I hope that this adjournment motion would be accepted by the other side, at least to show that the Civil Supplies Minister is absolved of his guilt, if there be any, by appointment of an Enquiry Committee.

Mr. AMULYADHONE ROY: Sir, the facts stated by Mr. Mukherjee, the honourable mover of this motion, are so difficult to contradict that members of the Government benches have not as yet occupied the floor of the House to take part in this debate and rebut them. (Khan Sahib Fariduddin Ahmad: We are present in the House.) My honourable friend appears to be ignorant of the Parliamentary procedure that to occupy the floor of the House means that one should rise in his place and take part in the debate. Sir, I have been authorised by Mr. Mukherjee to go through a letter written by one Mr. Mitra, a local zemindar and undoubtedly a loyal subject of His Majesty. The letter is dated the 12th of August, 1944. I will read it: "Last evening a meeting of the Town Food Committee was held. We considered our present rice situation in the town. The Subdivisional Officer told that the Government would release 5,000 maunds of rice every month to be distributed in the town with a population of 40 thousand according to the last census at the rate of one seer per unit per week." I ask in all seriousness whether this fact is true. Sir, who is to reply? The Hon'ble the Civil Supplies Minister is not present in the House at the present moment.

Mr. PRESIDENT: The Hon'ble Mr. Mukherji is taking down notes on his behalf.

Mr. AMULYADHONE ROY: At the meeting of the Food Committee it was known that the Government would distribute one seer of rice per unit per week. I ask in all seriousness whether this fact is true, and whether the Hon'ble Minister is in a position to give an answer to this point. I pause for an answer——

Mr. NAGENDRA NATH MOHOLANOBISH: On a point of order, Sir. Are honourable members entitled to taunt when another honourable member is speaking?

Mr. PRESIDENT: No, it is not proper. I think every honourable member should be given a chance to say what he wants to say without interruption.

Mr. AMULYADHONE ROY: I have been told by my honourable friend Mr. Moholanobish that my friends opposite are taunting. They must do that. They have no other alternative——

Mr. PRESIDENT: Mr. Roy, if you answer all these interruptions then you will only provoke further interruptions. So please say what you have got to say on the subject.

Mr. AMULYADHONE ROY: They have no case and therefore——

Mr. PRESIDENT: Mr. Roy, you better say what you have to say; do not pursue that point; for, as I have said, my advice to you is that if you try to reply to the remarks of the members on the other side, then you will only provoke further interruptions.

Mr. AMULYADHONE ROY: Thank you, Sir. I will follow your advice. However, this most important point must be answered by the members of the Cabinet, namely, the question of one seer per unit per week——

Khan Sahib NURUL AMIN: On a point of order, Sir. The honourable member has repeated this statement for the third time.

Mr. SHRISH CHANDRA CHAKRAVERTI: This is not a point of order.

Khan Sahib NURUL AMIN: Drawing attention to repetition is also a point of order.

Mr. PRESIDENT: Sometimes repetition is necessary in order to impress a particular point.

Mr. AMULYADHONE ROY: Sir, the matter is so serious and so important that it requires repetition for ten times in order that it may enter the heads of the members of the Government of Bengal. His Excellency the Governor the other day said that in the matter of food we were almost out of the woods. Take the case of Midnapore: are we out of the woods? What is it due to? Is it due to the fact that has happened the other day in Howrah, namely, disappearance of rice amounting to Rs. 90,000? Is it a fact that rice has disappeared from Howrah and Calcutta worth Rs. 90,000 and that Government is making an enquiry into the matter? Is it the same case with the district of Midnapore? Then, again, the relationship between the people of Midnapore and the Government is really like that of a red rag to a bull. I ask the Government whether in order to penalise the people of Midnapore they have decided to give one seer of rice per unit per week. I also want an answer on this point. The honourable mover of the motion has made it perfectly clear that from the 26th July the Civil Supply Department stopped the supply of rice to Midnapore. Why? What was the reason? Government must come forward with an explanation which must be satisfactory and acceptable to the members of the House. Mr. Mukherjee has further said that on the 5th August no rice was available. I believe this fact is absolutely true because otherwise Government would not have made a proposal for the distribution of one seer of rice per unit per week. Therefore, the situation is so serious and so difficult that Government cannot escape condemnation, and if the situation as stated by Mr. Mukherjee is still the same as has been described by him, I think the Hon'ble Minister for Civil Supplies does not deserve any credit whatsoever. The situation in Midnapore must be improved and that in the near future. Only a few minutes ago, one of my honourable colleagues on the other side remarked that we have not made out any case. Whether any case has been made out or whether the letter which I have read out to the honourable members is sufficient for the condemnation of the Government is for them to consider. I hope they will think twice before taunting us again. Lastly, Sir, my humble submission is this: the unpleasant situation which has been created in Midnapore is due to the fault of the Hon'ble Minister himself—the situation created in the Civil Supplies Department is due to his fault, because I know it is he who took the initiative in punishing the departmental officers for corruption and a great number of cases were enquired into and reports submitted and the enquiring officers recommended to the Government for dismissal and suspension of many officials belonging to the Civil Supplies Department. But after all no action has been taken by him.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the honourable member's motion discloses a serious state of affairs. The facts have obviously been collected by him from personal, practical experience of the affairs and cannot be contradicted. The whole difficulty seems to be due to the adoption of a policy of marking some districts "surplus" and others "deficit."

The basis upon which food should be distributed should not be by mere rule of thumb. It is disclosed in a private letter that during the emergency one seer of rice has been provided per head per week. This is hopelessly inadequate. Every working man needs about 7,000 calories daily in order to keep him going. He must, therefore, take food which supplies this average 7,000 calories. If a man takes meat, fish, atta, flour, dal and ghee, a much smaller quantity will be enough for him, because these foods give more caloric value than rice. If a poor man has to depend upon rice alone, he should have much larger quantities than has been provided. Any medical authority on food will support this. For an ordinary cultivator, one seer of rice per week is hopelessly insufficient. For a rice-eating worker, more than a seer per day is needed. This policy of branding one district as "surplus" and another district "deficit" is based upon a fundamental error. The error lies in assuming that a *powa* of rice per head is enough for a man in a rice-eating area. Much artificial "surplus" is shown by this device and the supposed "excess' is taken away. But workers have to eat to live and eat up the reserve creating an inevitable shortage. The void created in Midnapore is the inevitable consequence of this policy of classification. Too much has been taken away from this area and too little has been left, and there has thus been a scramble for food in Midnapore with the inevitable consequence that food has gone to the black-market. I submit that this aspect of the question should be taken serious notice of by the Government. The Hon'ble the Civil Supplies Minister hails from Midnapore. I come from the neighbouring district and another honourable member comes from the Hooghly district. These are so-called "surplus" districts. The Hon'ble Minister had the sentimental satisfaction of thinking that his district was a surplus district. But now this surplus district is in danger. It was said of the great Napolean that while fighting throughout Europe, he forgot his little birthplace, the little Island of Corsica. While the Minister is scoring success after success in the Provincial field, he should not forget his native district. I request him to look into the affairs of Midnapore for there is something wrong there.

Now, with regard to the prevalance of corruption, I think it is in the justness of things that this corruption should be eradicated altogether. In fact, two causes have encouraged corruption. The first is the sudden growth of provincial autonomy and the second, the opportunities created by the war. Corruption prevailed in England in the 18th century when the English people were passing through a transition from the worst kind of autocracy to a limited monarchy which began in 1688 with the Glorious Revolution. During the interregnum, corruption was rampant throughout the whole island. Corruption is partly responsible for the disappearance of food and other articles from the open market.

Now, the problem of food-supply in the so-called "surplus" districts should be handled very carefully. Probably too much was taken away from Midnapore leading a precarious reserve. When the crisis came, the red tape intervened and food could not be quickly brought back to Midnapore. The case of Midnapore is typical. The other day we were shown some weak spots about Chittagong, a deficit district, and the Hon'ble Minister could not fully explain the position. The wrong policy laid down by the department has been too faithfully carried out with the result that a "surplus" district is suffering from starvation.

With these few words, Sir, I support the motion for adjournment.

Mr. HUMAYUN KABIR: I rise to support this motion. In doing so I am at the very outset faced by the situation that on the one hand statements were made by the honourable the mover of the motion that no rice was available in Midnapore and on the other, the Hon'ble Minister for Civil Supply attempted to raise an objection with regard to the admissibility of the motion itself by suggesting that there was no such shortage. Now,

you very rightly ruled that when an honourable member of the House is personal experience vouches for his statement, such explanation on part of the Hon'ble Minister could not be regarded as sufficient ground disallowing a discussion on the subject The Hon'ble Minister has 1943, discovered a very novel method of dealing with shortage—a od which has never before been used in this world. He has said that der to keep up the public morale, in order to allay panic, even if there ortage, do not admit it but go on issuing communiques. On this ion too, I think Mr. Suhrawardy was depending upon his pet method lealing with want of rice when he said that there was no shortage. have been told that the District Magistrate was asked to supply 5,000 ads of rice to the local shops on one condition. The rice should be to the stockists of the town, provided rice was distributed at the rate seer per adult per week. Is this also a part of the same method which Suhrawardy adopted when he wanted to sanction 6 *chittacks* per day to dult agricultural population of Bengal? The position is slightly better year, and yet he has thought fit to sanction 1 seer per week! Need I nd him that this one seer is not adequate? Again, if there is no age, why this insistence on one seer per week?

t happens sometimes that there are large stocks in the hands of Govern- but these are not available to the public. We know last year thousands aunds of rice was kept in storage in Jessore and allowed to rot while ands of people starved. Mr. Suhrawardy says that Government have in supplies in Midnapore and it may be he is correct. But from the rience we have of his methods, it does not follow that that rice is able to the public. Last year also, Government had stocks, but the le starved. Is the same situation being repeated in Midnapore ? Mr. Suhrawardy is trying to keep up the morale of Midnapore. ie Government stocks there are not released for the use of the public, the stocks are there merely for show,—merely for the satisfaction of Civil Supplies Department that the stocks can be obtained if necessary. efore, I would ask the Hon'ble Minister for Civil Supplies to see that ere are any Government stocks there, these stocks should be released in so that the people can take advantage of the stocks. Last year the s were released too late and when they were released, they were unfit uman consumption. I think more Government money was wasted in pting to find out whether by any chemical operation these rotten food- is could in any way be made fit for any sort of consumption, either by in beings or by cattle. I would ask the Hon'ble Mr. Suhrawardy to keep point in mind.

am sure that Mr. Suhrawardy is aware that Midnapore is not an area e there is much *aus* crop. It is not an *aus*-growing area. It is mainly *man*-growing area. Therefore, from the month of July till about the of October, there usually is local shortage. I think even in normal there is bound to be a certain amount of shortage during this period. over, since 1942 the conditions of Midnapore have been very abnormal. e were first of all the political disturbances and the repressive measures up by Government. On top of that, there was the cyclone of 1942 h disturbed the economic life of Midnapore: so much so that in autumn 942 the then Government was compelled to re-transport to Midnapore ice which had been taken away from there earlier. The whole of the 1942 was a black year for the whole of Bengal and it was blackest in apore. An ordinary cultivator in Midnapore cannot be expected to an adequate surplus. If he does not have an adequate surplus, in view e fact that it is not an *aus*-growing area but an *aman*-growing area, steps have Government taken to build up reserves?

gain, I would ask the Hon'ble Mr. Suhrawardy to answer whether ning has been introduced in the town of Midnapore. If rationing has been introduced, what are the reasons why rationing has not been duced? I am confident that if rationing had been introduced in the

town of Midnapore, the facts to which reference has been made by my honourable friend, Mr. Mukherjee, could not have arisen. If the area were rationed, the shops there would have stocked Government supplies under Government control. The question of stocks going into the black-market could not arise at all. Therefore, the existence of black-market has also been rendered possible only because rationing has not yet been introduced into the town of Midnapore. I would also like him to consider—though this is not strictly the subject of the adjournment motion of today—the position with regard to other areas in the district of Midnapore. I had occasion to visit Midnapore two or three times in connection with famine relief there. When I went there, the conditions I found were appalling. After the cyclone, the economic life of the people of the district had been so damaged that it was very difficult for them to come back to a normal state of affairs. If Government had taken special care to rehabilitate the people, the condition there would have been different. Now, I would like to know what are the intentions of the Government with regard to the introduction of rationing, not only in the town of Midnapore, but in the district of Midnapore as a whole. If complete rationing is not possible, do Government contemplate any scheme of partial rationing by which certain types of the population may be catered for by Government shops?

These are questions which also have to be considered. Then, Sir, there is also the problem of transport to which reference has been made. Transport is no doubt a difficult problem. In Midnapore, which has to use a large number of boats, this problem is the more acute because of a shortage in the number of boats; but I believe that in the course of the last year and a half, the harm caused by the destruction of boats has been partially remedied, and there are more boats available today than there were about one and a half years ago.

Rai Sahib JOGENDRA NATH ROY: Sir, we have received letters which stated that price of rice in Midnapore has been rising since July last. Now rice can only be had for Rs. 25 a maund and in many places it could not be had even at that price. The Hon'ble Minister for Civil Supplies, I mean, Mr. Suhrawardy, is always giving us hopes that, although the transport difficulties are there, he would try his level best to help Midnapore; but the situation there is getting worse day by day. The middle-class people have been hard hit, while the retired men with big families are in a terrible plight. Last year they sold what they had—their lands, jewelleries, their securities and whatever they could sell, to keep their body and soul together. Last year there was however a bumper crop and this year the crop has failed. Because of this, the situation there has become extremely grave. Sir, Midnapore is a place of which we are all proud. But now it appears that dismal plight has enveloped it and no one seriously bothers about it; everybody seems to have forgotten that it is one of the nicest and finest places in West Bengal In course of a conversation with a high Government official I was told that the transport facilities, which were available in 1943, are not available now. I appreciate the difficulty, but I think that the Government have not taken sufficient steps to relieve the distress there. Will the Government be pleased to state what amount of rice it has stocked in order to meet the situation in deficit areas throughout Bengal? That will give us an idea as to how far Government is prepared to meet the situation. However, I hope that the Hon'ble Minister will take up this matter very seriously and see that Midnapore is not blotted out of Bengal.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I whole-heartedly support the motion moved by my friend Mr. Bankim Chandra Mukherjee. He has given a graphic description of Midnapore for the days when no rice was available at a reasonable price and as a matter of fact he says that even at a higher price rice was not at all available. On the day he moved the adjournment motion, he quoted the price to be over Rs. 20 per maund and it appears that the Civil Supply Minister was not at all surprised at the figure, for if I remember aright he said that the price of Rs. 20 a maund was not

unreasonable. I do not know what was the controlled rate at which rice was available. In Calcutta it is about Rs. 16 but the rate at which it was then obtainable in Midnapore was over Rs. 20. So I do not know what led the Hon'ble Minister to say that the price was not unreasonable. As the previous speakers have already pointed out—what is the special reason for Midnapore to go without rice so quickly? Midnapore has been selected for persecution, it appears both by man and God. The Hon'ble Minister should have kept a special watch over the affairs of Midnapore. My friend Mr. Humayun Kabir says that Midnapore is the home district of the Minister for Civil Supplies. But I do not think he cares about his home district at all. Probably, because it will be out of the range of Pakisthan, therefore he wants to blot it out by persecution and starvation and all sorts of repression which is at the command of the Government. Any way, in connection with the honourable mover's motion here none of our friends opposite has even the courtesy or any sense of public duty to join in the debate. We will even welcome speeches opposing the motion. But they do not want to do so. Only they will go to vote in the Government lobby. I do not know what use this adjournment motion will serve and I do not believe in the efficacy of it. The Hon'ble Minister in charge of Civil Supplies seems not to care so long as he has his supporters to vote. He is laughing and another Minister is also doing the same thing—Minister from Howrah and Minister from Midnapore both are laughing (interruptions from the Government benches) and out to destroy their home districts.

Mr. PRESIDENT: Mr. Chakraverti, either you resume your speech or resume your seat. You are not to discuss with the members opposite.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, the Civil Supply Minister does not seem to show any sympathy in this matter. He is quite indifferent to the situation. So far as Civil Supplies Department is concerned, it seems that a white elephant is being maintained at the cost of the people. It is admittedly, even in the language of His Excellency the Governor, full of corruption and I have heard just now on the floor of this House that he himself received a lot of complaints from various officers and he has himself enquired into these cases but has not taken any steps to bring the offenders to book or to let the public know what is the result of the enquiry. We have heard from influential members of his party that the Civil Supplies Department from top to bottom is full of corruption. Many honourable members have pointed out the reasons why Bengal is suffering so much. The Hon'ble Minister is treating every subject with levity and is sleeping away his time. But he must wake up: Nemesis will not be far distant from him if he goes on in this way and again lead this province to famine and starvation and ultimate death.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, it is regrettable that the honourable member who has moved the adjournment motion should have built a case on a casual conversation with certain people of Midnapore during a casual visit to that place. I have tried to get reports from the local officers regarding the condition in Midnapore and I will read a telegram which I received from the District Magistrate on the 10th August. The first adjournment motion was moved on the 7th August and the present adjournment motion is on the same lines and although 7 days have passed the honourable member has not been able to get any further information to support him except two matters which are incorrect. The telegram says: "Retail market price of medium rice in Midnapore is annas 6-6 per seer" which is equivalent to Rs. 16-4 per maund. "Rice is available in Midnapore for the last 8 days and no complaints of scarcity have been received from the neighbouring villages." So, the honourable member has built up a case without knowing whether rice was available in Midnapore or not.

Mr. HUMAYUN KABIR: What is the date of the telegram?

The Hon'ble Mr. H. S. SUHRAWARDY: 10th August. Now, Sir, I do not know whether it is worth while to discuss this motion. But there are

one or two matters which the honourable member has raised and which I want to clear up, though those matters are not relevant to the motion. One fact which the honourable member has disputed is that Midnapore is a surplus district, simply because on the basis of 9 maunds per head for a population of 29 lakhs there should be 250 lakhs maunds of rice. But if we were to take an average of 4½ maunds per head per year, Midnapore at once becomes a surplus district. I take it that the honourable members are aware that the population of 29 lakhs in Midnapore includes infants and children, old women and invalids, and that it is not possible for an infant or a child to consume 9 maunds of rice. We have got to take an average and on the basis of that average Midnapore is a surplus district. I do not, however, suggest as a question of fact that four and a half maunds per year represents a fair average consumption, or that an average of half a seer of rice per head daily is sufficient nourishment for the people of Bengal. An investigation is being made and is being conducted even now in order to ascertain what is the average consumption of rice of the people.

The next point, Sir, which has created some confusion are the orders which were passed by me to introduce modified rationing, under which we put on the market 2 seers of foodgrains per head per week, which in consideration of the stock of rice and *atta* available would be 1 seer rice and 1 seer *atta*. This is not complete over-all rationing, and does not represent all the foodgrains a person is expected to consume. If we were to introduce over-all rationing as in Calcutta, then the amount which we would give would be 3½ or 4 seers per week at least. This rationing is being introduced in order to put foodgrains on the market for the purpose of taking the pressure off the market, for the purpose of reducing prices in general, for the purpose of making rice available to the people and thus prevent a hold-up, and for the purpose of stimulating the flow of rice into the market; and this policy has succeeded. It has been tried in Chittagong and today I have received a letter from the District Magistrate of Chittagong, which makes it clear that the policy has succeeded and that the price of rice has fallen below the price of Government rice to such an extent that excepting in Chittagong town itself and nearabout there is little off-take from Government shops. This amount which we propose to put through our shops will appear only to those places, where there is also rice available through the trade. Instructions have been issued and many Magistrates are giving more than 2 seers per head where there is no local market. In some places, as in Kustia, where the local market was dry, we have been giving as much as 4 seers of rice per head per week. In some places we are giving 2 seers of rice per week instead of 1 seer for the purpose of ensuring foodgrains which the people prefer, and this has resulted in ample foodgrains coming into the market. I have not the least doubt that in Midnapore there is still considerable amount of hoarding and that there are cultivators of the class of *jotedars* who have got still considerable stocks in hand. For the time being I see no reason why we should start frightfulness at Midnapore and force them to de-hoard, for I am certain that the time will come when these persons will be most anxious to sell their foodgrains themselves without any pressure from us. When the honourable gentlemen opposite predict that I will not admit a shortage, it appears to me that they know what the true facts are; and they seem to be anxious to proclaim a deficiency where it does not exist in order to create panic and if possible to bring about difficulties in this province. As regards the next point to which the honourable member has referred, namely, the removal of rice from Midnapore, I may state at once that although purchases have been made in Midnapore, they have not been in any measure commensurate with the amount that Midnapore could have yielded. We have not forced Midnapore at all. Very small quantities comparatively have been purchased and from the 15th of July not a single grain of rice or paddy has been removed from Midnapore——

Mr. BANKIM CHANDRA MUKHERJEE: On a point of information, Sir. What is the quantity?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not prepared to tell you that. My word is enough.

Mr. BANKIM CHANDRA MUKHERJEE: We do not believe it.

The Hon'ble Mr. H. S. SUHRAWARDY: I know that. I did not expect you to.

At present, there is in Midnapore town itself a stock of 22,838 maunds of rice, and this stock is being put on the market. I feel, Sir, that if the market of Midnapore can absorb 500 maunds of rice per day, I see nothing to prevent us from putting that quantity on the market. I would certainly, for the purpose of stimulating substitute foodgrains, divide the off-take into rice and *atta*. I think it is well for the people of Bengal to have *atta*, and although I have no further information in the matter I am certain that the Subdivisional Officer must have also told the people that along with one seer of rice per head per week he would also give one seer of *atta* per head per week. But it is surprising that the honourable member never referred to *atta* at all. He only referred to the one seer of rice. Now, as I have said above, there is no shortage of rice in the market, and the price of rice is not as high as the honourable member puts it. It is only Rs. 16-4. I have stated that the honourable member is misinformed and his statement is incorrect. No orders were passed on the 26th of July, as alleged, and the facts on which the honourable member has based his motion are incorrect. But, Sir, I am never content with a mere refutation of an argument. If a complaint is brought to my notice—it does not matter whether the motion succeeds in this House or not—I very carefully inquire into the matter, and if I find there is anything wrong, or needs rectification, I take all possible steps to rectify it; and it makes no difference to me if it has been brought to my notice through incorrect information. I am in touch with the District Magistrate of Midnapore, and I hope, Sir, that all necessary steps will be taken to remedy any faults or errors.

Mr. LALIT CHANDRA DAS: Will you go there?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not necessary at the present moment. If it is necessary, I shall certainly go there.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I have heard the Hon'ble Minister for Civil Supplies very carefully. I think he has tried to hoodwink the House on the basis of a telegram from the District Magistrate of Midnapore, dated the 10th August, which says that rice is available for the last 8 days. Now, Sir, I would request the Minister if he has any idea of arithmetic to say if 8 days are taken from the 3rd to the 10th of August. Why is it that the District Magistrate does not say anything as to the non-availability of rice from the 26th July onwards? The telegram is discreetly silent on this point and suppresses facts which I think ought not to be allowed by the Hon'ble Minister. I had definite information before I tabled my adjournment motion that supply of rice was stopped from the 26th July and that rice was not at all available for a large number of days. I think the Midnapore *Hitaishi* is submitted to the press officer for the purpose of being censored and we find in the very first paragraph of the editorial note.

জেলায় অভাবনীয় চাউলের অভাব। কয়েকদিন যেদিনীপুর সহরে কোন দোকানে চাউল না পাইয়া লোক অত্যন্ত উদ্বিগ্ন হইয়া উঠিয়াছে। সম্প্রতি অতিরিক্ত ম্যাজিষ্ট্রেট মহাশয়ের আদেশে দোকানে হাজার মণ চাউল দেওয়া হইবে বলিয়া শুনিতে পাইতেছি। কিন্তু এই হাজার মণ চাউলে ক'দিন চলিবে? চাউল না পাইয়া জনসাধারণ প্রায় ক্ষিপ্ত হইয়া উঠিয়াছে। অতিরিক্ত ম্যাজিষ্ট্রেট মহোদয়ের কৃপায় তাহারা পরে ক্ষান্ত হইয়াছে।

I would therefore request the Hon'ble Minister to consider and to enquire from his department as to why it is that they allowed all these things to be published in the Midnapore *Hitaishi* which has a wide circulation in the Midnapore district. The fact that it was published in that newspaper justifies that——

The Hon'ble Mr. H. S. SUHRAWARDY: What is the date of this issue?

Mr. BANKIM CHANDRA MUKHERJEE: 7th August, 1944. I came back to Calcutta on the 5th, 6th was a Sunday and on the 7th, Monday, I tabled the adjournment motion.

Then, Sir, the Hon'ble Minister has stated that the current market price of rice is 6 annas 6 pies per seer in Midnapore. I would request him to state what was the controlled rate of rice in Midnapore. Will he be able to contradict me if I say that the controlled price there is Rs. 13 per maund as fixed by Government themselves? Therefore, I submit that the statement of the Hon'ble Minister that rice was available at 6 annas and 6 pies per seer is not the price of the open market but is really the price which some shop-keepers realise in the black market because they could not sell rice at that rate in the open market. But I have stated categorically in my opening speech that rice was not at all available at less than 8 to 10 annas per seer. If necessary, the Hon'ble Minister himself may go to Midnapore and I can go too with him to prove that my statement is correct and that the information of the District Magistrate is inaccurate. With reference to the question as to whether Midnapore is a surplus district or not, I would refer him once again to the report of the Floud Commission where 9 maunds per head per year is stated to be the requirement. The Minister has stated that there are some infants; no doubt there are infants, but he did not give us any figure for average consumption of rice by the villagers and cultivators. If the Hon'ble Minister will refer to the speech of the Hon'ble Sir Jogendra Singh, Member, Governor-General's Executive Council, he will find that according to his calculation 13 chittaks of rice would be necessary per head to give the necessary calories to an individual who does not get other kinds of food, namely, milk, fruits and other things. Next, Sir, the Civil Supplies Minister stated that there was some suppression of fact with regard to the information about one seer of rice per head per week which was proposed by the Subdivisional Officer to be supplied to the people of Midnapore. Now, in regard to this matter, I did not like to refer exactly to the things that happened. On the 11th of August a meeting of the Town Food Committee of Midnapore was held. The Subdivisional Officer stated at the meeting that Government would release 5,000 maunds of rice per month to be distributed—and this is for a population of 40,000 at the rate of one seer per head per week. Now, Sir, I pause for a moment and take up what the Hon'ble Minister for Civil Supplies has said. According to him the stock is 22,832 maunds. So I think the Subdivisional Officer was right when he said that he would not be able to supply more than 5,000 maunds of rice per month, because from August to December there are still five months and about five months' supply will have to be stocked and with the 22,832 maunds of rice which the Government have purchased they cannot supply more than 5,000 maunds per month. That again works out at one seer per week for each adult population of Midnapore town. Thereafter a resolution was passed by the Food Committee in the presence of the Subdivisional Officer, he himself presided, to the following effect. The resolution was passed unanimously that this Committee views with deep concern that the Government under modified rule of rationing decided to give one seer of rice per unit per week—that this district was declared as a surplus district. The chief food is rice and per head 9 chittacks of rice is indispensible for sustenance of the people. Accordingly, it is resolved that Government be moved to supply rice sufficiently for the consumption of the people at the rate of 9 chittacks till the next harvest, that is December next—and a copy of the resolution be forwarded to the Subdivisional Officer, Additional District Magistrate, Food, District Magistrate, the Hon'ble Minister in charge of Civil Supplies and the Food Commissioner, Bengal. I do not know if the Hon'ble Minister has received a copy of the resolution. (The Hon'ble Mr. H. S. SUHRAWARDY: No.) He says that he has not. In any case, I think that from what I have stated it is clear that it is he who is guilty of suppression of facts. Now, Sir, it is clear that the Government have purchased rice in large quantities from Midnapore. The Hon'ble

Minister will not say what is the quantity and will keep it in his pocket for future reference. The Hon'ble Minister has said that the Subdivisional Officer must have proposed to give *atta* or wheat in addition but I do not know what he means by that. It is an inference which has no foundation: otherwise the Subdivisional Officer should have opposed the resolution. It was passed unanimously.

With reference to the distribution of *atta*, I may say that I had been to Kharagpur and was discussing the matter of *atta* with one of the biggest merchants of Midnapore who is a non-Bengali and he told me that the wheat which the Government is releasing is rotten and unfit for human consumption. (Here the member reached time limit and resumed his seat.)

Mr. PRESIDENT: Order, order. The question before the House is: That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen out of the fact that rice is not available in Midnapore town and in the neighbouring villages. The authorities stopped supply from the 26th July, 1944 and rice is available in very small quantities in the black market at 8 annas to 10 annas per seer. At a meeting of the Town Food Committee on the 11th August, 1944, a resolution was passed to move Government in the matter to supply sufficient rice for the consumption of the people.

The motion being put, a division was challenged and taken with the following result:—

AYES—13.

Khan Bahadur Nazıruddin Ahmad.	Mr. H. D. Majumdar.
Rai Bahadur K. C. Banerji.	Rai Bahadur B. M. Maitra.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. L. C. Das.	Mr. B. C. Mukherji.
Mr. B. C. Datta.	Rai Sahib J. N. Ray.
Mr. M. R. Jaipuria.	Khan Sahib Maulvi Wahiduzzaman.
Mr. H. Kabir.	

NOES—22.

Khan Sahib F. Ahmad.	Mrs. K. D'Rozario.
Mr. M. Ahmed.	Mrs. L. P. Dutt.
Mr. N. Ahmed.	Khan Bahadur A. Gofran.
Mr. S. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Mr. M. Hossain.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. M. Ali Chowdhury.	Khan Bahadur M. A. Momin.
Mr. H. Huq Chowdhury.	Khan Bahadur M. Rahman.
Mr. Mohd. H. Chowdhury.	Mr. Yakub H. S. Sattar.
Mr. C. E. Clarke.	Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The Ayes being 13, and the Noes 22, the motion was negatived.

The Bengal Agricultural Income-tax Bill, 1944.

Mr. PRESIDENT: We shall take up the Bengal Agricultural Income-tax Bill now. The House will remember that two points of order were raised yesterday. One was with reference to marginal notes. I have very carefully looked up that point. I would now like to hear Mr. Mukherjee. I would like to have those authorities from you which you wanted to give me.

Mr. BANKIM CHANDRA MUKHERJEE: Now, with regard to this matter, we find that the position so far as England is concerned, in the parchment roll in which the Bills were printed marginal notes were not printed at all. The Bills come to the House of Commons and also to the House of Lords without the marginal notes and the marginal notes are put in sometimes when the Bills are passed later on. In Britain, the practice has been

that marginal notes should be printed and should be referred to in the House of Parliament, and you will find, Sir, that the point has been discussed in some of the English Acts, but for my present purpose I would only refer you to the Bengal Agricultural Income-tax Bill and also refer you to where the marginal notes were brought to the notice of the Legislature—both in the Lower House and in the Upper House. If you refer to the Select Committee Report on clause 6 of the Bill, you will find that in the marginal notes the Select Committee wanted to add the words "rent and revenue"——

Mr. PRESIDENT: Mr. Mukherjee, it is the Select Committee of the Lower House. I do not think you can refer to it.

Mr. BANKIM CHANDRA MUKHERJEE: You cannot rule it out in this way, Sir. If the marginal note has been amended in the Lower House, then it must be added here. It has been decided by the Lower House, so far as this Bill is concerned, that the words "rent and revenue" should be retained in the marginal note. Therefore, I do not think that there is any escape from the proposition that marginal notes have been referred to by the Legislature and that they are part or the Statute. Now, I think that this ought to conclude this question as to whether marginal note so far as this Bill is concerned is part of the Statute or not.

If you now refer to Halsbury which was shown by the Secretary to you and if you read a few lines below the portion referred to by the Secretary, you will find—

Mr. PRESIDENT: There should be no reference to Secretary, Mr. Mukherjee.

Mr. BANKIM CHANDRA MUKHERJEE: I am sorry, Sir. Reference was made to Halsbury, and if you refer to a few lines below the paragraph which you quoted from, you will find that "the Houses of Parliament have nothing to do with marginal notes and that the courts cannot look at them, etc.". You will also find mention of local Acts in the marginal note, so that I think that so far as this particular Bill is concerned, we need not discuss the point further. Otherwise, I could have given you, Sir, a host of rulings from the Calcutta, Bombay, Madras, and Allahabad and also other High Courts where it has been held that marginal notes can be referred to for the construction of Statutes. If the sense of the text is ambiguous, then the court may take recourse to the marginal notes.

Mr. PRESIDENT: The position regarding this point seems to be this. Marginal notes are generally not considered by the legislature, and it has been held over and over again that marginal notes should not be considered. In fact, I have got here a decision of the Privy Council where it has been said quite clearly—I think by Mr. Justice Macnaughten—that "it is well settled that marginal notes to the sections of an Act of Parliament cannot be referred to for the purpose of construing an Act. The contrary opinion originated in a mistake and it has been exploded long ago. There seems to be no reason for giving marginal notes in an Indian Statute any greater authority than to marginal notes in an English Act of Parliament". That has been the settled law on this matter and I find that the practice at least here in this province has been that marginal notes have been changed and amended on an Act being revised and reprinted. The Calcutta Police Act and the Bengal Village Self-Government Act—these are all Bengal Acts and it is mentioned there that marginal notes have been revised where necessary, so that they were revised without any reference to the Legislature. But the point is this: as you Mr. Mukherjee have pointed out that in this case the Lower House has taken the marginal notes into consideration, I am inclined to think that marginal notes form part of a Bill and therefore I rule that amendments to marginal notes are permissible. It has been found that the other House did actually go into the matter and modified the marginal notes. So there is no dispute as to that. That point is settled.

As regards the other point, namely, whether negative amendments are permissible or not——

Mr. NAGENDRA NATH MOHOLANABISH: Sir, may I rise on a point of personal explanation? Yesterday I wanted to give you some authority on this point and you were pleased to ask me to see you in your Chamber. Unfortunately, I could not do so. Will you, therefore, kindly permit me to place the matter before the House now?

Mr. PRESIDENT: I have seen that Mr. Moholanabish; you need not refer to that. In fact, my decision was very guarded.

Mr. LALIT CHANDRA DAS: Not only as President but as a member of this House also you agreed to such a proposition, Sir.

Mr. PRESIDENT: Mr. Das, as a member we are not so very responsible.

Mr. LALIT CHANDRA DAS: Your predecessor also held that such amendments were proper amendments. Let us go by the rules and authorities, Sir.

Mr. SHRISH CHANDRA CHAKRAVERTI: I want to submit something on this point, Sir.

Mr. PRESIDENT: Mr. Chakraverti, the point was very carefully discussed yesterday and you may remember that it is only when the Chair invites discussion on a point of order that such discussion may take place; otherwise not.

Mr. SHRISH CHANDRA CHAKRAVERTI: The point that I want to place before you, Sir, is practically from your own instruction and I will show that it has been admitted by you.

Mr. PRESIDENT: It may have been admitted by me, but since then I have carefully considered the matter and gone into the whole question. What I have said I can certainly reconsider, and I have done so. No man is infallible, you know.

Mr. SHRISH CHANDRA CHAKRAVERTI: From the President's Standing Orders I will show unmistakably that this sort of amendment has been allowed in the past, wholly or partially. If you give me 5 minutes time, I will easily show that to you, Sir,

Mr. PRESIDENT: Why five minutes? Why not quote the rule now?

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, it is in the President's Standing Order——

Mr. PRESIDENT: Which one you are referring to?

Mr. SHRISH CHANDRA CHAKRAVERTI: First, I want to refer to rule 113(3) of the Bengal Legislative Council Procedure Rules.

Mr. PRESIDENT: You are referring to the form and manner?

Mr. SHRISH CHANDRA CHAKRAVERTI: Yes, Sir, it is by this rule you are empowered to determine the form and manner in which notices of amendments should be issued. Before the Standing Order of the President was published, members used to choose their own language and there were no forms. After the Standing Order of the President was passed —and I would refer you to rule 20 of the President's Standing Order——

Mr. PRESIDENT: I have seen that. The difficulty is that it was not done by me——

Mr. HUMAYUN KABIR: But, Sir, it is binding on you——

Mr. PRESIDENT: No, it is not. There is one very important question which you should consider and this is whether it is in conflict with

our rules. Yesterday I referred you to rule 43(2) which lays down that cannot be done——

Mr. SHRISH CHANDRA CHAKRAVERTI: But, Sir, the Standin Order——

Mr. PRESIDENT: Mr. Chakraverti, there should be no discussion an argument. I have carefully considered the matter. You do not brin in any new argument——

Mr. SHRISH CHANDRA CHAKRAVERTI: Well, Sir, if you do n hear our argument and give your ruling, we are helpless.

Mr. PRESIDENT: Well, you cannot say that I do not hear your argu ments. Whenever I found that there is any force in the arguments of th members of the Opposition or of any members of the House, I alway concede to them. Two minutes ago, I accepted the contention Mr. Mukherjee——

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, we will have gri vance if you do not hear us; and you are not hearing us now——

Mr. HUMAYUN KABIR: I hope, Sir, you will give us a hearing. new point has arisen out of the Standing Order of the President and yo are bound by it. It is not the Standing Order of somebody else but it the Standing Order of the President of the Bengal Legislative Council an if you want to change this Standing Order, you must intimate the members and till you change the rules you are bound by these rules——

Mr. PRESIDENT: I am afraid, Mr. Kabir, there may be Standin Orders which are in direct conflict with the rules and in such cases I thin it is the privilege of the President to consider this matter.

Mr. SHRISH CHANDRA CHAKRAVERTI: By issuing the forms yo have already committed yourself. If you are wrong, members cannot suffe

Mr. LALIT CHANDRA DAS: On a point of order, Sir. Standin Orders of the President have been made under rule 111 of th Bengal Legislative Council Procedure Rules. Rule 111 of the Procedu Rules says "The President may, by orders, not inconsistent with these rule provide for matters for which no provision is made, and may give such direc tions as may be necessary for giving effect to these rules and such orders' So, we say that the President has been empowered to make rules and whe the Procedure Rules have empowered the President to make the Standin Orders and the Standing Orders are passed by the President, he is bound b them. He cannot evade them——

Mr. PRESIDENT: Order, order. Mr. Das, I have considered all th points.

Mr. HUMAYUN KABIR: Sir, if you say that you are not bound b those rules, then it will be our painful duty to refer your decision to th Privilege Committee of the House. It will be our contention that you ar infringing the privileges of the House and it will be our very painful dut to refer your ruling to the consideration of the Privilege Committee of th House.

Mr. PRESIDENT: Mr. Kabir, why do you say that?

Mr. HUMAYUN KABIR: Because, Sir, you say that you are no bound by the Standing Rules and you say that you are not bound by wha the former President has framed. In fact, he has again and again rule on this point. I would refer you to an occasion when on the 11th May 1939, a similar motion for the deletion of a particular clause came up an the late President allowed that. And now, if after all these, you toda

say that you are not bound by those rules and if you think that you can do just as you please, then we consider that to be an infringement of the privileges of the House. In that case, it would be our very painful duty to refer your ruling to the Privilege Committee of the House. It has already been seen in another place that the ruling of the Speaker can be discussed and it was allowed to be discussed for days. If, therefore, Sir, you want a repetition of that thing, we shall also discuss your ruling though that would be a painful duty. But, Sir, if you want to take away a right of the House, the members cannot allow that right to go away without a struggle. Then there is another matter. You said a moment ago that members are irresponsible. You said that though as an honourable member you may have moved such amendments for the deletion of a clause, still as a President you cannot allow it. You know, Sir, what is implied by that. You know the implication of the remark. Though I admit that you spoke in a very guarded language, still the implication of that is clear that the members are not responsible. And that is a reflection on the honourable members which we resent very much. Because there are members who take up the business of this House seriously.

Mr. PRESIDENT: Mr. Kabir, I did not mean any reflection on any honourable member when I said that. I said humorously that as member we do many things which as President one cannot do.

Mr. HUMAYUN KABIR: All right, Sir, I do not like to refer to that because as you say you said those words humorously. Now, Sir, as regards the admissibility of this deletion clause, I may say that on many occasions it has been held by the late President that these are admissible. It has been held by you also till only yesterday and I am quite sure you yourself moved several amendments of this nature and there are precedents for this. So, if this right of the House is taken away by you in this way, I submit that we cannot allow that without a struggle.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, it is the settled practice of the House established in accordance with the rules framed by the late President that such motions are admissible. There are many instances of this in our proceedings. I submit that, before unsettling a settled procedure, caution should be adopted and the matter should be investigated by the Privilege Committee or taken up by the Rule-making Committee. If we abide by a decision, the spirit of the decision should be taken. Here it is a mere technicality. If you allow the omission to be moved first, then it gives certain practical advantages. If the amendment is lost, members will then be required to move textual amendments; but if the omission is carried, then we will not have to move the minor amendments. It is an economy of time. The usual practice is that amendment which seeks the omission of a clause is given the first preference. This is the practice which we have been following since the very beginning of this House. Many precedents can be cited to show that this practice has been uniformly adhered to. This is also the practice in the Central Assembly. Deletion should come first. If you allow speeches on the minor amendments first and then the deletion of the clause, much of the discussion would be useless. I, therefore, submit, Sir, till the practice is re-examined by the rule-making committee, the past practice should be adhered to.

Mr. SHRISH CHANDRA CHAKRAVERTI: May I say a few words, Sir? I was referring to rule 113(3). By that, the President of the Council is empowered to determined in which form the notice of amendments and resolutions and other things should be given by the members. Then I refer to section 20 of the Standing Orders of the President of the Legislative Council, which refers to notices and the form. I refer to Form "E". This is for giving notice of amendments to clauses of the Bill by the members. In the form that have been supplied to us, you have yourself invited the

members to send the amendments in this form and I believe those forms were printed under your instructions. I respectfully submit, Sir, that it is mentioned there that members are entitled to send amendments for deletion of the whole clause or part of it.

Mr. W. B. C. LAIDLAW: Sir, I have the impression, I may be wrong, that you have at hand a definite authority on this subject. On the other hand, it is a matter which evidently some of us feel fairly strongly about, and if I may make a suggestion, it is that you meet the leaders to discuss it; and in the meantime we take up other amendments to the Bill passing over this matter.

Mr. PRESIDENT: I think that it would be most helpful if we discuss this matter round the table with the leaders and find out what are the difficulties. I shall then place all the authorities that I have obtained.

Khan Sahib Maulvi WAHIDUZZAMAN: We want that the matter be discussed on the floor of the House. You had better adjourn the House for a few minutes for a discussion of this matter.

Mr. HARIDAS MAZUMDAR: Sir, you are unsettling a settled fact——

Mr. PRESIDENT: Why do you object to the matter being discussed round the table?

Mr. HARIDAS MAZUMDAR: Because we want that all the members should take part in the discussion.

Mr. LALIT CHANDRA DAS: Sir, it is not only the leaders that are interested in this matter, but all the members are interested in a matter like this.

Mr. PRESIDENT: Mr. Das, we will only hold an informal discussion with the leaders, but we will make it final here on the floor of the House.

Khan Sahib Maulvi WAHIDUZZAMAN: No, Sir. Let us discuss the question here.

Mr. PRESIDENT: I think Mr. Laidlaw's suggestion is most helpful that we meet the leaders for a discussion of this question and in the meantime we go on with the amendments.

Mr. HARIDAS MAZUMDAR: Mr. Laidlaw's suggestion is always helpful to you.

Mr. SHRISH CHANDRA CHARAVERTI: Sir, if you meet the leaders, you adjourn the House today.

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, how can we proceed with other amendments. Suppose that amendment is carried, what will happen then?

Mr. PRESIDENT: The amendment which we were discussing is Nos. 339-344A, namely, that clause 49 be deleted. So we have practically finished all other amendments.

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, before you proceed further with today's business, may I bring to your notice the question of the amendment that you disallowed yesterday on the ground that it would be corrected by Secretary—I mean the marginal notes?

Mr. PRESIDENT: That point cannot be raised again now.

Mr. LALIT CHANDRA DAS: Sir, one amendment of Khan Bahadur Naziruddin Ahmad has become admissible in view of your recent ruling, I mean amendment No. 335.

Mr. PRESIDENT: But that amendment comes after No. 354.

Khan Bahadur NAZIRUDDIN AHMAD: Yes, unless we settle the clause we cannot legislate with regard to the marginal notes.

Mr. PRESIDENT: Yes, therefore what I suggest is that in the meantime let us proceed with other amendments, while I shall be considering this point further.

Mr. LALIT CHANDRA DAS: I suggest that the whole House should consider the matter and not a few party leaders.

Khan Sahib Maulvi WAHIDUZZAMAN: Let us be regular, Sir, and why not discuss the matter here on the floor of the House and now?

Mr. PRESIDENT: I am prepared to adjourn the House for 15 minutes. Will therefore honourable members please come over to my Chamber so that we may discuss the matter in an informal atmosphere? The House stands adjourned for 15 minutes.

(The House was then adjourned for 15 minutes.)

(*After adjournment.*)

Mr. PRESIDENT: Order, order. I am grateful to the honourable members for their advice and views on this intricate question and I have re-considered the matter now. Though I reserve my formal ruling till a later date, I am prepared to allow amendment Nos. 339-344A to be moved—

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, in view of your ruling another deletion clause may be——

Mr. PRESIDENT: Order, order. Mr. Das, you moved yesterday amendment No. 336——

Mr. LALIT CHANDRA DAS: Sir, that will be done after this amendment now that you have allowed amendment 339 to be moved.

Mr. PRESIDENT: But you have already moved it.

Mr. LALIT CHANDRA DAS: I have mentioned it because you did not allow us yesterday to move amendment No. 339. Now that you have allowed it, if we fail here in amendment No. 339, then my amendment No. 336 will come: otherwise not.

Mr. PRESIDENT: Well, you have moved it. Let amendment No. 339 be moved now and let it be discussed and then I shall put this amendment first and if it fails then I shall put Mr. Das' amendment

Mr. NAGENDRA NATH MOHOLANABISH: I beg to move that clause 49 of the Bill be deleted.

Sir, clause 49 of the Bill provides for reciprocal relief in respect of double taxation with other Governments. In this clause, Sir, as you will see, Government want to reserve powers to themselves with a view to make provisions for the granting of relief in respect of agricultural income on which both agricultural income-tax under this Act and other income-tax have been paid. Now, Sir, I object to this clause on two main grounds. The first ground is the principle of granting relief. My second ground is the reservation of powers by executive with a view to frame rules according to their own sweet will, to regulate the method of relief. Now, I would just read the clause which is not a very long one in order to show what actually is in the mind of the author of this clause. Clause 49 says "The Provincial Government may, by notification in the Official Gazette, make provision for the granting of relief in respect of agricultural income on which both agricultural income-tax under this Act and other income-tax have been paid.

(2) For the purposes of this section 'other income-tax' means any income tax, super-tax or sur-tax charged under——

(*a*) any law of a Province other than Bengal in force in that Province or

(*b*) any law in force in any Indian State, or in any part of His Majesty's Dominions, or in the United Kingdom

where the laws of such Province, State or part of His Majesty's Dominions or of the United Kingdom, as the case may be, provide for relief in respect of tax charged on income both in such Province, State or part of His Majesty's Dominions, or in the United Kingdom, as the case may be, and in Bengal, which appears to the Provincial Government to correspond to the relief which may be granted under this section."

As I have already stated that my objections are two-fold, first on the principle of reciprocal relief for double taxation and my second objection is with regard to the method of granting agricultural relief by executive order. With regard to the first point, I think I should not be misunderstood by honourable members on my left because I oppose this provision and because perhaps they would be mostly benefitted if this clause is retained in the Bill. But I am really moving this amendment not with a view to look the interest of this section or that but I am moving this amendment in furtherance of the interest of Bengal as a whole and I believe honourable members of this House, and every one of them, have got the same interest in their hearts to see Bengal's interest first and other interest next.

Now, the main idea of including a clause like this, I suppose has been brought into being sometime later on. So far as I remember, here I speak subject to correction, this provision was not there in the original Bill as it was published. Oh! I am told that it was in the original Bill, it was dropped in the Select Committee and it was reintroduced in the Lower House. But what is the idea really behind this provision? We know that there is a provision for relief against double taxation both under the Indian Income-tax Act as well as under the Income-tax laws of the United Kingdom and the Income-tax laws of the Dominions. Probably it may be argued that when such a law has been accepted in the United Kingdom, in the other Dominions and in India as well. So what serious objection can there be to the adoption of the same rule so far as Bengal agricultural income-tax is concerned? My reply to that will be that this tax of ours stands on a different footing. Unlike those Acts this Bengal Agricultural Income-tax Bill is in a way, a domestic taxation Bill and this Bill, as we have been told over and over again by the Hon'ble the Finance Minister who is in charge of the Bill, the Hon'ble the Leader of the House and every member of the Government side, is necessary to augment the finances of Bengal, to give relief to the toiling and half-starved population of Bengal, the cultivators of Bengal, to improve agriculture in Bengal. That being the object of this Bill we shall have to consider whether this Bill should be put on the same scale as the Indian Income-tax Act or as the Income-tax Law of the United Kingdom or of the Dominions. We are really taxed by several enactments, e.g., Bengal Municipal Act and other enactments under which we are bound to pay tax and no question of relief from those taxes arises. I would ask the members to seriously consider whether the Bengal Agricultural Income-tax Bill should or should not be taken in that light. The children of the soil will have to pay the full tax and the provision in this clause is that if there are assessees who do not actually live in Bengal or who are not permanent residents of Bengal but come from the United Kingdom or from His Majesty's Dominions or from other provinces, then an exception should be made with regard to them so that their hardship may be minimised, for there is a law in that province under which there is a provision for reciprocal relief. In the circumstances it would strike anybody that those who are not actual residents of Bengal, are getting some relief which the sons of Bengal are not

getting under this law. I do realise that there will be herdship for those who have to pay this tax and who will have to pay the same income-tax over again in their home country. There is no doubt about that. But is Bengal responsible for that? Are we responsible that the tax is laid at their door again? If you answer this question you will come to the right conclusion. We are not; and if there are persons who come from abroad and occupy land and make money out of Bengal they are in the first instance to pay the Bengal tax and then if there is any question of relief they ought to look to their respective home countries for relief and they should not ask Bengal to sacrifice a part of their revenue. But the question is whether the relief should be granted by Bengal or by their home countries. That is the question before the House. Suppose a man has got income for which he has to pay tax at 2 shillings per pound in Bengal and 3 shillings per pound in the United Kingdom. Then he would have to seek for relief there by which he will not have to pay more than half of the United Kingdom tax and the relief would be proportionately given both by the United Kingdom as well as by this Province. That I think is the idea behind this provision. I would certainly ask those honourable members who would seek for this relief or ask for the provision of this relief being retained to seriously consider whether for their own personal interests they would be prepared to say that Bengal should sacrifice substantial portion of its revenue in order to give them relief. I think that they can get very much relief if they actually move their home countries or the authorities in their home countries to make a provision in their law under which income-tax or the agricultural income-tax that is paid here or is payable here in Bengal be deducted from their income as deductable allowance. As for instance, when you carry on business on a particular premises in this country or in any country you are entitled to deduct the Municipal tax that you pay because that is necessary for earning the income. So that is a permissible deduction under the Income-tax law of this country, and I am sure that is the law in the United Kingdom also. I am not unmindful of the fact that income-tax that is paid is never regarded under any income-tax law as allowable deduction. Therefore that is not allowed to be deducted in order to find out the actual income of an assessee for the purpose of taxation, but in a case like this when a particular income that is earned here out of land in Bengal is taxed here at the source and the actual income that is derived from the produce of land in Bengal is so much less by the amount of the tax than it can very reasonably be said in their respective home countries that that amount has been deducted from our actual income or in other words we had to pay this amount of tax practically with a view to earning the income. Therefore that ought to be deducted as permissible deduction in their respective home countries. Thereby they will have their double taxation relief and Bengal will be saved from loss of its own revenue. Now, Sir, one ought to be generous for the country in which he lives. He earns his livelihood there and so he should not try to deprive that country of its fair share of revenue because of his own personal hardship. Therefore I would ask honourable members who seems to be interested in retaining this provision to very seriously consider whether or not they can very generously sacrifice that much so that they may stand on the same footing as the sons of Bengal in respect of taxation under this Bill. Now, Sir, I would just put it from another point of view as to why Bengal should not be asked to sacrifice its revenue for the sake of others. This provision and similar provisions in the income-tax law of every country is made on the theory of reciprocity—an international idea that every country should give relief to the assessees who are doubly taxed, so that there may not be any difference between the principle of taxation of one country and another. This reciprocity we have accepted as a principle under the Indian Income-tax Act yet as a matter of fact India does not get anything really by reason of this principle of reciprocity. It gives and gives but it takes very little by this principle of reciprocity. Sir, how many Indians are there who earn any taxable income I say in the United Kingdom or in His Majesty's

Dominions? I think very few, if there are any at all, but in India hundreds and thousands of people from the United Kingdom and from His Majesty's Dominions earn a lot and yet they now are grudging payment of this tax on the plea of double taxation. Even if there is a semblance of justice with regard to the granting of reciprocal relief under the Indian Income-tax Act I should say that there is absolutely no chance of any reciprocity so far as agricultural income is concerned. In Bengal our land is occupied not only by us, Bengalees, Hindus and Mussalmans, but it is occupied by many others belonging to other nationalities living in different countries and making large amounts of profit out of Bengal lands. The question is if it is based on the theory of reciprocity how is Bengal or the inhabitants of Bengal going to have agricultural income from land in the United Kingdom or in the Dominions or anywhere else? We have not yet forgotten how we are treated in other countries; though there is no such law in the United Kingdom yet we should not forget that we are not even given accommodation in the best hotels in England. We have not forgotten the Pegging Act in South Africa where we are not allowed to hold practically any land, whatsoever, far less any agricultural land from which taxable income can be had. If that is the position of Indians and Bengalees in countries outside India where is the scope of any reciprocity here? Why should we make any concession with regard to those who have come here from 7,000 miles away to exploit India, to make profits out of her agricultural lands in Bengal and then they would say "look here, we have to pay the tax in our own country and if you also tax us in that respect, it would be very hard on us. Please therefore reduce it to half, etc.". This is the plea that my European friends have put forward to the Finance Minister on this theory of reciprocity. If there is no reciprocity I am sure my friends to the left would not insist on this particular relief so far as the agricultural income-tax is concerned. They have enjoyed the fruits of Bengal's land all these years without payment of a single pice as income-tax in Bengal out of it. In consideration of this fact they may now give up their claim for relief on the ground of double taxation and I think it will not be too much for me to ask this from them. But, Sir, when there is a question of taxation we know that under the Government of India Act we cannot make any discrimination and the law insists that by virtue or by reason of the place of residence or nationality or race or colour there should not be any discrimination in taxation. We are bound by that and we accept it as we are bound to accept it. Isn't it in a way a sort of discrimination on the ground of residence? Why should those who would come from a different country ask for this concession? I would certainly——

Khan Sahib FARIDUDDIN AHMAD: Sir, may I suggest that if Mr. Moholanabish does not feel inclined to finish his speech now, we may rise now.

Mr. PRESIDENT: Let him finish his speech. Have you finished your speech Mr. Moholanobish?

Mr. NAGENDRA NATH MOHOLANABISH: No, Sir. We in Bengal receive everybody here in open arms. We do not restrict any body in his possession of land, in his possession of other vocations and professions. Therefore we expect that those who kindly come here and kindly earn money here, they may also kindly pay taxes and they should not turn and say that because they are foreigners and residents of other countries and as they are being also taxed at their home countries, Bengal should just remit a portion of their tax in order to ameliorate their position. That is an aspect which we cannot agree to, because this particular taxing Bill is intended to augment the resources of Bengal's revenue and if that is the idea behind it, I am sure the Hon'ble Finance Minister would look to it that not a single pie of this tax is remitted to anybody whatever may be the reason. Taxation which is always taken as a ground of hardship—but tax is not remitted

on the ground of hardship. Nobody can pay his income-tax without feeling the pinch and without feeling that this money is wrongfully deducted from his income. Therefore when an income derived not practically by personal exertion but from the fertile land of Bengal, well, in that case those who are deriving this income should not grudge paying 2½ annas in the rupee as tax at the maximum rate. We have this from another point of view. If, as I have already suggested, reciprocity is the key-note of this relief then that reciprocity is wanting in the case of the Bengal Agricultural Income-tax Bill. Therefore if reciprocity goes, the foundation for granting relief goes altogether. Because we in Bengal cannot expect, as I have submitted before, to have any income from agricultural land outside India either in the United Kingdom or in His Majesty's Dominions or anywhere else. Therefore, Sir, if you leave out the question——

Mr. PRESIDENT: Mr. Moholanabish, will you finish just now?

Mr. NAGENDRA NATH MOHOLANABISH: I will take some more time.

Mr. PRESIDENT: How long will you take?

Mr. NAGENDRA NATH MOHOLANABISH: Sir, my heart is full now; so I may take 15 to 20 minutes.

Mr. PRESIDENT: Then you resume your speech on the next day. I now adjourn the House till 2-15 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-15 p.m. on Friday, the 18th August, 1944.

Members Absent.

The following members were absent from the meeting held on the 17th August, 1944:—

1. Mr. Kader Baksh.
2. Mr. Humayun Reza Chowdhury.
3. Mr. K. A. Chowdhury.
4. Mr. K. K. Dutt.
5. Mr. R. W. N. Ferguson.
6. Mr. Abdul Latiff.
7. Mr. N. N. Mookerjee.
8. Mr. T. B. Nimmo.
9. Mr. R. Pal Chaudhury.
10. Mr. R. S. Purssell.
11. Dr. K. S. Ray.
12. Mr. B. K. Roy Chowdhury.
13. Mr. K. C. Roy Chowdhury.
14. Mr. S. N. Sanyal.
15. Mr. J. W. R. Steven.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 20.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 18th August, 1944, at 2-15 p.m., being the eightieth day of the First Session, 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Release of Mr. Loke Nath Bal.

256. Mr. HARIDAS MAZUMDAR (on behalf of Mr. K. C. Roy Chowdhury): Will the Hon'ble Minister in charge of the Home Department be pleased to state——

(*a*) if he is aware of the contents of the petition of Mr. Loke Nath Bal, of the Chittagong Armoury Raid Case, to the Government for his release as he has served 14 years of the life sentence passed on him; and

(*b*) if he will reconsider his decision regarding release of Mr. Bal?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) The question of his release under the 14 years' rule is under the consideration of Government.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state when this consideration will be finished?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid, I cannot add anything more.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state: how many others than Mr. Loke Nath Bal have completed their 14 years' sentence?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state when will the decision of Government on this matter be announced?

The Hon'ble Khwaja Sir NAZIMUDDIN: As soon as they come to a decision, it will be announced.

Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister be pleased to state when did Mr. Bal complete his 14 years' imprisonment?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Statement on milk situation in Calcutta.

Mr. PRESIDENT: The Hon'ble the Leader of the House will now make the promised statement on the milk situation in Calcutta?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Milk is selling now at 10 to 12 annas a seer, whereas in 1941 it used to

sell at about 4 to 5 annas a seer. These quotations are, of course, in respect of pure milk. It will appear, therefore, that the price of milk has gone up now by about 100 per cent. compared to that prevailing in 1941. If lower prices are quoted for milk in 1941, it must have been of inferior quality, *i.e.*, diluted with water.

The prices of other essential commodities, rice, *dal*, cloth, etc., have also gone up—in many cases by more than 200 per cent. For some commodities prices have gone up by 300 per cent. Compared, therefore, with the prices of other essential commodities, the rise in price of milk does not appear to have been very disproportionate. During the period of inflation as we are now passing through, it is inevitable that prices of commodities will have more or less equal rise for the very practical reason that a producer of milk has to pay higher prices not only for his own food, but also for the fodder of cattle and he has, therefore, good reason to expect an equallly higher price for the milk, he produces.

As in the case of other commodities, higher price for milk is bound to reduce its consumption to a certain extent inasmuch as a consumer whose income is low cannot afford to buy the same quantity as he used to buy before, or any quantity of milk at all. It is true, therefore, that poorer section of people have been very hard hit by the high price of milk and many of them are perhaps going without milk altogether.

But the position is not the same with regard to comparatively well-to-do people who are still having their milk, although owing to its high price they have probably reduced their consumption as they have introduced economy in the use of other commodities, because of their high prices. The public institutions, such as hospitals, orphanages, etc., are having their required supply of milk without difficulty, altogether in many cases consumption has been reduced to economise expenditure. Inquiries were made in this respect, in the (*i*) Medical College Hospital, (*ii*) Campbell Hospital, (*iii*) the Refuge (Orphanage), and (*iv*) the Calcutta Muslim Orphanage, and the result of the enquiries are noted below:—

(*i*) *Medical College Hospital.*—Daily requirements in this hospital at present is 10 to 11 maunds as agianst about 18 maunds in normal times. The reduction is due to reservation of certain vacant seats for emergency and consequently decrease of patients by about 30 per cent. Co-operative Milk Societies Unions supply milk on contract basis at Rs. 19-8 per maund. No difficulty is experienced in getting the required supply. Extra supply to patients amounting to nearly 4 maunds has been stopped with a view to reducing expenditure.

(*ii*) *Campbell Hospital.*—Daily requirements at present is 10 to 11 maunds as against the same quantity in normal times. The only difference is that there is now a influx of about 200 destitutes for whom extra milk to the quantity of about 3 maunds is required. Apparently this quantity has been reduced in respect of other patients and this had to be done to keep down expenditure. Here also the Co-operative Milk Societies Unions supply the required quantity at Rs. 19-9 per maund. It was represented by the Co-operative Milk Union lately that its total production of milk has decreased by about 30 per cent. at present owing to cattle mortality.

(*iii*) *The Refuge* (*Orphanage*).—Daily requirement now is about 15 to 20 seers as against about 10 seers during normal times. A number of destitutes are at present accommodated here and the requirement has increased. Supply is received from ordinary *Goalas* at 8 annas a seer, but the milk is of inferior quality.

(*iv*) *The Calcutta Muslim Orphanage.*—Daily requirement is about 15 seers as against the same quantity in normal times. Sick inmates and

also weak and emaciated boys are given milk here. Supply is received from Chitpore Sadagar Putti at 10 annas a seer. No difficulty has been experienced in getting the required supply.

It will appear, therefore, that there is an acute shortage of milk, but not scarcity and that those who can afford to pay are still having their supply up to the quantity required, although owing to high prices individual requirements have been reduced.

The shortage is largely due to increase in the population in Calcutta but there are other causes also which contributed to the shortage. The population in Calcutta has now increased by about 50 per cent., while export of milch cattle has been banned by other provinces. Owing to the famine and fodder difficulties as well as epidemics of cattle diseases which prevailed in 1943, there was considerable loss of milk-producing cattle.

Apparently, therefore, far from keeping pace with the demand, the supply of milk has fallen considerably short of it. This reduction in supply is also a contributory factor to the shooting up of the price of milk; but as already observed the rise has not been disproportionately higher than the rise in the prices of other food articles and consumers' goods.

With a view to increasing the supply of milk, Government are prepared to recommend transport facilities to persons wishing to bring milch cattle to Calcutta from other provinces. Requests for transport facilities for bringing any fodder from outside are being liberally recommended to the proper authorities. The supply of milk has hitherto been in the hands of private individuals and the milk-consuming people have to depend mostly on the milk produced by the poor agriculturists. The economic condition of the poor agriculturists who produce most of the milk is known to the honourable members. Even normally such people cannot keep themselves above starvation throughout the year and it cannot be reasonably expected that they would feed their cows properly for securing sufficient quantity of milk. No improvement in the milk position can be expected unless large scale dairies are established throughout the country. With a view to encourage the establishment of such dairies by private firms and individuals, Government has decided to bring two Breeding and Dairy Experts from New Zealand and running a few breeding farms and demonstration dairies under their supervision for showing to the people that bulls and cows can be appreciably improved and dairies can be profitably run on commercial basis. The experts are expected within a couple of months. It is hoped that with the establishment of dairies nearabout the headquarters of every district, the milk shortage problem of urban areas will be solved to a great extent.

The solution of the milk problem of rural areas is not, however, so easy. Milk is an item in the recipe of balanced diet; but 80 per cent. of rural people cannot at all afford it. The producers of milk themselves cannot afford milk even for their infants, and sick relations as they have to sell off all the milk produced for purchasing rice, cloth and other absolute necessaries of life. The solution of the milk problem of rural areas is thus closely linked up with the solution of the problem of increasing the income and raising the standard of living of the mass. Government will, however, do all that they can for easing the situation by improving the breed of milch cows, encouraging the production of fodder crops and thereby increasing the supply of milk.

Government is also considering seriously if the use of milk for non-essential purposes should not be forbidden by the Defence of India Rules.

Mr. HARIDAS MAZUMDAR: May I put a supplementary question, Sir, arising out of the statement?

Mr. PRESIDENT: That is not usual; you can only ask for elucidation of any particular point.

Rai KESHAB CHANDRA BANERJEE Bahadur: On a point of information arising out of the statement, which has just now been read out. There is no reference in the statement that one of the causes of the shortage of milk in Calcutta is the slaughter of milch cows and breeding bulls. So far as I remember, Mr. Hamidul Huq Chowdhury tabled a resolution sometime ago asking the Government to stop the slaughter of milch cows in view of the shortage of milk, and we want to know whether this is one of the reasons for the shortage of milk in Calcutta.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, we have heard the statement, but have not received a copy of it. In that view how can we put supplementary questions?

Mr. PRESIDENT: You cannot ask any question on the statement, but you can ask for elucidation of any point that you want to be further elucidated.

Mr. SHRISH CHANDRA CHAKRAVERTI: We have not received any copy of the statement and therefore are not in a position to put supplementary questions. We can only hear but at the same time cannot commit to memory the contents of such a long statement.

Mr. PRESIDENT: If the Hon'ble Minister wants to supply a copy of his statement, he may do so.

Mr. SULTÀNUDDIN AHMED: So far as I know, Sir, it is not the usual practice to ask supplementary questions in regard to a statement. If any honourable member wants elucidation on any point in particular, then he may do so.

Mr. PRESIDENT: In fact, I have already pointed out to Mr. Chakraverti that it is not the usual practice to put supplementary questions in such a case. If any honourable member desires to have any particular point cleared up, a question may be put by him for information.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, the Hon'ble Minister spoke for several minutes and it is not possible to hear the whole thing and commit it to memory.

Mr. PRESIDENT: But it is not the practice to circulate copies of statements made by the Hon'ble Ministers.

Mr. SHRISH CHANDRA CHAKRAVERTI: It is a very unwholesome practice.

Mr. PRESIDENT: Many unwholesome practices have become the usual practice.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Government are not aware that there is any abnormal slaughter of milch cows.

Rai KESHAB CHANDRA BANERJEE Bahadur: May I know if slaughter of milch cows is one of the reasons of the shortage of milk? If so, what steps are being taken to put a stop to that practice?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Ordinarily, milch cows are not slaughtered.

Mr. NAGENDRA NATH MOHOLANOBISH: Difference has been made by the Hon'ble Minister between the words "serious shortage" and "scarcity". May I know what is the difference?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: When there is scarcity, one cannot get the commodity even for money; serious shortage means those who have got money can purchase, but those who have not cannot purchase it.

Mr. HUMAYUN KABIR: The Hon'ble Minister has stated that the increase in the price of milk is but natural in the general inflationary condition prevailing now. There is abnormal increase in the prices of all commodities and the milk-sellers have also increased the price of milk. If this is correct, will the Hon'ble Minister be pleased to state what steps Government propose to take to bring down the price? It is true that on account of general increase, the increase in the price of milk is to some extent justified; but the person hardest hit is the consumer, because if milk had been the only commodity of which the price had increased, then perhaps the consumers could economise in certain other directions and somehow or other managed with the particular item, the price of which has increased. But here, there has been an all-round increase. So, it may be an explanation that since the prices of all materials have increased, milkman are bound to increase the price of milk. The Hon'ble Minister has not told us what steps he proposed to take to bring down the prices of milk.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Well, Government are more interested in protecting the growers than the consumers and in this particular respect the growers are not charging anything more than the prices of other articles. In comparison with the percentage of increase of other articles, their price is lower. In their case, the increase is cent. per cent. but the prices of other articles have increased by 200 to 300 per cent. So it is not proper for Government to force down the prices. As I have stated, the policy of the Government is to increase the supply which will automatically bring down the price.

Mr. BANKIM CHANDRA MUKHERJEE: Is the Hon'ble Minister aware that Ordinances have been passed by the Provinces of Bihar, Madras, Bombay and U.P. prohibiting the slaughter of milch cattle of certain age in order that the supply of milk may be kept up and that a letter written to His Excellency the Governor requesting him to pass such an Ordinance was forwarded to the Hon'ble Minister in charge of Agriculture for necessary action? Will the Hon'ble Minister be pleased to state whether he has considered the desirability of having such an Ordinance in Bengal in order that such slaughter may be stopped?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That matter is under the consideration of Government.

Mr. PRESIDENT: Mr. Mukherjee, I would discourage supplementary questions.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, the Hon'ble Minister knows everything and it is not a new thing to the Hon'ble Minister.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: That subject is under the consideration of the Government.

Mr. HUMAYUN KABIR: The Hon'ble Minister has said a moment ago that his policy was to protect the grower and not the consumer. But I may tell him that in this matter a distinction cannot be made between grower and consumer, because milk is a commodity which is required by every one including the growers.

Mr. PRESIDENT: Mr. Kabir, I do not think you can ask that question. If you have any question to ask out of the statement of the Hon'ble Minister, you can do so; but if you have any information to convey to him, you need not do so.

Mr. HUMAYUN KABIR: All right, Sir. I have one further information to ask. Will the Hon'ble Minister be pleased to state to what extent there has been draft upon the available milk supply of the province by the military and whether this is not one of the factors which has contributed to the scarcity of milk in the province?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Might be, I have not got any statistics.

Mr. HUMAYUN KABIR: Has the Hon'ble Minister any idea of the total quantity of milk taken by the military within the province?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No, but I know that they are taking a very large quantity of milk.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister consider the advisability of supplying tinned milk to the British Officers and others just as the American Army are using tinned milk instead of allowing them to draw upon the milk supply of the province?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: They are already using tinned milk; it is only the patients and others of the same class that are using milk.

Rai KESHAB CHANDRA BANERJEE Bahadur: The statement of the Hon'ble Minister is not correct. I have personal knowledge of the army stationed at Dacca, where they are using ordinary milk. I have seen military contractors are supplying canister loads of milk.

Statement regarding the order of the District Magistrate of Murshidabad on the Berhampore Municipality.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, the position regarding the Berhampore *atta* is as follows: Out of 13,000 maunds of *atta* which would be equivalent to 6,500 bags received at different times, seven samples were drawn by somebody without the knowledge of Government or the Civil Supplies Department. From what stocks they were drawn, whether they were drawn from bags or sacks which were obviously rotten is not known; but on the basis of the examination of these seven samples, the entire stock of the 13,000 maunds was condemned and the Chairman of the Municipality attempted to get hold of all the 13,000 maunds of *atta* from Government stocks. Now, Sir, the only order, the District Magistrate passed was that the Chairman of the Municipality was entitled to take into possession and destroy any *atta* in the retail shops, but the Chairman of the Municipality had no right to take all the 13,000 maunds of Government *atta* and destroy the lot at his own sweet will. Government, Sir, are going to grade the *atta* into three compartments. Grade one, which is usable for human consumption; second grade, which is not fit for human consumption, but fit for cattle and the third grade which cannot be used either by human beings or by cattle. It is not proposed, Sir, to infringe upon the rights of the local authorities to destroy the *atta* which is being sold in shops for retail consumption. The authorities are at perfect liberty to take possession of all such *atta* in accordance with the law.

Mr. NAGENDRA NATH MOHOLANOBISH: Sir, I believe the Hon'ble Minister has not answered the point. The point was: whether the Collector of Berhampore had issued an order under the Defence of India Rules abrogating the powers of the Municipality under those relevant sections. He has entirely avoided that. He has said that the Municipality was not properly doing its duty and the District Magistrate was going to question the propriety of the Municipality. The two

matters are entirely different. It is a very serious question whether under an order of the Defence of India Rules the District Magistrate is entitled to abrogate the Bengal Municipal Law.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, if the honourable member had listened to my statement properly, he would not have asked this question. I stated definitely that the District Magistrate only prevented the Municipality from getting hold of the 13,000 maunds of *atta*, but has not abrogated the powers of the Municipality. The words are to the following effect: "He has not actually abrogated the powers of the Municipality." He has only prevented the Chairman of the Municipality from getting hold of the 13,000 maunds of *atta*, which he was doing on the pretext that seven samples drawn from somewhere were found to be unfit for human consumption.

Mr. NAGENDRA NATH MAHALANOBISH: The Hon'ble Minister always takes the members opposite to task for not being mindful and I think he has avoided the question whether any orders under the Defence of India Rules were or were not passed.

The Hon'ble Mr. H. S. SUHRAWARDY: I have admitted that the Magistrate has passed such an order under the Defence of India Rules.

Mr. NAGENDRA NATH MAHALANOBISH: What would be the effect of that order? The question is: whether such an order should or should not be passed. That is the question which I have raised in the adjournment motion. I therefore submit——

Mr. PRESIDENT: The point that was raised by Mr. Mahalanobish is this: that the powers given to the Municipality under the Bengal Municipal Act were abrogated by the orders passed by the District Magistrate under the Defence of India Rules. Did the orders of the District Magistrate apply only to the 13,000 maunds of *atta* and only that quantity?

The Hon'ble Mr. H. S. SUHRAWARDY: It certainly did not apply to the general powers vested in the Municipality; also it did not apply to all the 13,000 maunds of *atta*. It specifically stated that the Municipality was prohibited from taking hold of Government stock of *atta* in the possession of Government, but it could get hold of stocks which Government has sold or passed on to the retailers, and that if there was any stock of unwholesome *atta* with them, the Municipality could take possession of that *atta* and destroy it. Therefore, the powers of the Municipality had not been abrogated at all. The effect is that the Chairman of the Municipality should not imagine that merely because he has got some samples of bad *atta*, he should get hold of the entire stock of *atta* irrespective of the fact that the *atta* was wholesome or not. It has left to the Municipality full and complete authority to seize unwholesome *atta*, but they are prohibited from seizing Government stocks. The powers of the Municipality to seize unwholesome *atta* sold to private retailers has been preserved. That power has not been abrogated. This was not an abrogation of the powers of the Municipality.

Mr. NAGENDRA NATH MAHALANOBISH: The Hon'ble Minister has not read out the text of the order passed by the District Magistrate. He has given its meaning or explanation of that order to the effect that this order refers to the 18,000 maunds of *atta*. My information is that the order is unqualified and by that order the Municipality was prevented from exercising their right to seize or destroy unwholesome food. The text of that order must be in possession of the Hon'ble Minister and I wish that this order must be placed before the House for consideration.

The Hon'ble Mr. H. S. SUHRAWARDY: May I say, Sir, that I have not given my view or interpretation of the order. I have not read out

the telegram from the District Magistrate: but I have for the benefit of the House tried to explain it, because I find that some honourable members cannot follow a statement, if read out.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I object to the Hon'ble Minister saying repeatedly that some honourable members cannot follow the statement read out by Hon'ble Ministers.

Mr. LALIT CHANDRA DAS: May we express our views, Sir?

Mr. PRESIDENT: Views on what?

Mr. LALIT CHANDRA DAS: Our views on the statement of the Hon'ble Minister.

Mr. PRESIDENT: That is not the subject-matter of discussion today. If the adjournment motion is moved, then that question may arise. But now the adjournment motion is not before the House, and so I do not think that question arises today.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, after hearing the Hon'ble Minister, I am not satisfied with his statement and——

Mr. PRESIDENT: Mr. Mahalanobish, I hope you do not expect the Chair to decide or give his view in anticipation of the adjournment motion. There is no adjournment motion before the House today.

Mr. NAGENDRA NATH MAHALANOBISH: It was moved on that day and you fixed today for the statement.

Mr. PRESIDENT: If it is actually moved, then the question might be considered.

Mr. NAGENDRA NATH MAHALANOBISH: I am sorry, Sir, I do not follow the procedure that is adopted in this House. When we move an adjournment motion, Sir, you always ask the views of the Government and then after hearing that Party you decide whether you should grant your consent or not. In this particular case, they wanted time to obtain information from the District Magistrate on the point, and today was fixed for their statement——

Mr. PRESIDENT: I am afraid, you are very much mistaken. In every case you will find that if it is deferred to a later date, the motion has to be moved anew.

Mr. NAGENDRA NATH MAHALANOBISH: I cannot move it unless we hear the Hon'ble Minister.

Mr. PRESIDENT: But you have heard him.

Mr. NAGENDRA NATH MAHALANOBISH: But after hearing him I am not satisfied, and so I want to move my motion.

Mr. PRESIDENT: You cannot do it today, because it is not on the agenda.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, when I actually tabled the motion, it was the duty of the office to put it on today's order paper.

Mr. PRESIDENT: I waived the urgency on that day, and I distinctly remember to have said that if the honourable member is not satisfied with the statement, then he might move it.

Mr. NAGENDRA NATH MAHALANOBISH: That is exactly the position. Now, after the statement am I not entitled to move it? You said, Sir, that after hearing the Hon'ble Minister, you would decide

whether you would give your consent or not. Now, as I am not satisfied with the statement, I propose to move my adjournment motion, provided you give your consent, and now, Sir, it is for you to decide whether you give your consent or not.

Mr. PRESIDENT: Unless you move it, how can I decide?

Adjournment Motion.

Mr. NAGENDRA NATH MAHALANOBISH: I beg to move the adjournment motion of which I gave notice the other day.

Mr. PRESIDENT: Now arises the question of my consent. I have followed the Hon'ble Minister's statement and now I will read your adjournment motion to the House: It runs thus:—

> That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation arising out of the recent order of the District Magistrate of Murshidabad purporting to be one under the Defence of India Rules, by which he seeks to abrogate the powers of the municipalities of the district under the Bengal Municipal Act, in the matter of seizure, destruction, and prevention of sale of unwholesome food articles belonging to the Executive or the Civil Supply Authorities even though such food articles are found to be unfit for consumption by man and the cattle and thereby seriously endangering public health.

So far as I could follow the Hon'ble Minister, I understand that the power of the municipalities had not been abrogated: the power remains intact. The order only refers to a particular quantity of *atta* in the hands of the Executive in the district. That is the position. I understand that the power of the municipalities under the Bengal Municipal Act to deal with unwholesome food remains intact, so that their power in the matter is not at all abrogated. The situation arising out of the order as mentioned in your adjournment motion has not arisen, in my opinion.

Mr. NAGENDRA NATH MAHALANOBISH: May I make a submission, Sir? The Hon'ble Minister has not produced the text of the order complained of before the House and I may definitely say that the version that he has given is only his interpretation of the order of the District Magistrate which has been referred to in my motion. Then, Sir, even with regard to the statement made by the Hon'ble Minister that the District Magistrate has passed his order only with regard to 13,000 maunds of *atta*—there also, you will find that the order infringes the Bengal Municipal Act, because it is not for the District Magistrate to dictate to any municipality as to whether they should act under that particular provision of the law; and if they act at all, in what way they should act.

There is a provision in the Bengal Municipal Act, under which a person in whose possession any foodstuff alleged to be unfit for human consumption has been seized or destroyed—has got the right to go before a Magistrate. The Magistrate takes evidence and decides whether a particular food is wholesome or unwholesome and then an order is passed: so that no municipality can do it simply because it chooses to do so. The order has to be passed by the Magistrate in a court of law and the District Magistrate cannot by any arbitrary order abrogate the power of any municipality or dictate to it in any way. The law is there and the procedure is there. He must obey it and the violation of such a thing should be a matter of adjournment of the House.

Mr. PRESIDENT: Mr. Mahalanobish, the point that is now require to be decided is: whether you have got my consent to the moving of thi motion.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, may I make on submission? May I point out by reference to the Bengal Municipal Ac that even so far as the admission has been made by the Hon'ble Minister it has certainly abrogated the power of the municipality concerned, an therefore the motion is in order. If there has been any abrogation of th powers of any municipality under the Act, then the motion would be i order. That is my submission, Sir.

Mr. PRESIDENT: May I have a look at the section—read it please.

Mr. BANKIM CHANDRA MUKHERJEE: It is section 430 of th Bengal Municipal Act. It runs as follows:—

> "If any Magistrate is satisfied on the application of the Commissioner Health Officer, Sanitary Inspector or any other office authorised by the Commissioners in this behalf that there is jus cause to believe that any diseased living thing intended fc human food or any food or drug, which is unsound, unwholesom or unfit for human food or medicine is in the possession of an persons for the purpose of being sold or offered for exposed fc sale within the limits of a municipality, for such consumption he may grant a warrant to enter upon the premises of suc person, and to search for and seize such living thing, article c food or drug".

Then, Sir, section 432 says:—

> "When any authority direct in exercise of any powers conferred b this chapter, the destruction of any living thing, food or an drug, or the disposal of the same so as to prevent its being use as food or medicine, the same shall thereupon be deemed to b the property of the Commissioners".

After the Commissioners had taken samples of the *atta*, they declare it unfit for human consumption. The Hon'ble Minister has stated th seven samples have been taken. After taking seven samples they wer satisfied that it is unwholesome and unfit for human consumption——

Mr. PRESIDENT: I have understood your point, but the differen is——

Mr. BANKIM CHANDRA MUKHERJEE: I have not finished. ought to be allowed to finish my argument. Why are you in such a hurr Sir?

Mr. PRESIDENT: We must finish the thing and must not contin *ad nauseam*.

Mr. BANKIM CHANDRA MUKHERJEE: I am not repeating it *nauseam*. My point is that although the municipality thinks that t *atta* is unfit for human consumption, Government seem to think that is fit for human consumption and want to sell that to the public with t result that they will get all sorts of diseases.

Mr. PRESIDENT: I have understood your point: you better resu your seat.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, allow me to resu my argument, I have not finished.....(interruptions).

Mr. LALIT CHANDRA DAS: Sir, will you kindly allow me——

Mr. PRESIDENT: It is for the President to give his consent or not. It is not the practice to allow such things to be discussed. I have heard two honourable members and I do not give my consent to it——

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, it is proper for you to hear different parties before you give your consent——

Mr. PRESIDENT: The point is that so far I have understood Mr. Suhrawardy, he said that the District Magistrate's telegram shows that this order only applies to a particular quantity of *atta* in the hands of certain dealers——

Mr. BANKIM CHANDRA MUKHERJEE: On a point of information, Sir. Is the stock within the Berhampore Municipality? Government held the stock within the limit of the Berhampore Municipality .....(interruptions.)

Mr. PRESIDENT: It is not abrogating the powers of the Municipality as a whole——

Khan Sahib Maulvi WAHIDUZZAMAN and Mr. BANKIM CHANDRA MUKHERJEE: Yes, it is.....(interruptions from the Opposition Benches.)

Mr. PRESIDENT: Order, order. Mr. Mahalanobish's adjournment motion says "... .he seeks to abrogate the powers of the municipalities of the district under the Bengal Municipal Act, in the matter of seizure, destruction and prevention of sale of unwholesome food articles ....." that means as if all the powers have been abrogated. But, if it does not give rise to that situation—that the municipalities were divested of all powers, then the adjournment motion is out of place; and no such situation having arisen, I refuse consent.....(interruptions from the Opposition Benches.)

Khan Sahib Maulvi WAHIDUZZAMAN: If you refuse your consent in this way without hearing us, our position becomes helpless——

Mr. PRESIDENT: Order, order. I have got to come to a decision and I can't go on arguing——

Mr. SHRISH CHANDRA CHAKRAVERTI: You should certainly come to a decision; but you must hear us before you refuse consent. You are always inclined to help the other side——

Mr. PRESIDENT: Order, order——

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, you are helping the other side——

Mr. SHRISH CHANDRA CHAKRAVERTI: You are the custodian of the honour of this House; but you are helping the other side. Who sent you there as custodian of this House (pointing to the Chair)? It is we, who sent you there.

Mr. PRESIDENT: Order, order, Mr. Chakraverti, you should not be disrespectful to the Chair.

I am very sorry that you take up that attitude.

Mr. SHRISH CHANDRA CHAKRAVERTI: Certainly, we must.

Mr. PRESIDENT: I have very carefully considered——

Mr. SHRISH CHANDRA CHAKRAVERTI: You have not.

Mr. NAGENDRA NATH MAHALANOBISH: Before you give your decision, don't you think you should look at the text of the order I complained of?

Mr. PRESIDENT: He read that.

Khan Sahib Maulvi WAHIDUZZAMAN: He never read that.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I want you to consider whether according to the section of the Bengal Municipal Act which I have quoted, the order of the District Magistrate does not offend that section. We are entitled to have a considered decision from you on that point.

Mr. PRESIDENT: What is the section?

Mr. BANKIM CHANDRA MUKHERJEE: You are now asking me what is the section, but when I was speaking you did not allow me to finish my speech. You ought to have considered the order of the District Magistrate with reference to the section I have quoted.

Khan Sahib Maulvi WAHIDUZZAMAN: You did not allow him to finish.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, I think the Opposition is taking too much advantage of your goodness.

Mr. PRESIDENT: Order, order. There is no question of goodness. I am always prepared to change my opinion, provided anybody can convince me that I am wrong.

Mr. SULTANUDDIN AHMED: Even after ruling is given?

Mr. PRESIDENT: Order, order. Now, I have considered the matter. I have heard the Hon'ble Minister on the subject, I have heard Mr. Bankim Chandra Mukherjee——

Khan Sahib Maulvi WAHIDUZZAMAN: But you did not allow him to finish.

Mr. PRESIDENT: He did finish. I refuse my consent.

Khan Sahib Maulvi WAHIDUZZAMAN: When your decision infringes with our rights and privileges, certainly we have a right to protest. It is up to you to maintain the dignity of the Chair and it is for us to see that no action is taken by the Chair which takes away the right of the House and the action you have just now taken is one that takes away the right of the House. We on this side of the House protest against this decision of yours.

Mr. BANKIM CHANDRA MUKHERJEE: May I request you once again to give your considered opinion on this point after referring to the section I have quoted and the order of the District Magistrate?

Mr. PRESIDENT: I have given my decision and the matter should end now.

Mr. BANKIM CHANDRA MUKHERJEE: I want that you should give your ruling after seeing whether the order of the District Magistrate of Berhampore does not offend the section of the Bengal Municipal Act which I have quoted. You should see the text of the order first.

Mr. PRESIDENT: Mr. Mukherjee, ruling may be given on a point of order but here it is a question of giving consent. I think you understand that. I listened to the Hon'ble Minister and I listened to Mr. Nagendra Nath Mahalanobish and I have heard your views also. So after considering all these points I have refused my consent to the motion. There is an end of the matter.

Mr. HUMAYUN KABIR: On a point of order, Sir. With regard to this matter, I cannot question your decision in the House but I can ask you to reconsider your decision at a later stage. You have in the past at times reconsidered your views. Even yesterday you disallowed a motion first but afterwards you were pleased to reconsider your decision and allow it.

Mr. HAMIDUL HUQ CHOWDHURY: Is that a point of order, Sir? He——

Mr. HUMAYUN KABIR: Well, Sir, I would not brooke interruptions by Mr. Hamidul Huq Chowdhury. He is now liable to a charge of disorderly conduct. Sir, I shall first state what is the situation and then I will come to the point of order. Day before yesterday, Mr. Suhrawardy was allowed to do this. And what is permissible for Mr Suhrawardy, is permissible for me also. Therefore, as I was saying, it is the prerogative of the President to guard the dignity of the House. Whenever he finds any decision of his is liable to misinterpretation or is capable of improvement, the President exercises his discretion in allowing the matter to be discussed thoroughly. This was the procedure in the past. In virtue of that right you were pleased to reconsider yesterday your decision regarding a subject which was at first held to be out of order. On that occasion also, some section of the House were not allowed to say what they had to say. If they had been allowed, perhaps that situation would not have arisen.

The point of order is this.. While you were giving your opinion, you made one statement. There was a reference to the abrogation of the powers of the municipality. I thought you said that since all the powers of the municipality had not been abrogated, there could be no motion for adjournment. The point of order on which I want your decision is: is it your ruling that if all the powers were not abrogated, motion for adjournment would not be allowed? If one single section of any Act is violated, you will give your decision whether——

(Here there was much disorder and interruption as several members began to speak at a time.)

Mr. PRESIDENT: Order, order. If you go on in this way, I shall have to adjourn the House.

Mr. HUMAYUN KABIR: I have not made any reference whatsoever to the Government order. I was asking about the point of order and it is for you to decide and give your judgment.

Mr. PRESIDENT: I have understood your point. I would not call it a point of order because there is no subject before the House. I shall give you my views.

Mr. HAMIDUL HUQ CHOWDHURY: You cannot give your views on a matter which is not before the House.

(Here several members shouted at a time and again there was disorder in the House.)

Mr. HAMIDUL HUQ CHOWDHURY: On a point of order, Sir. Can any member of the House raise a problematical question which is not before the House?

Mr. PRESIDENT: I should say "No." That is why I said this is not a point of order. I am not disposed to allow any reference to the adjournment motion. As, however, the honourable member wants elucidation of certain facts, I feel that it would be courteous on my part to give him a reply. I hope he does not question my decision.

The point is that apart from the adjournment motion which has been disposed of, Mr. Humayun Kabir rose on a point of order and wanted my opinion on an abstract question.

Mr. SULTANUDDIN AHMED: How can he rise on a point of order You have already given your decision. The Opposition have challenge your decision. (Loud and continued interruptions from the Governmen Benches.)

Mr. PRESIDENT: Order, order. I hope the honourable members o both sides will try to restrain themselves. It is very very unpleasant fo the Chair to try to explain any matter or any issue raised by the honourabl members if I am disturbed in this way.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I never challenge your decision.

Mr. PRESIDENT: Thank you very much. Mr. Humayun Kabi wanted to know from the Chair whether, if any particular power of th Municipality is abrogated, it does not give rise to a situation on which a adjournment motion can be moved. Now, after hearing the Hon'bl Mr. Suhrawardy it is quite clear that the powers of the municipality unde the Municipal Act remain quite intact. The seizure of a particular quantit of *atta* was stopped by the orders of the District Magistrate under th Defence of India Rules, but the powers of the municipality remain intac with regard to other matters. Therefore, that is not a situation of sufficien urgency or importance as to justify an adjournment motion. That is m view. Now I will move on to other business that is before the House.

Point of Privilege.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I rise on a poin of privilege of the House——

Mr. PRESIDENT: Mr. Mahalanobish, there are other things befor the House today, and I am sure the House is very much interested in som of the Special Motions that are on the agenda for today.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I have got a ver important piece of news which I hope you will kindly permit me to delive to the House, and I hope the honourable members will kindly listen to me This morning, Sir, one of the newspapers in this city published a scurrilou attack both on the President of the Council and on the honourable member of this House.

Mr. PRESIDENT: What paper is that?

Mr. NAGENDRA NATH MAHALANOBISH: Morning News.

I would ask you to take serious notice. So far as I know, of cours it would be for you to consider what steps you can legally take, but I thin that you have got ample powers to punish those people who try to brin into contempt the Hon'ble President and the honourable members of thi House.

Mr. PRESIDENT: May I have a look at the paper?

Mr. NAGENDRA NATH MAHALANOBISH: I am reading it out.

"The Legislative Council is trying to ape the Assembly in tactics o delay and obstruction." This I think is a reflection on this House as a whole. "We are disappointed that the President has tried to accommodat these tacticians even at the risk of discommoding." I am afraid I coul not understand the meaning of this particular word "discommoding". "The Muslim members who would like to spend the month of *Ramzan* i their home surroundings....." "It will however be admitted by th President that the deliberations in the Houses of Legislature cannot go o indefinitely and be carried to an inordinate length. Within limits an with a due sense of proportion the Upper House may revise but it shoul realise at the same time that public money and public patience are bein

exhausted in the manner in which the sting lies in the tail), the Speaker and the President seem to appreciate their duties and functions which lead to the inevitable conclusion that the procedure in our two Houses of the Legislature was intended to be a complete negation of parliamentary activity to the detriment of the majorities in both Houses".

Now, Sir, here you will find——

Mr. PRESIDENT: May I suggest one thing, Mr. Mahalanobish? I think it would be convenient for all of us if you handed over to me the copy of the newspaper and I would like to take time to consider the matter, and then, if necessary, the matter may be followed up——

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, we would like to know what action you actually take against this particular paper.

Mr. SULTANUDDIN AHMED: Let us not anticipate him.

Mr. HUMAYUN KABIR: Well, in such a matter it is not for the Chair to decide; the matter will be referred to the Privilege Committee and it is for that Committee to decide.

Mr. HARIDAS MAZUMDAR: I have an adjournment motion, Sir.

Mr. PRESIDENT: Yes, I have seen it; I may tell you that the appointment referred to in your motion has been made by His Excellency the Governor in his individual judgment.

Mr. HARIDAS MAZUMDAR: But, Sir, perhaps His Excellency does not know the relationship that exists between Mr. Afzal and Mr. Akbar. That is my point.

Mr. PRESIDENT: But that cannot be discussed here; the responsibility for this appointment does not lie with the Ministers. It is the Governor that has made this appointment.

Mr. HARIDAS MAZUMDAR: May be so, Sir, he has no doubt made that appointment on the advice of Ministers and, if so, the House could also in this connection come to know what, if any, advice they offered to His Excellency in the matter.

Mr. PRESIDENT: I may again tell you, Mr. Mazumdar, that I have looked up all the points; but as the appointment has been made by His Excellency in his individual judgment, the matter cannot be discussed. I have considered your motion very carefully and I have given you my views.

Mr. HARIDAS MAZUMDAR: Kindly let me move the motion and in the course of the discussion of the motion we shall be able to know what advice has been tendered to the Governor by the Minister concerned.

Mr. PRESIDENT: That is not the object of your motion. You cannot discuss the matter without criticising the conduct of the Governor, which you cannot do under the Rules.

Mr. HARIDAS MAZUMDAR: I think His Excellency the Governor did not know the relationship between the judge and the accused, so to say.

May I repeat that perhaps the Governor does not know of this relationship and on knowing this through the discussion in the House he may change his mind——

Mr. PRESIDENT: I have said more than once, Mr. Mazumdar, that the appointment lies with the Governor personally and therefore the House cannot discuss the matter. I am sure that if you will yourself look up the Rules, you will be convinced that the matter cannot be discussed in this House.

Mr. HARIDAS MAZUMDAR: But, Sir, we are not going to discuss the conduct of the Governor in this respect.

Mr. PRESIDENT: I may repeat, Mr. Mazumdar, that the Tribunal has been appointed by the Governor himself in his individual judgment and the question cannot be discussed.

Mr. HARIDAS MAZUMDAR: Sir, in the High Court it very often happens that if an application is brought forward before any honourable judge and if he finds that he is related to any of the parties, he immediately transfers the case to others.

Mr. PRESIDENT: There is no analogy, I am afraid. I am sure that you have made this point sufficiently public and the authorities concerned will take note of it. It cannot be moved here.

Mr. HARIDAS MAZUMDAR: All right, Sir.

Mr. LALIT CHANDRA DAS: On a matter of information, Sir. Are we going to sit up till 6 o'clock today?

Mr. PRESIDENT: No, I propose to sit up to 4-15 today. There is no Bill today, so let us adjourn earlier.

Mr. LALIT CHANDRA DAS: All right, Sir. Before you take up the Special motions may I know——

Mr. NUR AHMED: May I have leave of the House for extension of the time for submitting the report of the Select Committee on the Bengal Court of Wards (Amendment) Bill?

Mr. PRESIDENT: When will the date expire?

Mr. NUR AHMED: The date will expire on the 30th September.

Mr. PRESIDENT: Leave has been asked by Mr. Nur Ahmed for extension of time for presentation of the report of the Select Committee on the Bengal Court of Wards (Amendment) Bill. Has he got the leave?

Voices: Yes.

Mr. NUR AHMED: I beg leave to move that the time for submission of the report of the Select Committee on the Bengal Court of Wards (Amendment) Bill be extended up to 31st December, 1944.

Mr. PRESIDENT: Leave has been asked for extension of time for submission of the report of the Select Committee on the Bengal Court of Wards (Amendment) Bill up to 31st December, 1944. Has he got the leave?

Voices: Yes.

Mr. LALIT CHANDRA DAS: On an important matter of information. The Hon'ble Sir Nazimuddin is now here, so may I mention that Mr. Kiran Sanker Roy, Leader of the Congress Party, and Mr. Santosh Kumar Basu, Leader of the Bengal Congress Parliamentary Party, have been prosecuted for holding a public meeting at the Sradhananda Park with an uncovered light. May I ascertain from the Hon'ble Chief Minister whether answer would be given to the short-notice question tabled on this subject by me or whether he is prepared to give us some information about it now?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think any short-notice question is needed, because the question has now been put and I may say that I have called for a report in this matter. I cannot say anything more. It was brought to my notice two days ago and I have called for a report.

Mr. LALIT CHANDRA DAS: But the case is now pending and will be taken up for decision on the 26th August.

The Hon'ble Khwaja Sir NAZIMUDDIN: There is still plenty of time.

Special Motion.

Mr. PRESIDENT: Now we will take up the special motion. Mr. Latafat Hossain was in possession of the House when we adjourned on the last occasion.

Mr. MESBAHUDDIN AHMED: He is not there.

Khan Sahib NURUL AMIN: Sir, with regard to the work of this House——

Mr. PRESIDENT: Not at present.

Mr. HUMAYUN KABIR: May I speak on the special motion of Mr. Lalit Chandra Das?

Mr. PRESIDENT: Yes.

Mr. HUMAYUN KABIR: Mr. President, Sir, this motion was moved by my honourable friend, Mr. Lalit Chandra Das, and very ably supported by my respected friend Khan Bahadur Abdul Momin, the Leader of the Coalition Party. (Khan Bahadur M. A. MOMIN: Not in support, but I have my personal opinion.) The Leader of the Coalition Party in this House very ably supported the motion in his speech, although he now says that he only gave his opinion. I take his speech at its face value. I have no doubt that this House had an inkling of his mind on this question. What transpired on that day was that with the exception of one single member, there was all-round agreement on this question. Every one in this House desires that the question of appointment of military officers to important offices in Bengal should be considered seriously by the Provincial Government. Such appointments are likely to infringe the rights of the nationals of this province. Now, the statement which the Hon'ble Sir Nazimuddin read before the House tried to make the very best of a rather bad case. It proceeded on the assumption that recruitment of military officers was due to the fact that on account of the exigency of the war people were not now being normally recruited through the usual channels. The competitive examinations in the case of the Indian Civil Service, Indian Police and other Imperial Services had been suspended. The reasons for such suspension were that the ability and talent of the community should not be diverted from the channels of employment in the war. Only one channel was left to young men and that was to enter the war services, because this department required tremendous expansion. Therefore, recruitment to all other departments was suspended.

Now, the first question I would like him to answer is this. It is not a question of answering us here. Let him himself consider the matter and answer himself. I am convinced that even though we are speaking from opposite sides of the House, there is not really much difference in our points of view and in the general desire among the members of the different sections of the House. Every section wants that the youth of Bengal should find suitable avenues of employment and no unnecessary recruitment should be made from outside. Therefore, I would ask the Hon'ble Minister to consider it himself. It is not necessary that he should answer us here for the sake of the debate. I know the Hon'ble the Home Minister is an expert in making a point even when there is no point to make. He is always able to answer well. So, I will not take his speech at its face value in the Council.

Probably his first argument would be: that because young men are liable to be called for the war, therefore recruitment of young men in the other services should be stopped. I do not think that argument is sound. And in any case, it no longer holds good. All the young men are perhaps not needed in the army. Otherwise, how can the military release so many men for civil posts? There can be only two reasons for releasing them. Either these persons who are being released are rotten or they are no longer required in the military. If the latter be the case, then why not again resume the normal course of recruitment, namely, through examinations? As I have said, either they have been found to be unsuitable in the military line, or they are superfluous. Whichever of these alternatives be true, I do not understand why they should be sent to fill in civilian posts. In his statement, the Hon'ble Minister has said that there is a very great demand of persons in the military. Then, how are such persons released? The Hon'ble the Home Minister should satisfy himself whether we are not getting the rejections of the army. That would be a most undesirable state of affair. He will himself agree with me that we in Bengal, specially in view of the crisis through which we are passing today, need the very best material to run the administration.

It has been stated by the Hon'ble Minister that these men worked for some time in the military and now they are being re-drafted to civilian posts. There may be two reasons. Either they are unsuitable or there is superfluity. While in the army, they have acquired set habits there. They have developed ideas of discipline of a type which perhaps do not obtain in civilian posts. This is the first question I would ask of the Hon'ble the Home Minister.

The second question I would ask is this. Why does he not use the talent available in the province? I refer specially to the Bengal Junior Civil Service. The members of the Bengal Junior Civil Service are recruited as a result of an examination which is the same as that for the Bengal Civil Service. The difference between the Bengal Civil Service and the Bengal Junior Civil Service is often nominal. The same type of students sit for the examination. It is often only through accident that one gets into the senior service and the other gets into the junior service. They get more or less the same type of training. They do the same work. We have in this House two very distinguished members of the Bengal Junior Civil Service. They have proved that they are not in any way inferior to men of the Bengal Civil Service, if not men of the heaven-born service, viz., the Indian Civil Service. I think, Sir, you will bear me out when I say that there have also been cases of persons who have failed to compete in the Provincial Service and have subsequently got into the Indian Civil Service. Among my friends there are some who were not able to compete in the Provincial Service but are today distinguished members of the Indian Civil Service. Now, Sir, if that be the case, there is no difference so far as quality is concerned between Indian Civil Service, Bengal Civil Service or Bengal Junior Civil Service. I would ask the Leader of the House if he is prepared to accept the position that the members of the Bengal Junior Civil Service are inferior to the members of the Bengal Civil Service. I doubt very much whether the Leader of the House or the Leader of the Coalition Party will be willing to say that the members of the Indian Civil Service are always superior to the members of this or other Provincial Services.

That being the case, why instead of drafting from outside men who have no experience of this country, no experience of the custom and habits of the people and the conditions of this province, the permanent members of the Bengal Junior Civil Service should not be utilised? I have always held that even so far as the Indian Civil Service is concerned, there is a very strong ground for provincialising that service. Sir, I ask the Home Minister to consider these facts. There is very little difference between men of the different services in ability. There is unanimity of opinion on this question. With the exception of one single member, all others have agreed

that such drafting of members of the military staff from outside into the civil executive of the province is undesirable. I ask whether the Bengal Junior Civil Service men could not be utilised for some of the work which these new men are expected to undertake.

Even today, there is a large number of qualified young men who want employment. It is true that as a result of war and the tremendous expansion of the Supply Department of the Government of India, the question of unemployment of our educated people has been partially solved. It is so but we all know that this is a purely temporary solution. The Supply Department of the Government of India and the Civil Supply Department of the Government of Bengal may or may not become permanent. It may be that they will become permanent; but at any rate there is no guarantee for that so far. The type of employment that is going to be offered to these military men is of a much better standard than that offered to our young men. If these posts to which the military people are now being brought were thrown open to the members of the Bengal Provincial Civil Service and the Bengal Junior Civil Service, and the posts thus vacated by the members of these two services were filled by men in lower services or by unemployed young men, that would be a practical way of not only solving the unemployment problem but it would also be of very great future value to the province. These young men would gain in administrative experience. The existing members of these two Provincial Services will also acquire greater administrative efficiency and experience on promotion. Therefore, when the war will be over, these experienced officers will be of use to the province. These are the considerations which I think the Hon'ble the Home Minister should bear in mind when he decides on this question.

There is one other aspect to which I would like to draw his attention. I have received reports,—I cannot vouch for its accuracy—that out of the military officers that are going to be brought here, an overwhelming majority are Australians. In fact, I am told, it is not an Europeanization of the services but an Australianization of the services. These posts which are going to be offered to military people can easily be filled by our young men. Therefore, this influx is not only unnecessary but also undesirable. Moreover there is one risk. As you yourself know, if you wanted to land in Australia, I think you would be probably debarred on the ground of illiteracy. There is a rule in Australia that any one who wants to settle there, has to pass a test in literacy. The authorities will not let him know in which language the test would be held. Now, Sir, if you go there, you will probably be tested in Eskimo or in Finnish or some such languages. They will perhaps not risk German, French or Latin, for they might think that the Hon'ble President of the Bengal Legislative Council might be proficient in languages like German, French or Latin which are fairly well known. They sometimes select most obscure languages. I met a German Jewish Professor in 1930 who had been refused permission to land in Australia. He knew 32 languages. The particular language in which he had been asked to satisfy the authorities in literacy was one which is probably not known to a more than few thousand people in the whole world.

I have nothing against particular members of the Australian Forces. What I would suggest is that if a large number of such persons are provided in the civil administration of our province, there is bound to be friction. The deprivation of the legitimate prospects of our young men who are already in the services and the deprivation of the prospects of those who are waiting for employment would cause discontent. Some of them may have secured temporary employment in the different temporary departments. Employment by Government in the posts meant for these military men would be much superior to the employments they have now. The point that I want to submit to the House is the great fund of ability that is available amongst the so-called subordinate gazetted services. In the Bengal Junior Civil Service, and among Sub-Registrars and subordinate

gazetted officers there are many who could easily be used in order to recruit officers for the administration of the province.

Sir, I will conclude with a final word. If there is no longer any necessity for these young men to be drafted into the military, if the situation now is that a large number of officers can be released from military duty for employment in the civil administration, it is obvious that the suspension of the competitive examinations should no longer continue. If it is a fact that the men can now be re-drafted into the civil administration, then the normal channel for appointment should be revived. Instead of doing so, why should you employ and draw upon a particular kind of ability which may be very great in its own sphere but which from the very nature of the case and from the difference of employment in the two cases and from the difference in the type of activity to be pursued cannot be expected to do well in civil administration? This is also a point which the Hon'ble Minister ought to consider when he takes a final decision in the matter. Competitive examination should be immediately revived. The posts in the lower grades of the Bengal administration should be drawn upon in order to make promotions to higher posts. If we have the ability and resources available here, why should we go outside the province in order to bring in elements which might or might not prove satisfactory? There is also the question as to what will happen to these military officers after the period of emergency is over. Are they going to be in permanent employment in Bengal? Are we then going to have a large number of military officers who will be permanently drafted to the civil service of the province? If so, the Hon'ble Minister ought also to state that clearly before the House. I am sure many honourable members of this House, including my honourable friends to my left, I mean my friends of the European Party, will agree with me that it is desirable that so far as the civil administration is concerned, it should be carried out by civil officers. They will certainly not want military officers without previous training drafted into the civil administration. If they are going to be taken away at the end of the war, then all the training and all the experience which they will have acquired would be entirely lost. The expenses that Government will incur in order to train them up will be so much money wasted.

Sir, I have seen in the papers brief reference to some sort of psychological test to be used in order to find out which military officers are suitable for civil employment. I have something to do with psychology. It has been found that such psychological tests, intelligence tests and the devices upon which such tests are carried out are not at all satisfactory. In fact, it is common experience that some of the people who come off with flying colours out of these tests fare very badly in life. In America, where such tests are greatly in vogue, I do not think either commercial or industrial firms or the civil administration pay much attention to the results of intelligence tests. I would like to ask my friends to my left whether they would have any faith in such a psychological test or in a certificate from a psychological institution when they recruit men for employment in their business houses. I am sure they depend more upon personal experience, on the past educational career and past social status and experience of the person who is employed and not on certificates on a set of tests. These psychological examinations are often tricks. Some can do the trick and others cannot. Honourable members of this House who have experience of such psychological tests know that these tests are not perfect. Some day they may become perfected and may be able to find which man is suitable for which kind of job. But as yet it is an incomplete and unsatisfactory method of recruitment.

If money is to be used for training these military officials to be absorbed into the civil administration, why cannot this money be used for training new men? These military officers are just as raw and inexperienced and as new to their job as the newest graduates passed a month ago. In view of these considerations, I hope the Hon'ble Home Minister will tell us that

he has reconsidered the decision and that he agrees with the concensus of opinion in this House. I hope he will see that the civil administration is manned as far as possible by men of the province taken from civil avocations and stop the recruitment of military officials. Those who have already come can be redrafted to their permanent military posts.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, the circumstances which led to Bengal Government's agreeing——

Mr. LALIT CHANDRA DAS: Sir, will not the Hon'ble Chief Minister speak on this subject?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: If he desires, he may speak. But I am prepared to speak on the subject. The circumstances which led to Bengal Governments' agreeing to 100 military officers being sent to Bengal for employment in civil posts were explained by the Hon'ble Chief Minister when he made a statement on the floor of the House on the 19th instant. I should like to give some more facts and figures to the honourable members of the House in order that they may appreciate properly the position in Bengal with regard to our requirement of officers and shortage: the Civil Supply, A.R.P., Revenue and other miscellaneous departments have already taken away 236 men of Indian Civil Service, Bengal Civil Service and Bengal Junior Civil Service. Those departments have again come up with fresh requisitions and 150 more men of Indian Civil Service, Bengal Civil Service and Bengal Junior Civil Service is 245 and 504 respectively (total being 749) 179 (temporary Bengal Junior Civil Service). The services have already been depleted of one-fourth of their members. If we were to supply the additional demand of another 150 from the normal strength of Bengal Civil Service and Bengal Junior Civil Service and fill up the vacancies caused thereby by taking in new hands, more than one-third of the members of the services would be either inexperienced raw graduates or men of inferior calibre recruited from subordinate services who could not possibly be expected to run the general administration efficiently. In Bengal Junior Civil Service we have already taken some 179 men of experience from different departments (Revenue, Debt Settlement, Co-operative, Jute Regulation and Registration) and including these recruits the total strength of Bengal Junior Civil Service is now 683. We had practically exhausted the number of men fit for promotion from the lower services. We cannot possibly get another 100 men of ability from the lower services and the only way of strengthening the Bengal Junior Civil Service and Bengal Civil Service left to us is by direct recruitment from outside. We have recruited some 60 lawyer-Magistrates and intend to recruit 18 more from Bar. We can hardly increase the number of such inexperienced Magistrates with due regard to efficiency of work. We are re-employing retired men of the service also and as many as 12 are now employed. We have also got loan of 38 officers from other provinces through the intervention of the Viceroy. But, Sir, the demand of the Civil Supply Department is inexhaustible and Major-General Wakely's Movement Directorate of Civil Supply consisting of 28 army officers are to be replaced by us by 1st October as they are wanted back by the army. There are other departments like Agriculture, Fisheries and Revenue which are sending requisitions for experienced officers from Provincial Services and we cannot refuse them if we are to meet the abnormal situation created by last year's famine and guard against future calamity. We have already tapped all the sources for supply of officers of ability and experience. We have depleted the Provincial Services and have replenished them to some extent, as already stated, by appointing men from lower ranks by bringing men from other provinces and by recruiting from the bar. We want some more responsible men of the calibre of the members of Indian Civil Service and Bengal Civil Service; and failing to secure them from the Indian Civil Service and Provincial Services of other provinces we have decided to take in military officers who we all know are well disciplined men with strong sense of duty. The

military officers saved the situation when cholera and malaria in epidemic form was devastating the whole of rural Bengal. But for His Excellency the Viceroy's timely intervention more people would have died of diseases than of starvation. The military not only helped us in controlling diseases but also in supervising our transport arrangements for sending rice and medicines to deficit areas. From our experience of last year, we think the military in civil posts of responsibility will be far more efficient than inexperienced youths who were our only other alternative. The work in Civil Supply Department, particularly in the distribution and transport branches, is more or less akin to Military Commissariat work and as such military people would be very useful for such works. It is also not correct to hold that military officers cannot hold civil posts with credit. It is forgotten that even now in our I.C.S. cadre we have got quite a large number of men who were recruited after the last war on account of War Services and they can hardly be distinguished from our normal Indian Civil Service, unless one cares to go through the civil list. From India Government communiqué we can safely infer that the military officers who are coming will be of the type of the War I.C.S. who are now serving in the province and their proportion will be 50 per cent. Indians and 50 per cent. Europeans; and it is definitely stated in the Government of India press-note that the type of officers proposed to be selected will be exactly of the type who would have been competing for posts under the Civil Government. We need not, therefore, be unnecessarily apprehensive that they will not be the right type of people to hold civil posts.

We fully realise that men of ability and trust are not wanting in our Bengal Civil Service and Bengal Junior Civil Service. The strengthening of superior staff by bringing men from the Military Department is certainly not a reflection on their abilities. I yield to none in my appreciation of the merits of our own country men in the Bengal Civil Service. No one knows it better than I do that there are ablest men in our Provincial Services who could hold any responsible post under Government with credit. That fact is unquestionable. But the difficulty we are confronted with is: how and wherefrom we could get men of the standard of efficiency and experience of our B.C.S. and B.J.C.S. men for meeting the additional demand of officers. We could not create such men overnight. The problem could not possibly be solved by giving promotions, as suggested by men like Khan Bahadur Abdul Momin. We have already promoted some 179 men from lower services and thereby exhausted almost all the men fit for promotion. We are going to take the desperate step of taking in another 90 or more from lower services. Men of right calibre in the lower services are not unlimited. There is no possibility of getting more men of the right type from the lower services. We had to ask for loan from other provinces and we got some but not sufficient. How is the demand for another 150 men of experience and proved efficiency to be met? Raw graduates of the University or men from the Bar will not serve our purpose, as we could not all at once entrust them with responsible posts requiring practical experience. They will require 2 years to get accustomed to the arduous duties of an Executive Officer. Fortunately, we got the offer of 100 army men from the Central Government and we readily accepted the offer as we thought they would be certainly better than inexperienced graduates. These military officers, Sir, are being taken on a temporary basis for employment till the return of normal times. Their employment does not affect at all the prospect of our existing Bengal Civil Service men. As a matter of fact, we are employing far more number of B.C.S. men in posts reserved for Indian Civil Service (the present number of such officiating listed posts being 15 as against the normal of 4 only), and against all previous precedents we have decided to promote even B.J.C.S. men temporarily to Bengal Civil Service for meeting the demand of officers of higher rank, as a result of which at least some 50 men of Bengal Junior Civil Service are going to be promoted temporarily to Bengal Civil Service almost immediately.

Sir, at abnormal times when we are struggling for saving lives of millions of people we cannot afford to be too punctilious about interest of communities and province. We must take service of anybody and everybody (X, Y or Z) who is capable of rendering useful service. The larger interest of the country demands that for the time being we should rise above communal and provincial considerations. Only recently in connection with the posts in the Fisheries Department we decided that the communal ratio rules should, for the time being, be suspended and the posts should be filled up with the best men available on temporary basis, irrespective of caste or creed; and that later on communal ratio should be adjusted. The record of services rendered by the military last year in connection with combating disease and arranging transport for rushing in food to deficit areas, as we all know, Sir, was simply splendid. They are well disciplined men and have had experience of grappling with difficult situations with promptitude and courage. When we, therefore, were offered the services of the military, we thought the best interest of the country required that we should accept the offer with thanks, as they are likely to be more useful and resourceful than raw graduates or civilians from other provinces not used to grappling difficult situations. After what the military had done for us last year it would have been height of ingratitude not to accept the offer and the best interest of the country also demanded that the offer should be accepted. Let the people at large judge if it is not a reasonable and sound decision we have taken. After all, these military officers are coming on a purely temporary basis and will go back as soon as normal times return and they are coming to help us at a critical time. There is certainly no superfluity among army officers, as suggested by some, but the India Government thought that having stopped recruitment for the Indian Civil Service and Indian Police Service for facilitating military recruitment, it was only fair to help Bengal with army officers at this time of Bengal's need. In fact, we should be grateful to the Government of India for sparing their services at this war time when the needs of the army are supreme and have priority over all other needs. It is a pity, Sir, that the members in the Opposition should have thought fit to condemn the action taken by Government in the best interest of the province and its people.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the Leader of the House has very fully dealt with all the points that have been raised and has given all the information. There is only one or two things I should like to mention. First of all, the members of the House are aware that we have already adopted the policy that after the war a certain number of posts will be reserved for those who have gone for war service and that is the object of the stoppage of recruitment of Indian Civil Service and Indian Police Service also. At first a certain percentage of the posts were asked to be kept reserved or to be temporarily filled up and later total stoppage of recruitment was decided upon. The object has always been to give encouragement to those young men who have gone out for war service and to serve as an incentive to join the armed forces. The Provincial Government have reserved a certain number of posts for them to be filled up after the war.

Now, in this case by taking the military officers we are merely doing what we have to do after the termination of the war. That is one aspect of the question which must be remembered by this House. After all, we are employing men who would have been employed after the termination of the war, because that is the policy that has been laid down. The second thing is, as has been explained already, that it is not a question merely of promotion from the bottom to the top. The demand for men is so great that practically every estimate that we make of the number of men required becomes within a month or two an under-estimate. Every day departments are expanding and the requirements of some of the departments are very large. Especially take the case of the Civil Supplies Department and the Branch which is controlled by General Wakely, namely, the Movements

Department. This is a very expanding department, and, as you are aware, 10,000 boats are being made for the carriage of commodities and for these boats a large number of officers will be required. Here I would like to point out that the total number of men that are being recruited by General Wakely directly includes a large number of officers that we depute to that department. This recruitment and this assistance from the military is not going to stop all further direct recruitments. Direct recruitments are continuing already before your eyes. You will find in the papers advertisements for direct recruitment of men for the Fishery Department and also for the Agricultural, Income-tax Department for which a large number of men are being taken. But in spite of direct recruitments a certain number of trained officers are necessary, and Government have also got to supply trained men from the Bengal Civil Service and also from the Bengal Junior Civil Service. Even from the existing officers, apart from those that have been mentioned by the Leader of the House, a large number of men are there who are getting a certain amount of acting allowance for doing very responsible work. Over and above this, a large number of them is already holding either what is called listed posts or similar other posts. Actually, 8 persons are holding such appointments at the present time. In this way, men both from Bengal Civil Service and Bengal Junior Civil Service are being given posts of responsibility and trust with higher emoluments. We are going to promote 50 or more officers from the Bengal Junior Civil Service to the Provincial Civil Service and we are also going to take a certain number of men from other services into the Provincial Civil Service.

In spite of all this, there will still be room for employment of these military officers, most of whom will be on a temporary basis during the duration of the war. They may be recalled at any time for military requirements and will then have to go back. Some of them are going to replace persons whom they have left temporarily and will go back permanently to the army and some as I have said are going to the Movements Department of Civil Supply. (MR. LALIT CHANDRA DAS: How many Australians are coming?) I am glad that Mr. Das has put this question. We know nothing of this, Sir, about who are coming. But of course Mr. Humayun Kabir has better information and has told us that a good number of them are Australians. But so far as I am aware I have no information at all as to who they are and what they are. (MR. LALIT CHANDRA DAS: How many are expected?) Altogether one hundred military officers, I think, out of whom at least 20 or 30 will go to the Civil Supply Department on the Movements section. So far as I know they have not arrived yet. But their number will never be more than 50/50. They will perhaps be British, Canadians, Australians or others represented in the ratio of 50 per cent. I do not think I have anything more to add. We are in very great need of officers and we cannot weaken the general administration which is the sheet-anchor of all governments or allow the standard of administration altogether to go down. Everything depends upon general administration and unless Government can get hold of officers of experience and some training in district work to officiate as Subdivisional Officers or Central Officers general administration cannot go on. This is the basis on which the whole thing hangs and therefore it is necessary to see that general administration is not weakened and that is the reason why there has been placed a limit to promotion from existing services to the new appointments that are now being made. I may say that the importation of these officers does not in any way hamper the natural promotion or rise of any officer in the services. They will all continue to be employed as before. It is necessary to have these military officers only because new appointments have got to be made and new posts have got to be created. They will fill not all the new posts, but a portion of them only.

Mr. HUMAYUN KABIR: May I offer a word by way of personal explanation? With regard to the recruitment of Australians I made it quite clear in my speech that I was asking for information from the

Hon'ble Minister and he has given the information. I did not make any definite assertion and throughout my speech it was in the form of a query as to whether it was a fact that among the military officers there would be a good number of Australians.

Mr. LALIT CHANDRA DAS: May I say a few words in reply? It has been emphasised by the Hon'ble the Home Minister that the running of the general administration should be kept at a high point of efficiency and that for this purpose men of experience are absolutely necessary. These, Sir, are the two grounds on which he bases his claim for importing army officers for civilian posts.

I am astounded at the way in which he made his basic proposition. If the basic proposition is to be made that the general run of the administration must be kept at the highest point of efficiency, he should run miles away from the military. Military is not the source from which recruitment should be made for general administration. As the Gregory Committee pointed out, the qualities necessary for the purpose of general administration consist not only of the highest standard of education but also of the knowledge of the people of the area and the knowledge of the trade. These are the three important points urged by the Gregory Committee. Does the Hon'ble Home Minister expect that these officers coming from other provinces or from beyond India are likely to know the condition of the people or of the trend of the requirements of the situation? I wonder why our men should go on default. It has been pointed out by the Leader of the House that the B.C.S. and B.J.C.S. officers are numbering hundreds and only a very small fraction of these two services were absorbed in the new posts. I say, why not recruit at the base in large numbers by competitive examination? Then take away from the senior posts both from Bengal Civil Service and Bengal Junior Civil Service as many as you want not only for the Civil Supplies Department, but also for the Agriculture, Fisheries and other departments, as the situation arises. If it is now urged that the highest men have been taken away in other departments—men from Bengal Civil Service and Bengal Junior Civil Service—I say why not recruit from the Bar? In the Bar there are men who can adorn any position to which they may be placed. That is also an inexhaustible source. If proper men are to be found, they could be found in abundance from the Bar. Government are anxious that the general run of the administration should be improved and that by persons with efficiency. If that is so, I think members of the Bar should be taken in instead of importing army officials from abroad. Another point referred to by the Leader of the House is that the army did very good work in combating diseases and in meeting the needs of the famine-stricken people and destitutes and taking aftercare of them. Well, I do not disagree. But is it as a prize that these people should be taken in and merged in the civil administration? Did the army officials do that service with that end in view? What they did on that occasion they did as army officials. Here what are you doing? You are importing certain military officials to be employed in the civil administration and you say that these appointments are only temporary. But what are the qualifications of these officers for the efficient work of the general administration? If it is at all a point of gratitude in recruiting these military officials, that is a point to which we do not answer in the way in which it is done. I say Government erred grievously in recruiting the military officers for civil employ.

I never knew that there was such a superfluity of officers in the army. It has been stated by the Hon'ble Minister that many educated men entered military service in the hope that after the war they would fill civilian posts and that certain proportion of the available posts has been kept in reserve to be filled in from among them after the war. If you now find that some persons who entered the military service are now eager to enter the civil service, why not hold a competitive examination? Let them sit with other boys in that examination and if they come out successful, let them get the posts. You cannot do a thing now which you intended to do after the war.

The war is not finishing soon. It will take years to finish the war. I submit, Sir, that these persons do not answer all the qualifications laid down for the holding of a civilian post.

With these few words, I move that my motion be accepted.

Mr. PRESIDENT: The question before the House is: that this Council disapproves of the action of the Bengal Government applying to the Central Government for services of a large number of army officers to hold civilian posts in this province to the detriment of the claims of the Bengalees to those posts intensifying at the same time the problem of unemployment in Bengal.

(The motion was negatived.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, on behalf of Government I would ask for an adjournment of the House owing to the *Ramzan* till the 4th October, 1944.

Mr. PRESIDENT: I would suggest 5th October.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, we have got a Hindu festival on the 14th October. So, we may adjourn till then.

Mr. PRESIDENT: That will be too long.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, if we can adjourn for *Ramzan* for one month, can we not adjourn for 7 or 8 days more? Because there is Kali Puja and then Bhatri Dwitiya. So, I think you will consider all these holidays. When so much has been done for the Muhammadan members, something should be done for the Hindu members also.

Mr. PRESIDENT: I am afraid——

Mr. BANKIM CHANDRA MUKHERJEE: There is no question of your being afraid. You should adjourn the House till——

Mr. PRESIDENT: Order, order. The House stands adjourned till 2-15 p.m. on Thursday, the 5th October, 1944.

Adjournment.

The Council then adjourned till 2-15 p.m. on Thursday, the 5th October, 1944.

Members absent.

The following members were absent from the meeting held on the 18th August, 1944:—

(1) Mr. Kader Baksh.
(2) Mr. Humayun Reza Chowdhury.
(3) Mr. K. A. Chowdhury.
(4) Mr. K. K. Dutta.
(5) Mr. R. W. N. Ferguson.
(6) Mr. Abdul Latiff.
(7) Mr. N. N. Mookerjee.
(8) Mr. T. B. Nimmo.
(9) Mr. R. Pal Chaudhuri.
(10) Mr. R. S. Purssell.
(11) Dr. K. S. Ray.
(12) Mr. B. K. Roy Chowdhury.
(13) Mr. S. N. Sanyal.
(14) Mr. J. W. R. Steven.

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BENGAL LEGISLATIVE COUNCIL DEBATES

First Session 1944- No. 81.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 5th October, 1944, at 2-15 p.m., being the eighty-first day of the first session of 1944, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Oath.

Mr. PRESIDENT: Any gentleman desiring to take the Oath under section 67 of the Government of India Act, 1935, will kindly come forward to do so.

Mr. J. S. Graham took the oath of office.

Mr. PRESIDENT: Now, I will take up the questions.

QUESTIONS AND ANSWERS

Arrest of Mr. Niharendu Datta Mazumdar.

257. NAGENDRA NATH MAHALANOBISH: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if the attention of the Government has been drawn to the judgment of the Hon'ble Judges of the Calcutta High Court, delivered on the 14th July, 1943, in the case of "*In re* Niharendu Mazumdar *vs.* A. E. Porter and others" over the arrest of Mr. Niharendu Datta Mazumdar, M.L.A., in the corridor of the Calcutta High Court on the 3rd June, 1943, in which the Hon'ble the Chief Justice found that one Mr. Syed Hasan, Inspector of Police, showed discourtesy to Mr. Dutta Mazumdar and applied premature and possibly unnecessary force in effecting his arrest and the Hon'ble Mr. Justice Khundkar, referring to the conduct of the said Mr. Syed Hasan, held *inter alia* that there was no justification for such conduct, and that it was unwarrantable and merited the disapproval of the Court and called for an expression of the severest displeasure?

(*b*) If so, have any steps been taken against the said Police Officer for such improper conduct? If so, what are they?

(*c*) If not, what steps do Government propose to take against him to show its disapproval and condemnation of such conduct and to prevent the recurrence of such misbehaviour by the Police Officers generally?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) The comments of the Hon'ble Judges of the High Court were brought to the notice of the officer concerned for his future guidance.

(*c*) Does not arise.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state whether Mr. Syed Hasan, Inspector of Police, was punished for his misbehaviour towards Mr. Niharendu Datta Majumdar in accordance with the judgment of the High Court?

The Hon'ble Khwaja Sir NAZIMUDDIN: I refer the honourable member to my answer (*b*).

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state whether this Inspector, Mr. Syed Hasan, has been promoted to the rank of an Assistant Commissioner of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state if this promotion is his reward for his behaviour towards Mr. Datta Majumdar?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, but for his consistent good work.

Mr. LALIT CHANDRA DAS: Or is it in defiance of the remarks of the Honourable Judges of the High Court that he has been promoted to be an Assistant Commissioner of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

Mr. NAGENDRANATH MAHALANOBISH: With reference to (*b*), may I enquire if Government considered whether in view of the severe condemnation of the conduct of this Inspector as expressed in the judgments of the Judges of the High Court the officer in question deserved any punishment from the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add to what I have already said.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister please state if the promotion awarded to Syed Hasan was after considering the remarks of the Honourable Judges of the High Court in the case referred to?

The Hon'ble Khwaja Sir NAZIMUDDIN: The promotion was awarded on the entire period of the service of the officer.

Mr. LALIT CHANDRA DAS: Was not this promotion a mark of disrespect to the Honourable Judges of the High Court for their remarks on the conduct of this Inspector?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit that it is a matter of opinion.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister please state whether he considers that the remarks of the High Court Judges is a mere matter of opinion, or whether their remarks should not have been considered in awarding promotions, etc., to the officer concerned?

The Hon'ble Khwaja Sir NAZIMUDDIN: I refer the honourable member to my reply in (*b*).

Mr. BANKIM CHANDRA MUKHERJEE: Sir, the reply in (*b*) does not answer my question at all.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether such a promotion will not encourage other police officers to be discourteous to the prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, in view of the action mentioned in answer (*b*).

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to explain what does he mean by the expression "consistent good conduct"?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the English dictionary.

Mr. HARIDAS MAZUMDAR: Sir, this is not the answer to my reply. It is an impertinent reply——.

Mr. PRESIDENT: Order, order. Put your question.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to explain the expression "consistent good conduct" expressed by him with reference to his reply to Mr. Moholanabish's supplementary question?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think this is a class room: nor am I a teacher of English.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister be pleased to state whether the conduct of Mr. Syed Hasan towards Datta Mazumdar was not inconsistent with his consistent good conduct?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is a matter of opinion.

(Mr. President then asked Mr. K. C. Roy Choudhury to call the number of his question—No. 258.)

Mr. K. C. ROY CHOWDHURY: Sir, I withdraw my question.

Mr. HARIDAS MAZUMDAR: On a point of order, Sir. Can any honourable member withdraw his question?

Mr. PRESIDENT: Yes, if the House gives him permission to withdraw.

Mr. LATAFAT HOSSAIN: Sir, I should like to put the question standing in the name of Mr. Roy Chowdhury——

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSSAIN: Sir, the Hon'ble Minister is away on tour; so the question may be held over.

Mr. PRESIDENT: In the absence of the honourable member who tables a question some other member can put it. Now that the Hon'ble Minister is away, the question should stand over.

Prisoners detained under Defence of India Rules in the Alipore Central Jail.

259. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if it is a fact that two prisoners under the Defence of India Rules now detained at the Alipore Central Jail were asked to work on oil-press, otherwise known as *ghanee*, in the third week of July, 1944;

(*b*) if it is a fact that on their refusal, they were beaten under the order of the Jail authorities;

(*c*) if it is a fact that other security prisoners went on hunger strike as a protest against such action; and

(*d*) whether the Hon'ble Minister proposes to enquire into the matter and take such steps as may be necessary to prevent a recurrence of such incidents?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I understand that a convict under the Defence of India Rules was put to work in the oil mills but he refused to work.

(*b*) No. He was only punished with two days' penal diet for refusing to work.

(*c*) Security prisoners, in sympathy with the convict in question, abstained from taking their meals for two days.

(*d*) I have enquired into the matter but do not consider any further action necessary.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if persons convicted under the Defence of India Rules are liable to work the *ghanis* or oil presses in the jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: All persons who are convicted are subject to the Jail Code rules.

Mr. HUMAYUN KABIR: Is it not a fact that the persons convicted of political offences have in the past been exempted from this type of work in the jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is entirely the discretion of the Superintendent of the Jail.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state if it has not been the custom heretofore to exempt the political prisoners from this class of work?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether since his assumption of office this practice has been introduced or whether it was before the practice?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have been the Minister in charge of the Home Department for the last seven years and I have seen this practice since then.

Lawyer-Magistrates.

260. Rai Sahib JOGENDRA NATH RAY: (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state if the Government of Bengal have recently been appointing a number of Magistrates from amongst the practising lawyers?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) the numbers respectively of Muhammadans and Hindus of different castes so far appointed, giving separate figures, district by district;

(*ii*) the names, academic qualifications and experiences (of each) of those appointed as Magistrates;

(*iii*) the names of persons recommended by the Public Service Commission of Bengal for such post; and

(*iv*) how the final selections have been made?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*)(*i*) and (*ii*) A statement is laid on the Table.

(*iii*) Government do not consider that it will be in the public interest to furnish this information.

(*iv*) On the recommendation of the Public Service Commission.

Statement referred to in reply to question No. 260.

	Name.	Educational qualification.	Home district.
	Caste Hindu.		
1.	Dhirendra Nath Sarkar	M.A., B.L.	Calcutta.
2.	Tapendra Chandra Ghosh	B.L.	Do.
3.	Amulya Kumar Roy	M.A., B.L.	Do.
4.	Mrigendra Chandra Sarbadhikari	M.A., B.L.	Do.
5.	Kiran Chandra Ghosal	M.A., B.L.	Bakarganj.
6.	Hemendra Nath Mukherji	B.L.	Do.
7.	Sachindra Nath Chanda	B.L.	Do.
8.	Bijoy Chandra Hati	B.L.	Burdwan.
9.	Ushapati Lahari	B.L.	Rangpur.
10.	Phanindra Bhusan Ghosh	M.A., B.L.	Do.
11.	Sailesh Chandra Choudhuri	B.L.	Do.
12.	Jitendra Kishore Gupta Roy	B.L.	Mymensingh.
13.	Upendra Chandra De Sarkar	M.A., M.L.	Do.
14.	Sachindra Nath Roy Choudhuri	B.L.	Pabna.
15.	Nirod Bhusan Sen	M.Sc., B.L.	Khulna.
16.	Chunilal Chowdhuri	M.A., B.L.	Dacca.
17.	Sudhansu Sekhar Singha Roy	M.A., B.L.	Hooghly.
18.	Somendra Chandra Sen	B.L.	Jessore.
19.	Niranjan Khastgir	B.L.	Chittagong.
20.	Benoy Bhusan Majumdar	B.L.	Birbhum.
21.	Abhayananda Mukherji	M.Sc., B.L.	Malda.
22.	Jnanendra Nath Roy Choudhuri	B.L.	Rajshahi.
23.	Santi Prosad Ganguli	B.L.	Faridpur.
24.	Sudhansu Kumar Ganguli	B.L.	Do.
	Scheduled Caste.		
1.	Jogesh Chandra Saha	B.L.	Tippera.
2.	Shiva Das Sett	B.L.	Jessore.
3.	Ananta Kumar Biswas	B.L.	Do.
4.	Madhu Sudan Biswas	B.L.	Faridpur.
5.	Basanta Kumar Mal	B.L.	24-Parganas.
6.	Jogendra Chandra Das	B.L.	Mymensingh.
	Muslim.		
1.	Ghulam Morshed	B.L.	Bakarganj.
2.	A. H. Aftabuddin Khan	M.A., B.L.	Do.
3.	Md. Eunus	M.A., B.L.	Do.
4.	A. F. Nur Muhammad	B.L.	Do.
5.	Abdus Sobhan	M.A., B.L.	Do.
6.	Shamsuddin Ahmed	B.L.	Do.
7.	Md. Fazlul Huq	M.A., B.L.	Dacca.
8.	Maulvi Mobarak Ali	B.L.	Do.
9.	Tafazzal Hossain	B.L.	Do.
10.	Abdul Huq Khan	B.L.	Do.
11.	Abdus Sattar	B.L.	Do.
12.	Md. Shamsul Huda	B.L.	Do.
13.	Ubaidunur Siddiqui	B.L.	Chittagong.
14.	Nazmul Huq	B.L.	Do.
15.	A. M. L. Ahmed Siddiqui	B.L.	Do.
16.	Zahurul Huq	B.L.	Faridpur.
17.	Khan Sahib Md. Umed Ali	B.L.	Mymensingh.
18.	Md. Abdul Khalique	M.A., B.L.	Do.
19.	Hossainul Haider Choudhuri	B.L.	Noakhali.
20.	Syed Abdul Masuit Chowdhuri	B.L.	Do.
21.	Ali Amjad	B.L.	Tippera.
22.	Abdus Salam	M.A., B.L.	Do.
23.	Moshoraf Ali Ahmad	B.L.	Bogra.
24.	Syed Bahauddin Ahmad	M.A., B.L.	24-Parganas.
25.	Abdul Ghani Haldar	B.L.	Hooghly.
26.	Shaikh Abdur Rauoof	B.L.	Do.
27.	Quazi Sharafat Ali	B.L.	Do.
28.	Fazlul Karim	B.L.	Khulna.
29.	Haji Niaz Ahmad	B.L.	Murshidabad.
30.	Eskaudar Ali Khan	B.L.	Do.

Rai KESHAB CHANDRA BANERJEE Bahadur: With reference to answer (*b*) (*iii*), namely, that "Government do not consider that it will

be in the public interest to furnish this information," does the Hon'ble Minister mean that it has not been possible in all cases to respect the recommendation of the Public Service Commission?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir; the recommendation of the Public Service Commission, as far as my information goes, has been scrupulously followed.

Security prisoners Babu Prithwish Chandra Ghosh and others.

261. Mr. NAGENDRA NATH MOHOLANABISH: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether Babu Prithwish Chandra Ghosh, Babu Ranjit Ghosh and Babu Ajit Ghosh are being detained as security prisoners in the Faridpur District Jail;

(*b*) whether all of them are sons of Babu Srish Chandra Ghosh, an old muktear of Madaripur, who has to maintain a large family;

(*c*) whether it is a fact that Babu Prithwish Chandra Ghosh has a wife and children but no allowance has been allowed to them and a small allowance of Rs.30 per month allowed to him alone, is insufficient for his own personal needs;

(*d*) whether the other two, Ranjit Babu and Ajit Babu, have been granted any allowances; if not, why not;

(*e*) whether Babu Prithwish Chandra Ghosh applied for increase of his allowance and for allowances to his family and his old father; if so, whether that application has been disposed of and whether his prayer has been acceded to;

(*f*) whether the Government propose to examine these cases with a view to seeing if they can be released now or at early date having regard to the present position in the country; if not, whether the Government propose to increase the allowance to Prithwish Babu and grant allowances to his family and reasonable allowance to Ranjit Babu and Ajit Babu; and

(*g*) whether the Government propose to consider the position of their father, Babu Srish Chandra Ghosh, who has been deprived of the financial help that these three sons could have rendered in these difficult times and grant him some allowances to maintain his family?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes; but Babu Ajit Ghosh is not a security prisoner but a convict.

(*b*) Yes.

(*c*) and (*e*) The prisoner was not granted any personal allowance. A family allowance of Rs.30 per month had been granted to the wife of the prisoner. This allowance has since been enhanced to Rs.50 per month with effect from the 1st April, 1944, out of which Rs.20 per month is being given to the father of the prisoner.

(*d*) Babu Ajit Ghosh is a convict and no family allowance is granted in the case of convicts. Babu Ranjit Ghosh has not applied for any allowance.

(*f*) The cases of Babu Prithwish Ghosh and Babu Ranjit Ghosh have since been reviewed: further detention has been considered necessary in their cases.

(*g*) The Hon'ble Member is referred to the answers to parts (*c*) and (*e*) above.

Mr. NAGENDRA NATH MOHOLANABISH: May I enquire whether Government are prepared to consider the case of Ranjit Ghose for an

The Hon'ble Khwaja Sir NAZIMUDDIN: No, not without an application.

Mr. NAGENDRA NATH MOHOLANABISH: Is it necessary for a detenue to apply for an allowance; or is it the practice that Government consider each case and allow such allowance as they think fit?

The Hon'ble Khwaja Sir NAZIMUDDIN: The detenue is to make an application.

River Dakatia.

262. Maulvi MUHAMMAD HABIBULLAH CHOWDHURY: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether any representation has been received by the Government from the people of Raipura thana of Noakhali, for the excavation of the river Dakatia? If so, what action has been taken by the Government?

The Hon'ble Mr. BARADA PRASANNA PAIN: Yes. The scheme was examined and it was reported that a new mouth of the Dakatia Khal had been opened by the pressure of upland water and it was expected that the river would improve. Some improvement of the drainage condition has been noticed in the locality but the scheme requires further examination after the current flood season, in order to arrive at a final conclusion. On receipt of the report on the proposed further examination, the question of executing the scheme will be considered in November next.

Mr. PRESIDENT: The remaining two questions should stand over.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, as regards question No. 263, as the report has already been submitted, may I enquire from the Hon'ble the Home Minister when it will be published?

Mr. PRESIDENT: The question is to be answered by the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad and he is not present to-day.

Mr. BANKIM CHANDRA MUKHERJEE: But the Hon'ble the Home Minister can answer the question.

Mr. PRESIDENT: That has never been the practice.

Mr. BANKIM CHANDRA MUKHERJEE: The purpose of the answer is already out of date. The Home Minister is here: he may give the information whether the report will be published soon.

Mr. PRESIDENT: If the Hon'ble the Home Minister wants to answer the question, I have no objection.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the right course would be to put a short-notice question.

Mr. LALIT CHANDRA DAS: Sir, are the questions finished?

Mr. PRESIDENT: Yes.

Mr. HARIDAS MAZUMDAR: On a matter of privilege, Sir——

Mr. PRESIDENT: Just a minute, Mr. Mazumdar.

Application from a member praying for condonation of absence.

Mr. PRESIDENT: The Chair has received the following from Mr. Humayun Reza Chowdhury, M.L.C.:—

"Sir,

Most respectfully I beg to state that owing to serious troubles, I had been advised by my attending physician not to move from the bed and consequently I could not attend the meetings of the Chamber from the 13th March, 1944, during the current session of the Council; and as I am still suffering very badly, I have not also been able to attend any meeting of the Council during the current session up till now. I, therefore, solicit the favour of your kindly moving the matter in the Chamber as required under section 68(4) of the Government of India Act, 1935, to grant me leave of absence for the period referred to above.

Yours faithfully,

HUMAYUN REZA CHOWDHURY, M.L.C."

Mr. PRESIDENT: The question before the Council is that permission be granted to Mr. Humayun Reza Chowdhury for absence for a period of more than sixty days (from the 13th March, 1944).

(The motion was agreed to.)

Mr. PRESIDENT: Mr. Haridas Mazumdar.

Mr. HARIDAS MAZUMDAR: Sir, it was in response to a motion here that the Hon'ble the Home Minister promised an enquiry into the affairs of the Howrah Municipality and as a matter of fact an Enquiry Commission was appointed. The officers of the Commission, I understand, have submitted their report on the 16th September. It is a very urgent matter of public importance, and this House has the privilege and right to know the decisions of the Committee of Enquiry. No Press-Note has been issued by Government as yet. Our information is that the Committee of Enquiry found against the Hon'ble Minister——

Mr. PRESIDENT: Mr. Mazumdar, how is the privilege of the House affected, I do not understand. Every matter that comes up before the House cannot be construed as a question of privilege unless it affects the privilege of the House.

Mr. HARIDAS MAZUMDAR: Sir, I am prepared to show how it affects the rights and privileges of the House——

Adjournment Motions.

Mr. PRESIDENT: Mr. Mazumdar, I cannot go on arguing with you on this question. Now, let me take up the adjournment motions. The first adjournment motion in the list stands in the name of Mr. Mangturam Jaipuria. Now, Mr. Jaipuria, may I just enquire of you one point? What do you mean by "the 29th rationing week"? When did it start and when did it end?

Mr. MANGTURAM JAIPURIA (made his observations in Hindi).

Mr. PRESIDENT: Mr. Jaipuria, You do not follow what I ask you. I asked when did the "29th rationing week" start and when did it end?

Mr. MANGTURAM JAIPURIA (spoke in Hindi).

Mr. PRESIDENT: I am told that it started on the 14th of August and ended on the 19th.

Mr. MANGTURAM JAIPURIA (spoke in Hindi).

Mr. PRESIDENT: In any case, I do not consider this matter to be of urgent public importance and of recent occurrence. So I am afraid, I cannot give my consent to it.

Mr. PRESIDENT: The time-limit is over by several weeks.

Mr. MUNGTURAM JAIPURIA (spoke in Hindi.)

Mr. PRESIDENT: You do not understand me, Jaipuria Sahib. What I say is that there is no urgency now, and therefore the adjournment motion cannot be admitted.

The next motion stands in the name of Mr. Lalit Chandra Das. Mr. Das, do you want to move this motion?

Mr. LALIT CHANDRA DAS: Yes, certainly.

Mr. PRESIDENT: I am prepared to give my consent to this. Has Mr. Das got the leave of the House?

Mr. MESBAHUDDIN AHMED: I object, Sir.

Mr. PRESIDENT: In that case, those who are in favour of the leave being granted will kindly rise in their places.

Khan Sahib WAHIDUZZAMAN: But, Sir, no one has objected yet.

Mr. PRESIDENT: Yes, the Chief Whip has made an objection.

(Hon'ble members rose in their places.)

As less than 13 members have stood up, leave is refused.

The next motion also stands in the name of Mr. Das, and I give my consent to this motion. Has Mr. Das the leave of the House?

Mr. MESBAHUDDIN AHMED: I object, Sir.

Mr. PRESIDENT: Will members who are in favour of leave being granted kindly rise in their places?

(Honourable members did so.)

Leave is refused, as less than 13 members have stood up.

Now I come to the adjournment motion standing in the name of Mr. Humayun Kabir. Do you propose to move your motion, Mr. Kabir?

Mr. HUMAYUN KABIR: Yes, Sir. My point is that very great inconvenience was caused —

Mr. PRESIDENT: I give my consent to it. Has Mr. Kabir got the leave of the House?

Mr. HUMAYUN KABIR: Am I not allowed to make a brief statement on the subject of my motion?

Mr. PRESIDENT: That is not necessary, as I have given my consent to the motion.

Mr. HUMAYUN KABIR: Then, it is all right.

Mr. PRESIDENT: Is there any objection?

Mr. MESBAHUDDIN AHMED: Yes, Sir.

Mr. PRESIDENT: Those members who are in favour of the leave being granted will kindly rise in their places.

(Honourable members did so.)

As more than 13 members have stood up, leave is granted to Mr. Kabir to move his motion, and I fix 5 o'clock on Monday the 9th October, for discussion of this motion.

Mr. HUMAYUN KABIR: On a point of enquiry, Sir. Is it your intention that in future the sittings of this House will continue beyond 4-15

p.m.? When we separated last, we were sitting for longer hours in view of the imminence of the *Ramzan* to try and see if we could finish the Bill within the month of August. Since the urgency has lapsed, there does not seem to be any reason why our sittings should continue beyond 4-15 p.m. Therefore, Sir, it would probably be proper if you would consult the different parties in the House as to whether they would sit beyond 4-15 p.m., though it is certainly within the power of the Chair to fix longer hours.

Mr. PRESIDENT: I will explain my difficulty to you, Mr. Kabir. There are several adjournment motions and I have examined them in a preliminary way. I am inclined to think that most of them are admissible. Now, if most of them are admissible we cannot go on discussing adjournment motions day after day without transacting our normal business. We have also to proceed with the business of the House and at the same time allow the honourable members of the Opposition to move their adjournment motions. In that view of the matter, we have got to sit for longer hours.

Mr. HUMAYUN KABIR: May I make a few remarks, Sir? Dissatisfaction is expressed by moving for the adjournment of the business of the House. Now, the statement which you have made just now would allow the business to proceed in the normal course and also allow the Opposition to have the doubtful luxury of indulging in speeches on every adjournment motion till the time for the meeting is over——

I was going to submit that that would defeat the very purpose of the adjournment motion and it would go against the spirit and the actual language of the rules relating to adjournment motions. The business of the House finishes at 4-15 and if thereafter you take up the motions for adjournment, then the question does not arise——

Mr. PRESIDENT: The business of the House is not adjourned unless the adjournment motion is carried (Mr. Bankim Chandra Mukherjee rose to speak). Excuse me Mr. Mukherjee—so the Chair is prepared to give every facility to the Opposition to move adjournment motions; but before an adjournment motion is carried, mere tabling of the adjournment motion and its discussion cannot be interpreted as decision of the House to suspend the ordinary business of the House altogether.

Mr. HARIDAS MAZUMDAR: But, Sir, it must be at the beginning of the meeting after the questions. How can there be adjournment of the House if it is taken up at the end?

Mr. LALIT CHANDRA DAS: May I point out, Sir, that as it is a matter of urgent public importance, why not start discussion on it at once—why not allow the discussion now? It is fair because it is a matter of urgent public importance. Why should you defer it till Monday?

Mr. PRESIDENT: It has never been the practice to fix discussion on an adjournment motion on the same day, it is admitted, because that clashes with the sitting hours of the other House. So, generally it is the practice to have the discussion on the following day; and in this case the next available day for discussion of the adjournment motion is Monday.

Mr. HARIDAS MAZUMDAR: But it must be taken up at the beginning. It would be a violation of the rules to allow extra time and then to start discussion of adjournment motions——

Mr. PRESIDENT: You should, I think, realise also that as there are so many adjournment motions, you cannot go on discussing only adjournment motions——

Khan Sahib WAHIDUZZAMAN: But, Sir, this situation is the creation of the Government——

Mr. HARIDAS MAZUMDAR: But the point is that it should be taken up at first, after the questions.

Mr. PRESIDENT: You want to begin with adjournment motion?

Mr. HARIDAS MAZUMDAR: Yes, Sir.

Khan Sahib WAHIDUZZAMAN: We are not prepared to sit beyond 4-15 p.m.

Mr. HARIDAS MAZUMDAR: That is, of course, a matter for the President to decide.

Mr. PRESIDENT: May I have the opinion of the Government on this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as Government are concerned, I would like to point out two things. Firstly, it has been the practice in the Legislature in Bengal—here and in another place—to take up adjournment motions at the end (Voices from the Opposition benches: No, no). As far as the other place is concerned, it is always fixed at a later hour and after discussion of the adjournment motion, the House is always adjourned. As far as the Council is concerned, because the House sits only for two hours, the practice is to fix it on a day next to the day on which it has been admitted.

And on that day by convention, though against the rules, questions are not answered, so that complete two hours might be given to the discussion of the adjournment motion, as required under the rules. That has always been the practice; even after the adjournment motion was defeated, no business was transacted on that day. The reason is obvious. An adjournment motion is moved to censure Government——(Mr. HARIDAS MAZUMDAR: To express dissatisfaction). I am quite prepared to take that suggestion that an adjournment motion is tabled either to censure Government or to express dissatisfaction with the action of Government. If the motion is carried, it is a censure on Government and if it is not carried then, though technically it is not a censure on Government, but it might be said that the motion was brought to censure Government. Therefore, it makes no difference whatsoever whether the adjournment motion is discussed in the earlier part or in the latter part of the day's sitting. The main object is to express dissatisfaction or to censure Government.

Now, Sir, you have very rightly pointed out that Government have placed before the House an important Taxation Bill, a Bill on which the future financial position of the province is very much dependent. Therefore, it is essential that this Bill should be enacted into law as early as possible. I would appeal to the members of the Opposition to take serious note of the fact that at the present moment this province is faced with a huge deficit, which can only be met by means of financial assistance from the Government of India and which in its turn is to a large extent dependent on the efforts that Bengal makes towards meeting that deficit (Rai KESHAB CHANDRA BANERJEE Bahadur: And not by curtailing expenditure). Therefore, I hope that the members of the Opposition would look at this question from the point of view of the ultimate good of the province: it is not a question of the position of the present Government, but it is a question of the future of the province as a whole, since it has been made clear by the Government of India that their financial assistance will be dependent on the effort that Bengal makes to meet some part of the expenditure that has been incurred by this Government. That being so, the members would realise that this Bill should be pushed through without any further delay. I would appeal to the Leader of the Opposition and to the members of the Opposition to try to get this Bill through as quickly as possible, so that it could be given effect to within this financial year. I hope the honourable members would agree to the sitting hours suggested by the Hon'ble the

President, which is, in my opinion, most reasonable and meets the Government's needs and at the same time gives opportunity to the members of the Opposition to discuss by means of adjournment motions the various points that will be given notice of. I hope the sitting hours, as suggested by the Hon'ble President, will be accepted by the Opposition.

Mr. PRESIDENT: I find that in the House of Commons the admissibility of a motion for adjournment is considered at 3-45 p.m. and at 7-30 p.m., the motion is actually taken up. In the meantime, other business is transacted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, may I refer to the rules in this connection? So far as this House is concerned, I think, we are to be guided by the Bengal Legislative Council Procedure Rules and our powers are limited by the rules prescribed therein. Now, Sir, the Hon'ble the Home Minister in his speech just now made an appeal to the House which in a way resembles the request made by the Hon'ble the Finance Minister when the Agricultural Income-tax Bill was taken up for consideration, namely, that the Bill be passed without a single comma being changed. I submit, Sir, that you should not countenance such a procedure which would be a serious encroachment on the privileges of the members of the House. The rules have been framed, Sir, for the purpose of discussing various matters of urgent public importance. Part VII of the Bengal Legislative Council Procedure Rules deals with the motions for adjournment. Sir, even when Bills far more important than the present one were being considered by the House, adjournment motions had also been considered. In rule 98, you will find that "no motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance shall be admissible if it relates to a matter which is not primarily the concern of the Provincial Government". Now, we do move adjournment motions which do concern the Provincial Government primarily and adjournment motions are only allowed if they are of urgent public importance which means that they are to be considered as soon as possible. Now, if you consider rule 102, you will find that "the debate on a motion to discuss a matter of urgent public importance, if not earlier concluded....." That means that the debate is to begin at a time when sufficient time for consideration of the motion may be available and is to go on for 2 hours from the very beginning of the sitting of the House after the questions. Therefore, Sir, if you have to follow rule 102, in the light of the other rules from 97 to 101, and if the rule is to be construed strictly in the light of what has been said in the previous rules, I submit that adjournment motions have to be considered before any other business of the House is taken up. We do not know the rules of the House of Commons. We are not guided by those rules. So far as this House is concerned, we should be guided by the rules framed by this House.

Mr. PRESIDENT: Will you kindly enlighten me on one point? Rule 102 lays down that the debate on a motion to discuss a matter of urgent public importance, if not earlier concluded, shall automatically terminate at the end of two hours' debate, and thereafter no question can be put. That is, two hours must be allotted for discussion of an adjournment motion.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, it is thus: The House begins at 2-15 p.m., and you propose to fix 5 p.m., for the discussion of this adjournment motion, so that we must proceed with the motion for two hours, that is, till 7 o'clock. You want to detain us till 7 o'clock giving greater importance to the Bill itself than this business. That is my point—you are making us sit for 5 hours. If you fix Monday, however, I have no objection.

Mr. PRESIDENT: My proposal is that we start at 5 p.m., with the adjournment motion and then go on up to 7 p.m.

Mr. BANKIM CHANDRA MUKHERJEE: I submit that it would then mean that the business of the House would commence at 2-15 p.m., we are to remain here till 7 p.m.

Mr. PRESIDENT: Well, the business of the House continues. We meet at 2-15 p.m. It is open to the Chair to take up either an adjournment motion first and allow two hours' debate on it and when the adjournment motion concludes to carry on the business of the House for a considerable period of time, or take up adjournment motions afterwards, at the end, and give full two hours to it.

Mr. BANKIM CHANDRA MUKHERJEE: If I understood you aright, Sir, when you fixed the commencement of the meeting of the House at 2-15 before we parted in August, you fixed only 3 hours, that is, from 2-15 p.m. to 5-15 p.m. Then you stated that if you had occasion to change the time of the House afterwards, you would consider if it caused any inconvenience to the House. If you will kindly look up the proceedings of that day, Sir, you will find that you increased the two hours' sitting to three hours. You have not yet increased the three hours to 5 hours and I hope you will not do so without considering the question of convenience to the different parties. Therefore, as I say, the time as it at present stands, is from 2-15 to 5-15 p.m., and you are to fix the time for the adjournment motion with reference to that time and not with reference to any new time that you may fix later on, after, of course, considering our objections, if any.

Mr. PRESIDENT: The position, Mr. Mukherjee, is this: Certainly the Chair has got to look to the convenience of the members of the House; but at the same time I hope you will agree with me that the Chair must see that the business of the House proceeds. Now, there are as many as 21 adjournment motions, and assuming for the sake of argument——

Mr. HARIDAS MAZUMDAR: That is not your concern, Sir. Adjournment motions have been tabled no doubt, but they are based on certain grievances.

Mr. PRESIDENT: Well, I am not discussing the merits of the adjournment motions.

Mr. HARIDAS MAZUMDAR: And they are, all of them, very urgent.

Mr. PRESIDENT: Well, most of them have some importance in my opinion and I am inclined to admit most of them on a preliminary examination. There are as many as 21 adjournment motions, and supposing that 15, or 14 or at least 12 of them are admitted and the House gives its leave for discussion thereof, they will take about a month. That will mean that we shall be discussing only adjournment motions for nearly a month; we have only 4 days in the week for discussion of official business and I do not think that it is the desire of the House that adjournment motions should be taken up on non-official days, nor do I think that it is the desire of the House—unless there is an expression of opinion to the contrary—that the House should sit on a Saturday for consideration of adjournment motions. So all the four days in the week may be exhausted in considering adjournment motions and even then it will require nearly a month to dispose of the list of the adjournment motions that have been tabled, without transacting any other business. That will give rise to a difficult position.

Mr. HARIDAS MAZUMDAR: How so, Sir? Who is to blame for the state of affairs that gives rise to adjournment motions? You should carry on the business of the House as usual, as you do, Sir, conscientiously and

in the best interest of the House and of all concerned. You need not look at these things—whether the discussion of the adjournment motions will take two months or three months or even one month. This sort of calculation is not for you, Sir, to make.

Mr. PRESIDENT: Order, order, Mr. Mazumdar. I cannot forget that the main business of the House is the Bill—

Mr. HARIDAS MAZUMDAR: Yes, no doubt, from the point of view of the Ministerialist party; but these adjournment motions are also very important——

Mr. PRESIDENT: No doubt, they are very important. They are going to be taken up and they are not going to be shut out. So we have got to extend the sitting hours in view of the fact that there are so many adjournment motions.

Mr. HARIDAS MAZUMDAR: Sir, our position is that it should be taken up at the beginning at 2-15.

Mr. HUMAYUN KABIR: Sir, two points have been made out by Mr. Mukherjee. He pointed out that under rule 102, the debate might proceed up to two hours. This is the absolute maximum. But it may be finished in lesser hours. In view of that, he suggests that the debate should be brought to a close after two hours in order to permit the business of the House to be adjourned, if the motion is carried and if it is not carried, the business will proceed thereafter. If that was not the intention of the rule, then it would not have been framed for the purpose for which it has been actually framed. I would point out that you yourself have been good enough to refer to the House of Commons where questions are taken at 3-45 and adjournment motions are taken up at 7 or 7-30. But the House of Commons sits till 11 or even later at night. Then again, the Hon'ble Home Minister in his speech a short while ago detailed the procedure followed till now. But so far as the other House is concerned, if he looks up he will find that in most cases adjournment motions are taken up after some business of the House is gone through and not after the business of the House fixed for the day was completed——

Mr. PRESIDENT: Your suggestion then is that instead of starting the discussion at 5 or 5-30, we should start at 3 or after the questions and discuss the motion for two hours and then proceed with the business of the House? May I have the views of the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: Personally, I think that this would not be advisable unless and until the Opposition agree to sit up to 7-30 p.m.——

Mr. PRESIDENT: Obviously they will have to.

The Hon'ble Khwaja Sir NAZIMUDDIN: Then we are prepared to agree to the suggestion.

Mr. PRESIDENT: I think now the matter is simplified. Both sides agree on this point, namely, that we take up the adjournment motion on Monday, immediately after the questions, continue the discussion for two hours and then continue with the business of the House——

Khan Sahib WAHIDUZZAMAN: After the adjournment motion, if there is any time left——

Mr. PRESIDENT: What do you mean by "if there is any time left"?

Khan Sahib WAHIDUZZAMAN: We mean, Sir, that we are not prepared to sit for more than two hours. The question of urgency for the passage of the Bill about which the Hon'ble Home Minister spoke has been waived by yourself and the Government by adjourning the House

for more than one and a half month before the Puja Recess. And now the Hon'ble Home Minister comes up before the House with the suggestion that it is a very urgent matter, the province will be in danger and the province will not get the Government of India's subvention if we do not sit till late hours.

This is a wrong thing for him to suggest. We feel that we should sit as we used to sit normally.

Mr. HARIDAS MAZUMDAR: On a point of information, Sir. May I enquire whether this Bill will have retrospective effect? If this Bill has a retrospective effect, then it may be passed at any time, there is no hurry.

Mr. PRESIDENT: We are not going into that question now. It is then generally agreed that after the questions we take up the adjournment motions.

Mr. HARIDAS MAZUMDAR: As regards time, we shall decide it afterwards.

Mr. PRESIDENT: No, we cannot decide that afterwards.

Khan Sahib WAHIDUZZAMAN: We shall not sit beyond the normal hours. We are not prepared to sit after the normal hours.

Mr. PRESIDENT: It is for the Chair to decide how long the House will sit——

Khan Sahib WAHIDUZZAMAN: But the Chair must look to the convenience of all the members and not only look to the interests of one particular section of the House, who come and sleep and vote——

Mr. PRESIDENT: I hope the honourable members would appreciate the difficulties of the Chair. You cannot discuss the adjournment motions only and not proceed with the main business before the House. That is a proposal to which I cannot certainly subscribe. Then I take it that we take up the adjournment motions after the questions are over and discuss the adjournment motions for 2 hours (Mr. HARIDAS MAZUMDAR: If the discussion is finished in less than two hours?) It is so much the better——

Mr. HUMAYUN KABIR: Sir, we want to be clear on one point. Do you want to have any fixed hour for the meeting of this House or do you want to fix a certain period after the adjournment motion is discussed, for the regular business of the House. I think hours should be fixed and may I suggest——

Mr. PRESIDENT: What I suggest is this: we sit at 2 o'clock instead of at 2-15 p.m., and after giving one hour for questions, we start at 3 o'clock to discuss adjournment motions up to 5 o'clock; then from 5 p.m. we sit till 8 o'clock for the consideration of the Bill.

Khan Bahadur M. A. MOMIN: Sir, may I say a few words on a point which requires clarification?

Mr. HUMAYUN KABIR: Sir, I am in possession of the House. Formerly, we used to sit from 2-15 to 4-15, which you extended first up to 5 p.m., and later on up to 6 p.m. So far we submitted, but there is a limit to human endurance. Beyond 6 o'clock, it will be unpleasant and therefore here also I think that I shall be expressing practically the opinion of every member of this House, (Mr. HAMIDUL HUQ CHOWDHURY: No)—of course, barring the non-speaking members, who come and go and take no part in the debate,—that it will be impossible to sit beyond 6 o'clock. To sit from 2-15 to 5 was a concession and then you extended the time up to 6 p.m.; but beyond that it is impossible to sit.

There is another point. There will not be adjournment motions every day. You have no doubt admitted that. It is impossible. Adjournment motions are not actually discussed every day. If you go through the list of adjournment motions, you will find that one motion will cover many. For example, as you have taken up my first adjournment motion, my next adjournment motion will not arise, because whatever I have got to say in the next adjournment motion will also have been covered in course of the discussion on the one which you have admitted. Therefore, I think that out of 21 adjournment motions, only six or seven will remain and out of these six or seven again, there is the question of luck and the consent of the President; and then even after this formidable obstacle there is the question of objection of the Government Party. To add to this, Sir, from your own experience you know that very often the debates do not go for two hours. Therefore, we agree to sit till 5-30. From 2-15 to 5-30 is a sufficient concession to Government. We have already given one hour more than the normal time, and, as was pointed out by my friend Khan Sahib Wahiduzzaman, Government have partially by their own behaviour waived the urgency of the Bill. In view of this, it is not fair for Government to say today that unless and until we sit for longer hours the Ganges will be on fire; and as for your suggestion that we should sit till 8-30 p.m.; that was, I, believe, only to test the temper of the House and therefore I make no comment on that.

Mr. PRESIDENT: So far I have been able to form an idea from the list of adjournment motions, there will be an adjournment motion almost every day. Out of 21 adjournment motions, very few will be inadmissible. Four days in a week will be taken up for adjournment motions and therefore, unless we sit longer hours, we shall not be able to dispose of the business of the House. There is no getting away from the fact that we should continue to sit longer hours.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I make a suggestion? My suggestion is that we can easily sit at 10 o'clock now-a-days. The advocates of the High Court are now free. So we can all sit at 10 o'clock with a lunch hour in between, and I believe there are rich members who will stand us lunches.

Mr. PRESIDENT: If you come to an amicable arrangement, I shall consider that point. Now, as regards the adjournment motion of Mr. Humayun Kabir, which has been admitted, I decide that just after the questions we shall take up the adjournment motion on Monday and continue for two hours if necessary and after that we shall take up the business of the House and continue till——

Mr. KAMINI KUMAR DUTTA: Sir, may I make a suggestion? The practical result of longer sittings would be that some members would remain during the discussion of the adjournment motion, but during the discussion of the important Bill the House will be found empty. It will not improve the situation in the least. Of course, the time has to be prolonged but it should not go beyond 5-30 p.m. In my opinion, the adjournment motions will not take full two hours in every case. I have looked at the time taken by most of the adjournment motions and I find that they do not usually require full two hours. I would, therefore propose that for the present, we go on till 5-30 p.m., and see the result, and if thereafter it appears that more time is necessary, then we could do so.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I make a practical suggestion by way of improvement on the views of the Leader of the Opposition? Let the adjournment motions continue for two hours; after the adjournment motions, the Bill will be discussed. If the adjournment

motion is finished in one and half hours then further two hours may be available for the Bill; that is 3½ hours for the whole day. According to the time-table suggested by the Chair, it was 2 to 3 p.m.—questions; 3 to 5 p.m.—adjournment motions; and thereafter from 5 to 8 p.m.—the Bill. Whether the questions will take one hour or half an hour is a matter that is in the hands of the members of the Opposition; it is for them to prolong or shorten the period. Then as regards adjournment motions, we can take two hours or one hour, that also is in the hands of the members. After that, we should sit for 2½ hours for the Bill, and that I think is quite fair to the Opposition. The question whether the House should have to sit up to 5-30 or 7-30 p.m., is in the hands of the Opposition.

Mr. HUMAYUN KABIR: I may submit that what has been stated by the Hon'ble the Chief Minister infringes very gravely the rights of the members of the House and is in a way almost a veiled threat. I am surprised that so careful and usually a cool member as the Honourable the Home Member should have been carried away suddenly and made a statement which he does not generally make.

Mr. PRESIDENT: May I suggest one thing? Let me adjourn the House, for say half an hour and discuss the matter in my chamber. Honourable members are welcome. I would request Government members also to come. We shall discuss the matter till we come to a settlement.

Mr. SULTANUDDIN AHMED: Why half an hour? I think ten minutes will be enough for the purpose.

Mr. PRESIDENT: I do not think ten minutes will be sufficient. Will honourable members kindly come to my chamber?

The House now stands adjourned for half an hour.

(The House was then adjourned for half an hour.)

(*After adjournment.*)

Mr. PRESIDENT: We have considered the question regarding the sitting of the House, and I am glad to announce that it has been unanimously agreed that on days on which there will be adjournment motions, we start at 2 o'clock and sit up to 6 o'clock and on days on which there will be no adjournment motions, start at 2 p.m. and sit up to 4-15 p.m. This we shall try next week and if this is found unsatisfactory, we shall have to extend the hours—that was the unanimous agreement.

Mr. BANKIM CHANDRA MUKHERJEE: May I rise on a point of information regarding a very urgent matter? I will take only two minutes. This matter concerns the Hon'ble the Leader of the House and the Hon'ble Minister for Civil Supplies. The rate at which wheat is supplied is Rs. 14 per maund——

Mr. PRESIDENT: May I suggest Mr. Mukherjee, that you mention this matter tomorrow. Let us now take up the Bill——

Point of privilege.

Mr. HUMAYUN KABIR: Sir, before you take up the Bill, may I rise on a point of privilege of the House? And this is a matter which is fairly important and therefore I would draw the attention of the House to it. In doing so I would refer to the Government of India Act, as well as to the past procedure in our House. I submit, Sir, that the present Government have in two ways very grossly gone against the privilege of the House—I would refer to the promulgation of the two Ordinances during the period when this House was having a recess. The matter to which I would draw attention is: that we find that on the 8th

September, the Bengal Destitutes Persons Repatriation and Relief Ordinance, 1944, has been promulgated by the Governor as also the Bengal Alienation of Agricultural Land Ordinance, 1944, during a period when you adjourned this House.

Now, Sir, under the Government of India Act Ordinances can be promulgated only under two sections. There is section 88, which says "If at any time when the Legislature of a province is not in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require". Then a particular condition——

Mr. PRESIDENT: Mr. Kabir, may I just interrupt you for a moment? I quite realise the importance of the issues you have raised. As a matter of fact, it also struck me when I saw the Ordinances in the paper. I was also wondering how Government could promulgate them when this House was in session. However, I find from the list of adjournment motions that there is one adjournment motion standing in the name of Mr. Nagendra Nath Moholanobish on this very subject. I think instead of spending more time on this question now, I shall be inclined to give preference to this adjournment motion after your adjournment motion is disposed of and in that connection the entire issue may be considered.

Mr. HUMAYUN KABIR: Sir, I have only one more submission to make. I have no objection to postpone the discussion of this matter now. I suggest that this matter may be considered as a Privilege Motion and not as an adjournment motion. Because it may not be possible to discuss all the issues in two hours. I myself shall have certain information to ask for and draw your attention and the attention of Government to a similar breach which was once before committed in this House. The then President permitted me to draw the attention of Government to that matter, but I find the Government have not profited by their past experience. At that time there was no Government in Bengal, and there was an interregnum of 4 or 5 days——

Mr. PRESIDENT: Mr. Kabir, I shall consider your suggestion.

Mr. HUMAYUN KABIR: All right, Sir.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: How this matter can be discussed as a privilege motion?

Mr. HUMAYUN KABIR: Sir, may I show how this matter should be discussed as a Privilege Motion? The Hon'ble the Finance Minister who is an economic and constitutional expert is ignorant of the fact that an Ordinance interferes with the rights of the members of the Legislature to legislate. This is certainly a question of privilege. Such a matter has already been discussed previously and you, Sir, very rightly admitted that this struck your attention also and you yourself desire that this matter should be discussed. However, the Hon'ble the Finance Minister will have plenty of opportunities at the time of discussion of this matter.

Mr. PRESIDENT: I will request both Government and honourable members not to take more time over this matter. I propose to consider it myself before I express any opinion. In any case, it is a very important issue, no doubt.

Now, let us take up the Bengal Agricultural Income-tax Bill.

The Bengal Agricultural Income-tax Bill.

Before we take up the Bill, I propose to give my ruling with regard to the point of order raised by Mr. Lalit Chandra Das in connection with

amendment No. 145, on clause 6 of the Bengal Agricultural Income-tax Bill. I hold that the Chair has the inherent right to correct a slip of tongue. The Chair has no right to revise the decision of the House, but any *bona fide* mistake that might occur as it actually occurred in announcing the decision of the House regarding the amendment in question, that mistake can be rectified by the Chair immediately.

The correction made by me was, therefore, in order. As, however, there may be a feeling amongst some sections of the Opposition that they did not get a chance of dividing the House on the question, the Chair would be prepared to put it *de novo*, if that be the desire of the House.

I do not propose to put that amendment to vote today. I propose to give both sides full opportunities to marshall their strength.

Mr. HARIDAS MAZUMDAR: Sir, may I enquire whether you are going to revise your decision with regard to that point of order?

Mr. PRESIDENT: I am giving my ruling on it.

Mr. HARIDAS MAZUMDAR: That was a point of order on your decision. Can there be any point of order on your decision? In that case, in future we will raise points of order on your decision and ask you to revise your decision.

Mr. PRESIDENT: In any case, I consider that there is an end of the matter.

Mr. BANKIM CHANDRA MUKHERJEE: One thing is to be noticed in this connection. We have not yet known the full text of the judgment of the Appeal Court in this matter——

Mr. PRESIDENT: I am not concerned with the judgment of the Appeal Court. This House is immune from the jurisdiction of the Civil Court. In any case, I am not going to discuss that question.

Mr. BANKIM CHANDRA MUKHERJEE: Now, the point is this that——

Mr. PRESIDENT: Mr. Mukherjee, will you please resume your seat? When the Chair is on his legs there should be no interruption. I propose to put the amendment to vote on Monday after the question hour, if so desired by the Opposition.

Khan Sahib Maulvi WAHIDUZZAMAN: Our question was: whether you are immune from the decision of the High Court. The High Court has opined that this House is not immune——

Mr. PRESIDENT: Order, order. That question cannot be considered. The matter has been sufficiently considered elsewhere and disposed of. Now let us take up the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, the High Court has held that your powers are limited within the rules. If you want to gag discussion in this way, we are willing to submit. But I would request you to look up the proceedings of that day and see where we ended when the discussion was closed——

Mr. PRESIDENT: Order, order. What are you trying to make out?

Mr. BANKIM CHANDRA MUKHERJEE: I am trying to make out that on the day when this matter was discussed——

Mr. PRESIDENT: Which matter?

Mr. BANKIM CHANDRA MUKHERJEE: The matter about which we are now discussing.

Mr. PRESIDENT: No, the matter is now closed. The matter has been sufficiently considered.

Mr. Moholanabish was in possession of the House and so I call upon him to continue.

Mr. NAGENDRA NATH MOHOLANABISH: On the last occasion I was submitting to the House that this clause 49 was intended to give relief to residents of different countries, provided they have got a provision of law under which the residents of Bengal may have similar relief in those countries or in those states and that I submit is the basis of this provision. Now, what will be urged by the supporters of this clause seems to me to be that while you will find in the law of the United Kingdom or in the law of many other dominions a similar provision in their Income-tax Law and therefore you are entitled to get similar benefit or similar relief in those countries and justice requires that you should be prepared yourself to give that relief to others. That I think is or would be the gist of the argument in support of this clause; but my submission to this House will be that it is not really the provision in the law which would entitle us to get any benefit out of a similar clause. It is not the question of a provision in the law. It is a question of actual benefit—whether the residents of Bengal can have any actual benefit from other countries having a similar provision in law with regard to their income-tax provisions in the law. My submission will be: that as a matter of fact we, the residents of Bengal or sons of Bengal, really do not expect to have any relief from other countries, from the United Kingdom, or the Dominion. Now this provision in section 49 of the Bill before the House and similar provisions in section 27, I believe of the English Income-tax Act, for relief against double taxation is based, if I remember aright on an international agreement between the United Kingdom, India and several other countries, under which all those countries have agreed to make concessions of this nature and therefore we find a similar provision in the Indian Income-tax Act. But what I would ask honourable members of this House to consider is: whether Bengal would be really benefited by a similar provision in her law owing to the existence of a similar provision in the law of other countries. We are only entitled to tax the agricultural income derived from land within this province and whatever be the benefit that may be derived by residents of India with regard to their income from outside India and under reciprocal provisions of relief in the law of other countries—that would not be available to us, residents of Bengal. Bengal will not be in a position to touch any other income by virtue of this Act, any income other than income derived from agricultural land. That being the position in fact, my submission to the House is that provision of this nature inserted in our Act will not give us any right to reciprical relief and therefore we should not try by a provision of this nature to grant relief to those who come from thousands of miles away to Bengal, hold land in Bengal, make profits out of it and then carry them home, simply because they say that they are being doubly taxed. I would submit that it would then really be a case of unjust remission of tax. I am afraid, I may be understood to be raising a racial cry; but we know that our friends to my left will be the persons most benefited by this provision or are expected to be so benefited. I do not grudge them this at all, nor do I grudge it because they hold the balance of power in this House. Therefore, people might suspect that the Hon'ble Minister in charge of the Bill is making a provision of this nature in order to placate them, so that this particular section of the House through their friends and relations might get some benefit or might be relieved from the burden of taxation to a certain extent. I am not really looking at this provision from that point of view. I find that the Hon'ble Finance Minister has himself made out that this Bill

is aimed at raising funds for Bengal, which is now in an extremely difficult financial position. Therefore, my submission will be that you should not make any provision whatsoever in this enactment which would reduce your income. If you consider that the actual benefit that that section of the assessees or would-be assessees would get, would be very small, then why ask for it? If you take the rate of the United Kingdom—the rate of income-tax as at present prevailing—there would be very little relief to be granted by Bengal. But that rate might be changed at any time and if they get any relief that would go out of the pocket of Bengal. There seems absolutely no necessity, neither from the point of view of the amount of taxation from which they will get relief or from the position that they would be in, if the present rates in Bengal and other countries continue. My point of view will be that the amount involved so far as individual assesses are concerned will be very small. It may be argued that if the amount is small, why do you grudge? My point is that that is not the reason why Bengal should give up the tax in favour of those gentlemen who can well afford to pay. I, therefore, submit that this provision is entirely unnecessary and the provision of reciprocity or theory of reprocity is not apparently applicable as it will not give any real relief to Bengal. At any rate, the gentlemen concerned ought not to grudge the tax which they are to pay for earning a lot from Bengal.

My next point is: you should not leave the entire matter to the executive as has been proposed to be done in this clause. You do not say anything definitely, you merely say that this would be done by certain notification in the official gazette: that means, you leave the matter and the details to be legislated by the Executive—and legislation by Executive has been always taken exception to by the highest authority. There is no safeguard, no discussion by the members of the Legislature and it is really done by the vote of one or two or three persons legislating in the name of rules and regulation. In section 49 of the Indian Income-tax Act, you will find that there is a definite provision made so far as the United Kingdom is concerned. But so far as other places are concerned, section 49A provides that that may be done by notification. In this clause I find that the principles of sections 49 and 49A of the Indian Income-tax Act have been taken together and here in this clause, you want everything to be settled by Government notification. I submit, Sir, that if really the Hon'ble Minister wanted to give some relief to those assessees who would be doubly taxed, he should come with a concrete proposal so that every one of us would be in a position to consider and discuss the matter thoroughly on its merits; but to have a blank cheque authorising himself or his department to legislate in this matter, I submit, is objectionable.

Lastly, I would appeal to the Hon'ble the Finance Minister and to the members on my left to give up this provision under clause 49 and they may——

Mr. HARIDAS MAZUMDAR: Sir, it is 4-15 p.m., already.

Mr. PRESIDENT: Order, order. The House stands adjourned till 2 p.m., tomorrow.

Adjournment.

The Council then adjourned till 2 p.m., on Friday, the 6th October, 1944.

Members Absent.

The following members were absent from the meeting held on the 5th October, 1944:—

(1) Khan Sahib Nurul Amin.
(2) Mr. Moazzemali Chowdhury.
(3) Mr. Humayun Reza Chowdhury.
(4) Mr. Mohamed Habibullah Chowdhury.
(5) Mr. B. C. Datta.
(6) Mr. N. C. Datta.
(7) Mr. Mohamed Hossain.
(8) Mr. Abdul Latiff.
(9) Rai Bahadur B. M. Maitra.
(10) Mr. N. N. Mookerji.
(11) Mr. R. Pal Chaudhuri.
(12) Mr. R. S. Purssell.
(13) Khan Bahadur Mukhlesur Rahman.
(14) Dr. K. S. Ray.
(15) Mr. S. N. Sanyal.

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 82.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 6th October, 1944, at 2 p.m. being the eighty-second day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

MR. PRESIDENT (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Communication from the Covernment intimating action taken by them on Motion under rule 112 of the Bengal Legislative Council Procedure Rules adopted by the Council.

The SECRETARY (Dr. S. K. D. Gupta): Sir, the following communication has been received from the Government intimating the action taken by them on the motion, referred to in the said communication, which was moved in and adopted by the Council on the 3rd March, 1944, under rule 112 of the Bengal Legislative Council Procedure Rules:—

"GOVERNMENT OF BENGAL.

Home Department.

Constitution and Elections.

FROM

S. C. CHATTERJI, ESQ., M.A.,

Assistant Secretary to the Government of Bengal,

To

THE SECRETARY, BENGAL LEGISLATIVE COUNCIL DEPARTMENT.

No. 983-A.R., dated Calcutta, the 2nd September, 1944.

SUBJECT:—*Shipping of cereals and other food grains and milk powder to Bengal.*

SIR,

I am directed to refer to your memorandum No. 368/1L.C., dated the 14th March, 1944, forwarding therewith a copy of an address presented to the Governor under rule 112 of the Bengal Legislative Council Procedure Rules on the above subject, and to state that a copy of the address together with a copy of the Council proceedings relating to the motion has been sent to the Government of India for necessary action.

I have the honour to be,
SIR,
Your most obedient servant,
Sd. S. C. CHATTERJI,
Assistant Secretary to the Government of Bengal,

Motions under rule 112 of the Bengal Legislative Council Procedure Rules.

Mr. PRESIDENT: Mr. Haridas Mazumdar.

Mr. HARIDAS MAZUMDAR: Sir, I beg to move that an address be presented to His Excellency the Governor of Bengal——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Under the provisions of the Standing Orders, an adjournment motion has

to be moved at the earliest available opportunity; but if Mr. Mazumdar does not move his motion but keeps it for another day, then his motion will not be moved at the first available opportunity. Therefore, I think that his adjournment motion should be moved today.

Mr. PRESIDENT: I quite agree with you as regards the interpretation of the rules. But it has been the invariable practice of this House not to consider the admissibility of another adjournment motion till one already admitted is disposed of. According to the strict interpretation of the rules you are correct; but I would not like to depart from the usual practice today, as in that case the Opposition might be taken by surprise.

Mr. HARIDAS MAZUMDAR: I beg to move: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to direct that immediate steps be taken by the Government of Bengal to translate and publish all the proceedings of this House in Bengali in order that the same may be made available to the public in general, and the electors of the Legislature of Bengal in particular, more than ninety-five per cent. of whom cannot read and write English.

This motion is self-explanatory. Therefore, I move it without any speech.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to direct that immediate steps be taken by the Government of Bengal to translate and publish all the proceedings of the House in Bengali in order that the same may be made available to the public in general, and the electors of the Legislature of Bengal in particular, more than ninety-five per cent. of whom cannot read and write English.

Mr. NAGENDRA NATH MAHALANOBISH: I beg to support the motion.

(The motion was agreed to.)

Mr. HARIDAS MAZUMDAR: I beg to move: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to summon the Bengal Legislative Assembly without delay for the purpose of consideration and passing of the following Bills which were piloted through the Bengal Legislative Council as urgent and emergency measures, namely:—

(1) The Bengal Embankment (Amendment) Bill, 1944, as passed by the Bengal Legislative Council,

(2) The Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944, as passed by the Bengal Legislative Council,

(3) The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, as passed by the Bengal Legislative Council, and

(4) The Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, as passed by the Bengal Legislative Council.

I move the motion without any speech, Sir.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to summon the Bengal Legislative Assembly without delay for the purpose of consideration and passing of the following Bills which were piloted through the Bengal Legislative Council as urgent and emergency measures, namely:—

(1) The Bengal Embankment (Amendment) Bill, 1944, as passed by the Bengal Legislative Council,

(2) The Coroners and Criminal Procedure (Bengal Amendment) Bill, 1944, as passed by the Bengal Legislative Council,

(3) The Bengal Alienation of Agricultural Land (Temporary Provisions) Bill, 1944, as passed by the Bengal Legislative Council, and

(4) The Bengal Destitute Persons (Repatriation and Relief) Bill, 1944, as passed by the Bengal Legislative Council.

Mr. BANKIM CHANDRA MUKHERJEE: I beg to support the motion which has been moved by Mr. Mazumdar. The motion deals with a very important and urgent matter and canot brook any delay.

With these words, I support the motion.

(The motion was agreed to.)

Mr. BANKIM CHANDRA MUKHERJEE: I beg to move: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to direct the Government of Bengal to take immediate steps so that the direction contained in the judgment of the Special Bench of the Hon'ble High Court of Judicature at Fort William in Bengal in connection with the order of supersession of the Howrah Municipality be complied with and that the Government of Bengal take steps in accordance with the provisions of the Bengal Municipal Act to safeguard the interest of the rate-payers of the Howrah Municipality.

I do not think any speech is required in support of my motion.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to direct the Government of Bengal to take immediate steps so that the direction contained in the judgment of the Special Bench of the Hon'ble High Court of Judicature at Fort William in Bengal in connection with the order of supersession of the Howrah Municipality be complied with and that the Government of Bengal take steps in accordance with the provisions of the Bengal Municipal Act to safeguard the interest of the rate-payers of the Howrah Municipality.

Mr. NAGENDRA NATH MAHALANOBISH: Sir, I support the motion.

Mr. PRESIDENT: The question before the House is: that an Address be presented to His Exellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to direct the Government of Bengal to take immediate steps so that the direction contained in the judgment of the Special Bench of the Hon'ble High Court of Judicature at Fort William in Bengal in connection with the order of supersession of the Howrah Municipality be complied with and that the Government of Bengal take steps in accordance with the provisions of the Bengal Municipal Act to safeguard the interest of the rate-payers of the Howrah Municipality.

(The motion was agreed to.)

Mr. NUR AHMED: Sir, I beg to move: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency on behalf of the Muslim subjects of His Majesty in Bengal to make an immediate representation to the Government of India to exempt the printing and publication of the Holy Quoran, which is daily read by the Muslims serving in the different fronts in the United Nations Armies and other Muslim population, from the operation of the Paper Control (Economy) Order, 1944, of the Government of India, dated June 12, 1944, so as to enable the Muslims to perform their religious duties freely.

Sir, the Motion placed before the House is a very simple one. It is obligatory upon every Muslim to read the Quoran. This book guides the Muslims from birth to grave and every Muslim is bound to read this book every day of his life. Many Muslims have been enlisted in the army and have been serving in many parts of the world. So a very large number of this Holy book will be required for them also. There are 9 crores and more of Muslims and this book is required for their reading. So exemption should be given from the Paper Control Order for the printing of this book. Sir, I need not take much time of the House.

With these few words, I place my motion for the acceptance of the House.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency on behalf of the Muslim subjects of His Majesty in Bengal to make an immediate representation to the Government of India to exempt the printing and publication of the Holy Quoran, which is daily read by the Muslims serving in the different fronts in the United Nations Armies and other Muslim population, from the operation of the Paper Control (Economy) Order, 1944, of the Government of India, dated June 12, 1944, so as to enable the Muslims to perform their religious duties freely.

Khan Sahib FARIDUDDIN AHMAD: Sir, I beg to support the motion.

(The motion was agreed to.)

Mr. NUR AHMAD: Sir, I beg to move: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make an immediate reperesentation to the Government of India urging upon them the necessity of immediate revocation of the order of suspending Haj sailings so as to enable the Muslim subjects of His Majesty to perform one of their obligatory religious duties, namely, the performance of Haj at Mecca this year.

Sir, this is a simple motion which also relates to one of the obligatory duties to be performed by the Muslims. Sir, I know that the Government of India have partly withdrawn the restriction; but my motion goes further. My motion says that this restriction which has been imposed should be revoked. I do not know the exact figure of the pilgrims who have been allowed to go to Mecca this year. So far as my information goes, only 600 Muslims from Bengal have been allowed to go on pilgrimage. There is a bitter disappointment in many quarters. The pilgrims are very anxious even at the risk of their lives to perform this obligatory duty this year. There is still time for the Government of India to revoke the order of suspension. Sir, Bengal's Muslim population is about 3½ crores and the number of people on whom Haj will be obligatory will be more than one million. Therefore, I request the Government of India through this motion to give larger facilities to Muslims to perform Haj this year. With these words, I commend my motion to the acceptance of the House.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make an immediate representation to the Government of India urging upon them the necessity of immediate revocation of the order of suspending Haj sailings so as to enable the Muslim subjects of His Majesty to perform one of their obligatory religious duties, namely, the performance of Haj at Mecca this year.

Khan Sahib FARIDUDDIN AHMAD: I beg to support the Motion.

Khan Bahadur M. A. MOMIN: While supporting this motion I may remind the House that it is too late this year because the Haj sailings will be over by the 26th of this month if not earlier; but what the Muslims of Bengal feel very strongly is the manner in which they have been treated by the Government of India in connection with the Haj sailings this year. In the beginning the Government of India were very reluctant to allow any Haj sailings; but at the very strong representation of the Muslims of India they very reluctantly agreed to only two sailings from Karachi and the sailings from the Calcutta Port which caters for the pilgrims of Bengal and Assam were entirely suspended. This has led to a lot of harassment and inconvenience to the intending pilgrims from this province from which the largest number of pilgrims go every year to Mecca. There is a great feeling of discontent amongst the Muslims of this province about the manner in which they have been treated in this matter and it is a matter of great importance that this thing should be brought to the notice of the Government of India. The arrangements that were made this year were peculiar. The Haj Officer of the Government of India acted in the most Hitlerian way overriding the advice and request of all the Port Haj Committee in Bengal. The procedure he adopted was that intending pilgrims should send their money for the tickets as well as for the expenses of Hedjaj direct to the Haj Officer at New Delhi and the officer should send the reservation cards on receipt of which the pilgrims could start.

It was pointed out to them by the public as well as by the Port Haj Committee of Bengal that this procedure would act very harshly on the intending pilgrims most of whom come from the remote villages of Bengal; and what was pointed out by them has actually come to pass. The money that was required was sent by the pilgrims on receipt of the communiqué as published in the daily papers; but as you know, Sir, the postal arrangements in Bengal are dilatory, and sometimes quite inadequate; and specially in the remote villages of Bengal the postal service is sometimes only weekly and even once in ten days, and the result was that although these pilgrims sent money for the tickets they did not get any reservation cards in time. They were, therefore, in a dilemma as to whether to start for Karachi or not, because the previous order said that unless they received reservation cards they were not to start. Then another order was published in the newspapers that those who had sent money by the 18th of the last month could sail even if they had not received any reservation cards. That order was received on the 25th and the communiqué said that those who reached Karachi before the 30th, they only could do so. This was a physical difficulty, nay an impossibility Perhaps the Haj Officer in Delhi thought that all the intending pilgrims were in the towns either sitting before a business counter or were accessible to radio talks and so forth. He did not realise that the religious elements in Bengal were mostly in the villages and not in the towns, with the result that there were many people who sent in money, purchased their tickets but did not get reservation cards. But still they came to Calcutta and found nothing to help them. So they took their chance and went to Karachi. I do not know whether they will be stranded or whether they will have to return. In spite of our advice, the Haj Officer refused to listen or alter his procedure. I am afraid, the Government of Bengal in this particular department concerned are absolutely ignorant of the conditions in Bengal. The Secretary to the Government of India, Commonwealth Relations Department, is an I.C.S. officer. I believe he is an efficient officer but his adviser is from the Punjab. Then there is the Hon'ble Member in charge of the Department from Central India who has no idea of the Bengal conditions and much less about pilgrims and pilgrimage. I did not know that Mr. Nur Ahmed had put in a motion like this or that it was to come today, and I had intended to ask a short-notice question on Monday in order to elicit from our own Government, the Home Department, what they have done or have been doing in the matter. So far as I know, they never took the slightest interest

in the matter; although strong representations were made to the Government of Bengal to approach and move the Government of India, I am afraid nothing was done. And now Mr. Nur Ahmed has moved that an Address should be presented so that His Excellency the Viceroy should be informed of this. I am rather pessimist about the result. But this is a matter in which I assure you that Muslims are very much perturbed. This Haj pilgrimage is undertaken once a year and the people are very much eager to perform the Haj. Muslims are not afraid of risking anything to perform this pilgrimage. In the first place, the Calcutta Port has been closed for this purpose and they may put forward the excuse that on account of military reasons probably the Indian Ocean is not safe. (Rai Bahadur KESHAB CHANDRA BANERJEE: It is quite safe now.) I think it is quite safe but our knowledge will not probably be accepted. Then again, only two trips were arranged for for the whole of India. From Bengal alone the average number of pilgrims who go to Mecca normally is something like 900. When there is plenty of money and there has been no Haj for the last two years, there are many people who would be very anxious to go for the pilgrimage and they do not care if their boats were torpedoed or met with accidents. I am afraid, the Government of India have not treated this matter sympathetically. I would request you to represent strongly the feelings of the Muslims in this respect. This matter will be again dealt with here. I propose to ask the Home Minister who is not probably present here today—— (VOICES: He is here.) Well, if he is here, he may tell what action the Hon'ble Minister has taken in this matter—in what way the Government have provided facilities to the pilgrims; whether they have made any communication with the Government of India protesting against the arrangement made. The Haj Committee has at every stage informed the Government of their inconvenience. Has any action been taken to move the Government if India in this matter? Did this matter ever come to their notice through newspapers and through the All-India Hajees' Welfare League and other committees? It is a matter of extreme regret that while Bengal is a Muslim majority province and where this particular matter is dealt with by a department predominated by Muslims and particularly where the head of the department is a pious and religious Musalman, the intending Hajis should suffer in this way. With these words, I very strongly commend this motion to the acceptance of the House.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, whether it is a question affecting the Muslim or Hindu community or any other community in this province, it is the duty of every member to support a motion of this nature. I cannot understand why it should be necessary for a member of the Legislature to draw the attention of Government to such a question of vital importance to a particular community. I do not know what the Bengal Government have done in this matter; but I think that it was their primary duty to move the Government of India for providing necessary facilities for the Haj pilgrimage. The argument is: that it is unsafe on account of the war to undertake a journey by steamer. But I think that the situation has now considerably improved so as to permit the passage of ships through the Indian Ocean and the Mediterranean Sea safely to the Mecca Port. We await an answer from the Hon'ble the Chief Minister as to what his department has done to provide these facilities to the members of the Muslim community. Sir, it is really unfortunate that at this late hour it should be necessary for us to remind the Government of their primary duty towards the people of this country on an important matter like this. The Hon'ble the Chief Minister himself is a Muslim and as such it was his bounden duty to see that these facilities were not stopped for which there were no cogent reasons.

With these few words, I suport the motion and I hope that if the Government have not done anything in this direction they should take early steps to urge upon the Government of India for the immediate revocation of the Order.

Mr. PRESIDENT: The question before the House is: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make an immediate representation to the Government of India urging upon them the necessity of immediate revocation of the order of suspending Haj sailings so as to enable the Muslim subjects of His Majesty to perform one of their obligatory religious duties, namely, the performance of Haj at Mecca this year.

(The motion was agreed to.)

Mr. NUR AHMED: Sir, I beg to move: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make an immediate representation to the Government of India to make an additional allotment of 35,000 bales of cloth for Bengal in 1944 to make up the acute shortage of cloth in Bengal and to increase Bengal's quota to 42,000 bales a month from other provinces.

Sir, last year we passed through an acute famine of foodstuff. This year there is acute shortage of cloth during the two great festivals of the two great communities which inhabit Bengal, namely, the Hindus and the Muslims. During the last Id, many Muslims had to perform their prayer with a worn-out cloth and similarly there was shortage of cloth during the Durga Puja festival. Government of India has fixed 12 yards per head of population. According to that calculation, Bengal's quota comes up to 42,000 bales a month and 504,000 bales a year. Bengal's handloom and mills produce 20,000 bales a month, or 240,000 bales of year. So the shortage is 22,000 per month or 264,000 bales a year and this shortage has to be met from other provinces. During six months of 1944 only 169,911 bales were sent to Bengal and Assam. The actual deficit for these two provinces is 196,414 bales and the total deficit is 265,004 bales. Bengal's merchants were entitled to a quota from ex-mill, but the supply received by them comes up to 50 per cent. of the quota according to the Government of India's fixation. There was a deficit of 50 per cent. of cloth in Bengal out of which Bengal only got 25 per cent. So there was a shortage of 25 per cent. in Bengal which resulted in the acute shortage of cloth during the two great festivals to the great hardship of the people. This shortage will be aggravated if we take into account the people who have come into Bengal, namely, the labour population and other people who have come into Bengal amounting to more than 4 lakhs. If this 4 lakhs were taken into consideration, this shortage will be greater. Sir, there are 9,000 wholesale dealers and 45,000 retail dealers in Bengal and many of these dealers do not get their quota in due time and they in most cases resort to black marketing. Sir, it is an admitted fact that during these Id and Puja festivals people had to purchase cloth from the black market at much higher prices. To aggravate the situation, Bengal's handloom industry also suffered because out of 16,000 bales of yarn which used to be sent to Bengal, Bengal got only 6,000 bales during the whole year with the result that the weavers who used to produce handloom cloth could not produce their expected quantity. In this connection, I pray to the Government of India to give full quota to Bengal according to their fixation, and I think every honourable member of this House is conscious of this shortage of cloth, and I hope that they will wholeheartedly support this motion.

Mr. PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make an immediate representation to the Government of India to make an additional allotment of 35,000 bales of cloth for Bengal in 1944 to make up the acute shortage of cloth in Bengal and to increase Bengal's quota to 42,000 bales a month from other provinces.

Khan Sahib FARIDUDDIN AHMAD: I rise to support the motion.

Rai Bahadur KESHAB CHANDRA BANERJEE: I am glad that my friend Mr. Nur Ahmed has at last realised the necessity for an increased supply of cloth to Bengal. It was about a month and a half ago that I tried to bring forward by means of an adjournment motion the difficulties that were being experienced by the people of Bengal in the matter of cloth supply. The Hon'ble Minister then opposed the motion on the ground that it was inopportune and that in view of the impending visit of Mr. Vellodi, the Textile Commissioner, it was not necessary to move a motion for the adjournment of the business of the House. He argued——(The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Hon'ble Mr. Suhrawardy also mentioned that the matter of cloth supply was not a provincial subject.) Well, Sir, I am coming to that. The Hon'ble Minister also added that it would not be helpful to move a motion of this nature and that he would take up the question with the Textile Commissioner and point out to him Bengal's difficulties. The Hon'ble Minister also assured us that he would see to it that an increased supply of cloth was made before the Id and the Puja festivals. Both the Id and the Puja festivals are over, but the Muslim and the Hindu public of Bengal did not get any cloth. I am glad that Mr. Nur Ahmed has also pointed out in unmistakable terms that there was a hopeless shortage of cloth during the Id and the Pujah. I took some pains in going about the streets of Calcutta and Dacca before the Id and the Puja festivals and found to my utter surprise that the shortage was appalling, in spite of the assurance given by the Textile Commissioner and the hopes held out by the Civil Supply Minister. The only cloth that was available was handloom fabrics, the prices of which are much higher than mill-made cloth, and it was extremely difficult for the the poor and poorer middle class public to purchase this cloth in the market at high prices. I may point out in this connection that the pre-war consumption of cloth in India was 16 yards per head per year and on the virtual stoppage of imports the available supply can give only 12 yards of cloth per head per year. On that basis of allocation, Bengal and Assam—these two provinces constituting one zone—were given 961 millions of yards per year. Against this, the Bengal mills produced 220 million yards, Bengal handlooms 184 millions and Assam handlooms 31 millions leaving a deficit of 526 million yards to be supplied by other provinces. I think I should point out in this connection that the main supply centres were Bombay, Ahmedabad, Sholapur, Nagpur, Amritsar, Cawnpore, Coimbatore, Delhi, Indore, Baroda, Lahore and Madras.

Sir, it is well-known that the mills have been compelled to sell only to dealers who are in business with them during 1940-42. It did not ensure the supply to Bengal even 50 per cent. of her deficit and for the balance she had to depend upon the merchants of other provinces. Such supplies are now coming, as the dealers are attracted by the profits of black marketing. I think that unless some definite arrangements were made with the Central Government ensuring a regular supply of Bengal's quota, acute cloth famine in Bengal would be inevitable. In Bengal there were 9,000 wholesale dealers, 45,000 retail dealers and 3,000 hawkers handling mill-made cloth and yarn costing Rs. 40 crores per year. The legitimate profit from this business was so substantial that there should be no desire for undue profits. With regard to the scheme of distribution, which I understand has already been prepared by the Civil Supplies Department, we do not know what the full scheme is; but from the press note published in the newspapers it is understood that the Government has made substantial advance in this direction. In the absence of any scheme I am unable to examine it in detail But I think some sort of useful scheme—not paper scheme—with which it is possible to put into practice the scheme should be prepared regarding distribution of cloth. It was some time in August that the Hon'ble Mr. Suhrawardy, the Civil Supplies Minister, reviewed the position of Bengal with regard to cloth and yarn and pointed out various difficulties about cloth

being sent to Bengal. He suggested that this question would be taken up with the Textile Commissioner for clarification of the position. I do not know whether the Hon'ble Minister, when he had met the Textile Commissioner, pointed out the difficulties; and if he had pointed out the difficulties in the ordinary course a statement should have been published in the newspapers that these points have been discussed and that there was some chance of improvement in the cloth situation in Bengal. It reminds me of the administration of the Department of the Civil Supplies or for the matter of that administration of any department by the Ministers. It reminds me of Cowper's "My Mother's Picture"—"the dupe of tomorrow even from a child". We have been duped although we have no doubt been assured that cloths will be given before the Id and Pujas; but we have been suddenly disappointed and I congratulate Mr. Nur Ahmed for bringing forward this motion which is useful not only for a particular community but to the people in general. With these words, I support the motion.

Mr. PRESIDENT: The question before the House is: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make an immediate representation to the Government of India to make an additional allotment of 35,000 bales of cloth for Bengal in 1944 to make up the acute shortage of cloth in Bengal and to increase Bengal's quota to 42,000 bales a month from other provinces.

(The motion was agreed to.)

Mr. PRESIDENT: The House stands adjourned till 2 p.m. on Monday.

Adjournment.

The Council then adjourned till 2 p.m. on Monday, the 9th October, 1944.

Members absent.

The following members were absent from the meeting held on the 6th October, 1944:—

(1) Khan Sahib Nurul Amin.
(2) Mr. M. Ali Chowdhury.
(3) Mr. H. R. Chowdhury.
(4) Mr. Muhammad H. Chowdhury.
(5) Mr. B. C. Datta.
(6) Mr. N. C. Datta.
(7) Mr. M. Hossain.
(8) Mr. A. Latiff.
(9) Mr. N. N. Mookerji.
(10) Mr. R. Pal Chaudhuri.
(11) Mr. R. S. Purssell.
(12) Khan Bahadur M. Rahman.
(13) Dr. K. S. Ray.
(14) Mr. S. N. Sanyal.

BGP-44I5-9467A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 83.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 9th October, 1944, at 2 p.m. being the eighty-third day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Test relief work in Contai.

265. Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if he has received a petition from Mr. R. Maity (Contai P. O.), President, Bara Chowka and Kalighai Flood Prevention Committee, containing suggestions for the test relief work for the repair of the general bunds and embankments in the Sobong, Bhawganpore, Potashpore, Egra and Contai police-stations in the district of Midnapore; and

(*b*) if he proposes to start the works before the rains this year; if not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) Yes.

(*b*) Some of the works were taken up before the rains this year as test relief measures and the remaining works were proposed to be taken up after the rains.

Cruel kitchens.

266. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if he is aware that large number of gruel kitchens in the adjoining districts of Calcutta were closed by the end of January, 1944, or thereabout;

(*b*) the number of gruel kitchens or relief centres now working in the adjoining districts of Calcutta;

(*c*) the number of destitutes that are receiving relief from the centres just at present; and

(*d*) whether the Government consider the advisability of opening fresh relief centres in different parts of the Province at once so that the destitutes may have no occasion to go out of their native places to the nearest urban stations?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) Yes.

		Howrah.	24-Parganas.
(*b*)	Kitchens	Nill	7
	Free grain dole distribution centre ..	82	16
	Milk canteens	70	162
	Poor-houses	Nill	3
	Work-houses	Nill	14
	Orphanages	1	5
	Test relief centres	10	16
(*c*)	Howrah	..	20,060
	24-Pargans	..	19,634

(*d*) The District Officers have already been instructed to open fresh relief centres whenever necessary, so that the destitutes may not have to flock urban areas in search of food.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister please tell us how many fresh test relief centres have been opened in the district?

The Hon'ble Mr. TARAK NATH MUKERJEA: Sir, the answer is dated 28th July, 1944. So I cannot say off-hand how many centres have been opened since then.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state why all gruel kitchens in Howrah have been closed?

The Hon'ble Mr. TARAK NATH MUKERJEA: Because the District Magistrate reported that they are no longer necessary.

Mr. HUMAYUN KABIR: Is the closing of the poor-houses and work-houses also due to the same factor?

The Hon'ble Mr. TARAK NATH MUKERJEA: The poor-houses and work-houses are working in Howrah.

Mr. HUMAYUN KABIR: From the answer it appears that there are no poor-houses and work-houses in Howrah.

The Hon'ble Mr. TARAK NATH MUKERJEA: They have been again started.

Mr. HUMAYUN KABIR: How many poor-houses and work-houses have been opened since that day?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Reappearance of the destitutes in Calcutta.

267. Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if he is aware that every day emaciated and ill-clad destitutes are making their appearance in large number in Calcutta from the adjoining districts; and

(*b*) if so, what steps the Government are going to take to deal with these destitutes before it is too late?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) Some destitutes are coming to Calcutta, but their number is not large nor are they noticeably emaciated.

(*b*) Government have already taken steps to deal with the destitutes in Calcutta. They are collected from the streets and housed in the different Destitutes' Homes opened in Calcutta, clothed and fed there, and are ultimately repatriated to their village home. In all distressed areas there are a number of poor-houses and work-houses for taking care of destitutes. Free doles are also regularly distributed to such destitutes as prefer to live in their own homes.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please give us some idea about the figures of the destitutes who are coming to Calcutta or who have come to Calcutta in July and August?

The Hon'ble Mr. TARAK NATH MUKERJEA: I want notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please tell us what is the standard by which he estimates the emaciation of destitutes?

The Hon'ble Mr. TARAK NATH MUKERJEA: I may tell the honourable member that this answer is dated 31st July, 1944. If he wants more recent information, I can supply that afterwards.

Mr. HUMAYUN KABIR: I shall certainly be thankful to the Hon'ble Minister for additional information; but my question was: how is the standard of emaciation to be measured? Is it by comparison with the honourable members who occupy the Treasury Bench?

The Hon'ble Mr. TARAK NATH MUKERJEA: There cannot be any standard for emaciation certainly, but every one has got a general idea of it.

Mr. LALIT CHANDRA DAS: With regard to (*a*), will the Hon'ble Minister please explain that unless these destitutes are noticeably emaciated from day to day, how is it that we find destitutes dying, as reported in the newspapers? How are these deaths taking place if those destitutes are not emaciated?

The Hon'ble Mr. TARAK NATH MUKERJEA: What is the question? Will Mr. Das please repeat it?

Mr. LALIT CHANDRA DAS: My question is this: Everyday we notice in the papers that so many destitutes are dying in the hospitals, etc. How can that be unless the destitutes that are coming to Calcutta were noticeably emaciated?

The Hon'ble Mr. TARAK NATH MUKERJEA: I am sorry that I have not yet been able to follow the actual question.

Mr. LALIT CHANDRA DAS: All right, for the elucidation of the Hon'ble Revenue Minister I shall be prepared to repeat the question. It is this: I hope the Hon'ble Minister knows that everyday in the newspapers we read of deaths of destitutes in hospitals; do you follow this?

The Hon'ble Mr. TARAK NATH MUKERJEA: Yes.

Mr. LALIT CHANDRA DAS: Then how do you reconcile this fact with your reply that these destitutes are not noticeably emaciated? Will you please explain?

The Hon'ble Mr. TARAK NATH MUKERJEA: No doubt, some destitutes are being admitted to hospitals from day to day, but I do not exactly follow what emaciation has to do with the admission of the destitutes to hospitals.

Mr. PRESIDENT: You were saying that these destitutes were not noticeably emaciated; but Mr. Das' contention is that the hospitals are reporting deaths from starvation of destitutes everyday; so they must be emaciated, otherwise they would not die. That is the point of the question.

The Hon'ble Mr. TARAK NATH MUKERJEA: I see; but as I have already pointed out, the answer was framed in July.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state whether the number of such destitutes who are coming to Calcutta is on the increase or on the decrease?

The Hon'ble Mr. TARAK NATH MUKERJEA: These destitutes are dying from various illnesses.

Mr. HUMAYUN KABIR: No, no; that is not my question; it is quite different. It is stated in the answer that the number is not large: is the number of destitutes coming to Calcutta on the increase, or is there a variation? Or, if there is a variation, whether this variation is on the side of increase or decrease?

The Hon'ble Mr. TARAK NATH MUKERJEA: For a detailed answer I must ask for notice.

Bengal Tenancy (Amendment) Act, 1938.

268. Mr. HUMAYUN KABIR: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) if his attention has been drawn to a letter published in a Calcutta Weekly of the 16th June, 1944, containing allegations against the violation of the provisions of the Bengal Tenancy (Amendment) Act, 1938, by the Manager of the Kettlewell, Bullen and Company, Limited, Bowria, Howrah; and

(*b*) whether any action has been taken to enquire into the said allegation; and if not, why not?

The Hon'ble Mr. TARAK NATH MUKERJEA: (*a*) and (*b*) Yes.

Mr. HUMAYUN KABIR: What is the result of the enquiry in this respect?

The Hon'ble Mr. TARAK NATH MUKERJEA: The report of the Collector is being awaited: it has not yet been received.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister give direction so that enquiries are made with regard to each item of the grievances to which attention was drawn in the said publication in the papers?

The Hon'ble Mr. TARAK NATH MUKERJEA: The difficulty was that the honourable member did not mention the paper in which it was published. So, we had to trace the copy of the report for detailed report from the Collector.

Mr. BIREN ROY: Will the Hon'ble Minister please state what he means by the answer "Yes"?

The Hon'ble Mr. TARAK NATH MUKERJEA: "Yes" means that action has been taken to enquire into the said allegation.

Mr. BIREN ROY: What action has been taken?

The Hon'ble Mr. TARAK NATH MUKERJEA: The Collector has been written to to enquire into the matter.

Mr. HUMAYUN KABIR: With regard to the statement of the Hon'ble Minister about the name of the paper not being given, I believe the duty of the office was to send the cutting with the question.

The Hon'ble Mr. TARAK NATH MUKERJEA: The cutting was not sent originally.

Mr. PRESIDENT: The House will now take up the adjournment motion of Mr. Humayun Kabir. Mr. Kabir.

Adjournment motion.

Mr. HUMAYUN KABIR: Sir, I beg to move: that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the refusal of permission by the Additional District Magistrate of Faridpur to the Krishak-Praja Samity, Faridpur, to hold a public meeting at Bakhunda in police-station, Faridpur, on the 27th August, 1944.

Now, Sir, my honourable friends might ask: why this particular occasion should be chosen for bringing in an adjournment motion——

Mr. LALIT CHANDRA DAS: Sir, is it not proper that the Hon'ble the Home Minister should be present to listen to this debate?

(The Hon'ble the Home Minister was entering the Chamber at this moment.)

Mr. PRESIDENT: He is there.

Mr. HUMAYUN KABIR: I am glad to find that the Hon'ble the Home Minister is coming perhaps in psychological sympathy with my honourable friend, Mr. Lalit Chandra Das. I hope this spiritual affinity between the two will be carried further, so that we may have more harmony in this House and less acrimony than we have had in the past.

However, to proceed with the subject. I was saying that it may at first sight seem that the question of a particular meeting in a not very well-known part of a particular district is not very important. I want to urge through you upon the House the public importance involved in this matter. Every honourable member of this House knows that recently, I think, it was on the 24th August, 1944, an order was promulgated on behalf of the Government of Bengal declaring that no public meeting or public assembly would be allowed unless previous permission had been obtained therefor. When we first saw that order, we were astonished at this order curtailing the rights and privileges of the citizens of this province: Why in this way restrictions should be imposed preventing the people at large from discussing those questions which are of vital importance to the province? Further, we thought that this order was unjustified and I think that every member of this House will admit that today there is very little justification for a general order of that type. In the past, sometimes public rights have been curtailed in times of emergency or when grave difficulties were apprehended. Indeed, when there was fear of any breach of the public peace, occasionally orders like these have been promulgated with the result that meetings could not be held without obtaining previous permission. At the beginning of the war, such an order was enforced in Calcutta. I should have thought that with the passage of time when there has been distinct improvement in the war situation, all those apprehensions have become memories of the past. It seems that this had actually been recognised to be so; for that order is found practically withdrawn. In fact, for nearly a year or so public meetings have been held all over Bengal without any interference from the local authorities or without any reference to the authorities, not to speak of any previous permission being taken.

Now, Sir, I would like the Hon'ble the Home Minister to tell us what suddenly happened in the middle of August last that he should have issued a general order prohibiting meetings all over Bengal. In the past, a public meeting had often been defined as a meeting which has been organised——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order. Is the honourable member speaking on the motion which is on the agenda and of which he has given notice?

Mr. PRESIDENT: I should think so.

Mr. HUMAYUN KABIR: I am afraid the Hon'ble the Home Minister has not been able to collect his wits at the moment. I am talking on the motion of which I had given notice and which I moved a few minutes ago with your permission. I was discussing the general principle which underlay that particular order which we are discussing in connection with this motion at the moment. I think, Sir, every member of this House knows that when you are discussing a particular order, we are within your rights and not only within your rights, but it is necessary for us to discuss the principle or the law under which that order is issued. Therefore, Sir, at the moment I was preparing the background and I was suggesting to the House the reasons why we are discussing that particular order in the adjournment motion——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of information. Will the honourable member kindly inform the House when this notification prohibiting general meetings was published?

Mr. HUMAYUN KABIR: On the 24th of August, 1944. That is the order which we are referring to. My contention is that this order was altogether unnecessary, uncalled for and without any justification whatsoever in the context of the present political situation in the province. Indeed, Sir, it was passed in a most extraordinary manner at a time when the political situation in India had shown no signs of deterioration and when the military situation did not require any kind of curtailment of public liberties. If there had been any cause or apprehension of breach of the public peace, that was probably two months ago. If during the months of May, June and July any such order was passed, we could understand it; but when the political situation showed no signs whatever of deterioration, when there was no reason whatsoever for an order of this kind, suddenly this particular order was issued——

Mr. PRESIDENT: May I enquire if orders were issued to the District Magistrate of Faridpur under the general orders of the Government?

Mr. HUMAYUN KABIR: I am coming to that in a moment, Sir. That is the background in which the cause of this adjournment motion arose. Now, Sir, we had made preparations for holding meetings in different parts of the district and on this particular day, viz., the 27th of August a meeting at Bakhunda had been announced pretty long time before this order had been promulgated. Now, as I stated at the outset, I do not know what was the reason why the Hon'ble Minister had issued that order. We saw that order published in the newspapers on the 24th August and on the 25th we informed the District Magistrate that this meeting had been arranged beforehand and that all arrangements had been complete. The reply given by the District Magistrate was that as the notice had been very short he could not give us permission to hold that meeting.

Now, Sir, my contention is twofold. First of all, that a general prohibitory order of that nature was quite unnecessary, quite unjustified and constituted an unwarranted interference with the rights and liberties of the citizens of the province. There was no reason whatsoever as to why Government should prevent public discussion of its own policy or its different administrative acts. That is the general objection which I have towards the order. In addition to that, there is a specific grievance that even after the general order had been pased why should the District Magistrate refuse permission for holding a meeting to a well-constituted and recognised party which is carrying on its parliamentary activities for a long time and which in course of its parliamentary activities is regularly holding meetings in almost every district of this province. These are my two specific questions to the Hon'ble the Home Minister. He has to justify, first of all, his general order. What was the change in the situation of Bengal which necessitated the abrupt promulgation of such a prohibitory order? Why this tranquil province had to be disturbed? Or I may put it this way: why did it become necessary for the Government of Bengal, as represented by its Ministry, to disturb the public equanimity and create a feeling of nervousness in the public mind? I am sure every honourable member will agree with me that whenever an order is passed restricting the liberties of the public without adequate reason, the reaction in the public mind is that something very serious must have happened, otherwise the Ministry would not have acted thus insanely. Here, I must admit that the public generally pay them the compliment of thinking that the Ministry is not insane. And, therefore, when in that perfectly quiet atmosphere and tranquil condition of the province a general order, a drastic order of this kind, is passed, the first reaction on the public mind is that something serious is brewing which the public know nothing of. Therefore, I might charge the Ministry with creating a feeling of nervousness in the public mind and consequential disquietude in the province. There may be two reasons for this action of theirs. On the one hand, something might have happened which warranted

such an order; or it may be that the Ministry were afraid of public criticism. It knew that some of its actions of last year have not been quite free from criticism; it is liable to criticism and time and again it has found it difficult to explain away its actions before the public. Therefore, they might feel that since they were not able to face the country for justifying their policy, since their actions and programme were not supported by the country at large and since in the Assembly they had been losing their strength from day to day——

Mr. PRESIDENT: Mr. Kabir, you had better come to your point, namely, the promulgation of a general prohibitory order.

Mr. HUMAYUN KABIR: That is what I am doing Sir. I am explaining what their general order may be due to. It is due to the fact that they feel that the record of their actions is not such as to command the support of the public; it may also be attributed to the fact that they are afraid of facing the public lest their actions and inactions might be exposed or revealed to the vast multitude of the masses in so far as they failed to solve the food problem of the province as well as many of our most vital and outstanding difficulties. It is this apprehension in the mind of the Ministry which was responsible for this general order. Further, it might be that because of this apprehension, the District Magistrate—I have nothing to say against him personally—I do not even know who he is—did not think it proper to allow the meeting to be held. I would, therefore, ask the Hon'ble the Home Minister to reply to these two questions, namely, what is his justification for issuing a general order like this? If he can adduce any evidence and convince this House as to why an order should be issued curtailing the right of the citizens to hold public meetings, then we are prepared to consider the question. Was it an attempt by Government to stifle the Opposition or was it an attempt to prevent the Opposition from placing various grievances before the public? Sometimes the supporters of the Ministry try to prevent meetings by organising a demonstration of hooliganism. Are we then to understand that this sort of order is to legalise those acts of hooliganism on the part of the supporters of the Ministry? This general order seems to have been issued either for encouraging or conniving at the orders of their subordinates upholding such hooliganism and disturbances by the supporters of the Ministry. These are my two questions and if the Hon'ble the Home Minister can satisfy me upon these two points, I may assure him that I shall withdraw the adjournment motion which I am moving now.

Mr. PRESIDENT: Motion moved: that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the refusal of permission by the Additional District Magistrate of Faridpur to the Krishak-Praja Samity, Faridpur, to hold a public meeting at Bakhunda in police-station Faridpur, on the 27th August, 1944.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would like to intervene in this debate at this early stage. I shall show to the honourable members of this House that the apprehension which the mover of the motion has given expression to is absolutely groundless and that there is no basis for the complaint that has been made. I know this information will deprive some of the honourable members of the opportunity of giving vent to their eloquence. In this connection, I want to mention, Sir, with your permission, that adjournment motions are very serious matters as they interfere with the normal business of the House. I may suggest that the honourable members should utilise the procedure of putting short-notice questions for eliciting information on matters like these, and this will save a great deal of the time of the House.

Mr. HUMAYUN KABIR: On a point of information, Sir. On this particular subject, I sent in a short-notice question which was due to have been answered on the 5th last.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry it had not been placed before me. Otherwise, I would have certainly answered this short-notice question. As a matter of fact, I feel that we ought to have issued a communiqué at the time when this notification was published on the 24th August last. That would have clearly removed all misunderstanding. I may, however, state for the information of the honourable members that whoever approached me at the time when the notification was issued, I explained to all of them that the situation which was there before the 24th August last had not been altered in any way by this notification. The reason of this notification was this: we were advised by our legal experts that there was some technical legal defect in the wording of the notification which was promulgated before. We, accordingly, wanted to improve the draft of that old notification. So we re-issued the notification on the 24th August.

I may here explain the position as it was before the 24th of August. The honourable members will remember that soon after we took over office in April, 1943, we issued a Press-Note saying that although the prohibitory notification was there, yet we had given instructions to the District Magistrates to allow public meetings to be held all over Bengal without any permission being asked for, except in Calcutta, Dacca and Midnapore. The result of that Press-Note was that permission was given to hold meetings freely without any hindrance whatsoever throughout Bengal. The fact that this Ministry had removed one of the main grievances of the public relating to the right of free speech was acknowledged, I believe, in the Press and by some members of both the Houses. As I stated before, the legal position is that the old notification exists and the Magistrates, if they like and if they think that there is a very serious danger to the public peace, can use that power. But they have been clearly given to understand that unless there is any serious apprehension of breach of the public peace, this power should not be used and that meetings could be held without permission being asked for. Indeed, the fact that this notification was again published on the 24th of August, has not led to any change of policy which is obvious from the fact that all over Bengal meetings are still being held without having to obtain such permission (Mr. BANKIM CHANDRA MUKHERJEE: No, Sir, No.) and we have not received any complaint from any quarter. I have heard shouts of "No, no" from some honourable members; but as far as I know there has been no specific case of meetings being stopped. (Mr. BANKIM CHANDRA MUKHERJEE: I have got documentary evidence in this respect.) It may be, but I would like to state here that at the present time the position is this that we are exactly in the same situation as we were before the 24th of August; that is to say, except in Calcutta, Dacca and Midnapore, meetings can be held without permission being asked for——

Mr. HARIDAS MAZUMDAR: On a point of information, Sir. The Hon'ble the Chief Minister states that the notification stands and that there is a Press-Note to the effect that if there is no serious apprehension of breach of the public peace, meetings may be allowed to be held without permission. Now, the point is: how will the people know beforehand that there will be a breach of the peace so that they might go through the formality of obtaining permission for holding a meeting. Will the Hon'ble Minister kindly reconcile these two conflicting points?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have made it absolutely clear and the Press-Note to which I have referred and which has been appreciated by the general public and the political parties in Bengal also made it clear that meetings can be held all over Bengal without permission being asked for. (Mr. LALIT CHANDRA DAS: That was before the 24th August.) Certainly, but after the 24th August also the position has been exactly the same. As we have not cancelled our instructions to the District Magistrates, the position still remains exactly the same, and at the present moment except in Dacca, Midnapore

and Calcutta, the public are entitled to hold meetings without asking for permission. If at any place owing to misinterpretation of the Press-Note meetings have been stopped, I can give the House an assurance that (interruptions by Mr. Haridas Mazumdar) I am prepared to issue another Press-notification making it clear that our instructions to the District Magistrates remain the same, so that they may permit meetings to be held in any place, except in the districts of Dacca, Midnapore and Calcutta without obtaining previous permission therefor.

Mr. HARIDAS MAZUMDAR: That notification with reference to other districts then goes out?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry that it is very difficult to explain to Mr. Mazumdar what all his colleagues have understood very clearly and I am afraid, as I said the other day, one cannot go beyond what is plain English.

Mr. HARIDAS MAZUMDAR: Yes, but one should use a language which one knows fully.

The Hon'ble Khwaja Sir NAZIMUDDIN: Therefore, I think the House will realise that the eloquence of my friend Mr. Humayun Kabir about this so-called restriction on public meetings was misplaced in so far as he thought that the Ministry was afraid of public criticism. As a matter of fact, our first step after assuming office has been to give to the public freedom of speech and we still maintain that position. We are not afraid of criticism, because by the grace of God we have nothing to be afraid of; what we have done is on the record—clear and clean. As regards the particular place to which reference has been made in the motion under discussion, the meeting was stopped because sufficient notice was not given to the District Magistrate and application also was not made in proper time. Therefore, the District Magistrate intimated that permission would be given if permission was sought after giving sufficient notice. And so we find that when the party applied again for permission on 4th September, 1944, to hold a meeting on 10th September, 1944, at the same place, permission was given to hold a meeting. Therefore, it is clear that the Ministry or its supporters were not afraid of any criticism that might be levelled against them at the meeting in Faridpur. Unfortunately, the record of Faridpur is rather "loaded", as my friend Mr. Goswami says. There have often been frictions at meetings that have been held in Faridpur district during the last 7 years and not only during the period we have been in office, but during the last 7 years on several occasions meetings held both in the town and in the rural areas have ended in trouble and the police had had to intervene and take action.

So, if the District Magistrate thought that it was necessary that he should have adequate notice before a meeting is held in view of the frequency of troubles in the district, then it would not, I think, be quite fair to criticise the action of the Magistrate. I may say here for the benefit of Mr. Humayun Kabir that I have since had discussion with the District Magistrate and told him that it was not our policy to stop meetings, as used to be the policy of the past Ministry when we were in the Opposition. I have also said that meetings should not be stopped unless there is serious danger of breach of the peace and that generally permission should always be given. I hope I have sufficiently cleared up the matter and I think it will not be necessary to further press the adjournment motion. I hope the honourable member, in view of the clear statement and the assurance given by me that there has been no change of policy as regards the right of holding public meetings, will withdraw his motion.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would like to support the adjournment motion that has been moved by my honourable friend

Mr. Humayun Kabir with regard to the refusal of permission by the Additional District Magistrate of Faridpur to the Krishak-Praja Samity to hold a public meeting at Bakhunda in police-station Faridpur on the 27th August, 1944.

Sir, we have heard the Hon'ble the Home Minister just now. I do not know whether his speech was by way of explaining the real situation that has been created by reason of the promulgation of the order, dated the 24th August, 1944, or whether he wanted to make it clear that the situation in the Province of Bengal is the same as it was before the 24th August, but that there was some technical flaw in the previous notification which was sought to be clarified by the fresh notification. I could not understand, Sir, the Hon'ble Minister when he said in the same breath that he had a discussion with the District Magistrate of Faridpur and he had stated to him definitely and categorically—possibly these were his words—that he did not want to stop meetings unless there was serious apprehension of the breach of the peace. He stated in the same breath that he was going to issue a fresh statement which would make it clear that public meetings will be allowed to be held throughout Bengal except possibly in the three places which he mentioned and to which I will come later on, namely, Calcutta, Dacca and Midnapore, without permission. I would ask the honourable members to note the words "without permission" with particular care, because I will presently refer to the statement of the Hon'ble the Home Minister in this House when I moved another adjournment motion a short time ago in connection with a conference which was organised by the Scheduled Castes—I mean the Lora Conference in the district of Barisal—but was banned by the present Ministry.

I think that the Hon'ble Minister was indulging in a lot of inconsistencies which could not be reconciled with one another. It is therefore necessary that when issuing a fresh statement which he has promised to us today the Hon'ble the Home Minister would not indulge in conflicting statement, but that he would clearly state that meetings will be allowed to be held throughout Bengal without permission and that the District Magistrates concerned should notify if they think that there is any apprehension of the breach of the peace anywhere that meeting will not be allowed to be held unless previous permission is sought and obtained.

Now, I would like to refer to some of the incidents to which I referred in the beginning. From the facts which we have heard from Mr. Kabir with reference to this meeting, we know that the authorities were aware of the meeting sometime before the fixed date. The meeting had been announced and the leaders from Calcutta had reached the place when the order of the District Magistrate refusing permission was communicated to them. Only the other day when I moved the adjournment motion relating to the banning of the conference organised by the Scheduled Castes people at Lora, we were told by the Hon'ble the Home Minister that the action was taken as a temporary measure in order that an agrarian trouble which cropped up in the neighbourhood led the authorities to believe that the holding of the conference would not be safe. I pointed out in course of the discussion of the adjournment motion relating to Lora that the apprehension was absolutely unjustified; as a matter of fact it was nothing but an act of interference with legitimate public rights to hold a meeting as was announced some time before, and for which permission was also granted by the local authorities. That time, Sir, it was the Scheduled Castes people who had been attacked by the present Home Minister, possibly on the ground that they were going to consolidate Scheduled Caste opinion against the Hon'ble Ministers belonging to the Scheduled Castes. As a matter of fact, we also pointed out that at the same time the Hon'ble the Home Minister and the Hon'ble Mr. Suhrawardy held a Muslim League Conference in Dinajpur for the purpose of consolidating public opinion in favour of the Muslim League propaganda about "Pakisthan". It is well known that the Krisak-Praja Party is a formidable group opposing the present Ministry in

the Legislative Assembly and in the Legislative Council and the meeting was organised after the Assembly had been prorogued. The Hon'ble Ministers apprehended that if the meeting was allowed to be held at Faridpur, they would organise and consolidate public opinion against the present Ministry which it would be difficult for the present Ministry to break through. It is needless for me to refer the landslides from the Ministerial Party as the sequel to which a large number of their adherents had crossed the floor and had joined the Opposition. We do not understand what other reason there could have been for the purpose of banning the meeting in question. In his answer to the adjournment motion moved by me regarding the Lora Conference, the Hon'ble the Home Minister stated that public meetings were being allowed to be held throughout Bengal without any permission being necessary for the purpose. I would like to know whether the Hon'ble the Home Minister in his statement before this House on the occasion really wanted to assert something which was the state of things as prevailing in the province, or whether it was a mere statement to hoodwink the honourable members of this House whereas the real state of affairs so far as the province is concerned was just the contrary.

Sir, I went to Kharagpur in the district of Midnapore and organised a meeting to be held there for the purpose of considering the attitude of the local people with regard to Rajaji's formula for Communal Settlement that was then under consideration. I was told that no meeting could be held without the permission of the Subdivisional Officer. I personally saw the Subdivisional Officer of Midnapore and wanted permission to hold the meeting on the same date, as I could not wait. The Subdivisional Officer, however, refused to grant me the permission saying that no permission could be granted unless a report was obtained from the local officers and it was necessary that at least 3 days' previous notice should be given. The refusal of the permission of the Additional District Magistrate of Faridpur now in question is another instance. It is therefore clear that the statement of the Hon'ble the Home Minister was merely a camouflage and that authorities throughout the province had orders just the contrary to what was asserted by the Home Minister on the floor of the House. We would request the Hon'ble the Home Minister to explain how he made this statement on the earlier occasion when public meetings were being refused throughout the province. If he had issued orders subsequently to his statement in the House he should explain what was the reason for that attitude. If, however, the order was existing from before, we would like him to state what led him to make the assertion that he did on the floor of the House. It is a matter for serious consideration and the Hon'ble the Home Minister should realise that, his position being that of Chief Minister of this province, he should not make statements on the floor of the House which are really not in agreement with but just contrary to the state of things in the province. I have got the letter which I wrote to the Subdivisional Officer of Midnapore on the 5th August, 1944, and I may read it. It is as follows: "Sir, I would like to state that the inhabitants of Kharagpur (Midnapore) intend to hold a meeting——

Mr. PRESIDENT: Mr. Mukherjee, you need not refer to the terms of the letter for we are discussing a particular motion.

Mr. BANKIM CHANDRA MUKHERJEE: It is a matter which has arisen directly out of the remarks of the Hon'ble the Home Minister to the effect that after resumption of office——

Mr. PRESIDENT: I quite realise that——

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Mukherjee, however, does not say that Midnapore was already excluded.

Mr. BANKIM CHANDRA MUKHERJEE: When he spoke on the Lora Conference adjournment motion, the Hon'ble Home Minister did not say anything about the exclusion of certain districts from the general principle.

Mr. PRESIDENT: However, please try to confine yourself to the point at issue.

Mr. BANKIM CHANDRA MUKHERJEE: I am within my motion I trust; but if the Hon'ble Home Minister wants to issue a statement he should make the position clear and I think I am within my rights in bringing his attention to this matter. Now I may continue with my letter: the inhabitants of Kharagpur intend to hold a meeting to consider the formula of the Rajaji at 3 p.m. But he wrote back to say that the Superintendent of Police's opinion should be taken, etc.

(At this stage the honourable member reached the time-limit and resumed his seat.)

Mr. LALIT CHANDRA DAS: Sir, I could have said a lot of things on this subject but the statement of the Hon'ble the Home Minister has made the situation easier and I will only refer to some points which have arisen from the statement. It will appear that the notification in question is dated the 17th August, 1944, No. 4248P. and runs as follows "in exercise of the power conferred by sub-rule (*1*) of rule 56 of the Defence of India Rules, and in supersession of notification No. 1384P., dated the 4th March, 1944, the Governor is pleased to make the following order". It is clear therefore that it is a fresh notification and that notification No. 1384P. of the 4th March, 1944, was done away with. Now this being therefore clearly a fresh notification, the reasons for this should have been made clear. One of the remarks in the Hon'ble Minister's statement is to the effect that there is a lacuna in the previous order, but what that is has not been pointed out. In any case, it would appear that this notification is an all-embracing one, covering the whole province, not only Calcutta, Dacca and Midnapore.

Now, Sir, in this notification we find that "for the purpose of securing compliance with or preventing any contravention of clause (*a*) of paragraph 1 of this order an officer authorised under paragraph 7 may, by an order in writing, direct that no person shall, during such period as may be specified in the order, convene, organise, hold or take part in any public procession, meeting or assembly unless (*a*) written notice of the intention to hold such procession, meeting or assembly has been previously given to such officer....."

If really after the press-note had been issued by the Ministry it was intended that meetings should be allowed to be held without permission, nothing was assured in this notification itself. The notification could have said: that without previous permission no meetings should be held in Calcutta, Dacca and Midnapore. This has not been done. On the 13th June last at the time of the discussion of the Lora Conference the Hon'ble the Chief Minister thus observed: "Sir, those members sitting over there supported a Government which banned all public meetings, which banned all processions and which banned all freedom of speech. It is surprising that they accuse us of depriving them of their civil liberties. As a matter of fact, at present except in one or two places you can hold meetings without permission anywhere you like and speak whatever you like; yet look at the righteous indignation, because one particular conference has been banned at a place where there was a serious danger of rioting and spreading of communal tension over a wide area....." Sir, he pointed out how even in Calcutta without notice meetings were allowed to be held. He says "My friend Mr. Ambica Datta, I am sorry, Mr. Kamini Kumar Dutta, speaks of the Nazis. But his leaders are holding conferences in the parks of Calcutta about the Secondary Education Bill. They talk now of the curtailment of civil liberties. Have they no sense of proportion. This is a most

irresponsible attitude". Now, Sir, if meetings could be allowed to be held in Calcutta, the nerve centre of Bengal why meetings could not be allowed to be held in Dacca and Midnapore? If it is the real intention of Government that things should go easy, a fresh instruction should also be given to all the Magistrates on the lines that no public meetings should be banned. Therefore, I would like to see that the words "no ban is imposed in Calcutta, Dacca and Midnapore".

With these words, I support the motion.

Mr. KAMINI KUMAR DUTTA: Sir, I would only say a few words just in response to the statement made by the Hon'ble the Home Minister. So far as I am concerned, I appreciate the spirit underlying his speech today. We accept the assurance given by him that his Ministry will allow public meetings to be held without any previous permission having to be obtained from the District Magistrate. But I think the whole position ought to be clarified a little more. This notification was issued in exercise of the power conferred by sub-rule (*1*) of rule 56 of the Defence of India Rules. It has, therefore, the force of law and any contravention of it would be an offence which might be visited with serious consequences. Mere executive instructions will not exonerate the person from the offence. So, in order really to give effect to the assurance given by the Hon'ble the Home Minister, I think there ought to be some modification of the notification, besides clear instructions being issued to the District Magistrates. Rule 1 says: that no person shall convene, organise, hold or take part in any public processions, meetings or assemblies. ....in contravention of any order issued under paragraph 3 or of any condition imposed in granting permission under that paragraph. Now, paragraph 3 says: that for the purpose of securing compliance with or preventing any contravention of clause (*a*) of paragraph 1 of this order, an officer authorised under paragraph 7 may issue a general order prohibiting all meetings and under paragraph 7 the District Magistrate, the Commissioner of Police, the Subdivisional Magistrate and the Deputy Commissioner of Police, Calcutta, have been authorised to issue notices banning all meetings and been given powers to prohibit all meetings where these meetings had been held with the object as specified in sub-clause (*9*) of clause 1. But in order to secure compliance with the purpose of that sub-clause, an omnibus power has been given to these officers. So if these officers want to issue a notice in a particular area, in that case the rest of the notification will come into operation and no meeting can be held in that particular area without obtaining the previous permission of these authorities. It was for this reason that you, Sir, were pleased to enquire from my honourable friend Mr. Kabir whether orders were issued to the District Magistrate of Faridpur under the general orders of the Government. But as a matter of fact, as it usually happens whenever there is a notification, the District Magistrates and the other authorities spoken of, issue notices. So if the Hon'ble the Home Minister intends that his assurance should be given effect to, instructions ought to be issued at once to these authorities that they should not issue any such notification and that if such notification had been issued, they should be withdrawn. Otherwise, the simple executive assurance given here that meetings can be held without permission is of no use.

So, in order to clarify the position regarding the holding of meetings, instructions should be issued directing that no notification is to be issued under sub-clause (*3*) banning all sorts of meetings. So far as I have been able to understand, some areas have to be excluded from the purview of that notification. As to that, one must say that there may be some areas in which it may be thought proper to enforce the banning of meetings. I should, however, think that instead of having such a general power of banning all meetings in the province, there is ample power in the ordinary law to prevent such meetings. There is the ordinary law of the land regarding public meetings, by which if there is an apprehension of a breach of the

peace it can at once be stopped even without any notification, under the Defence of India Rules. So, in respect of holding meetings I agree with my friend, Mr. Lalit Chandra Das, about including Calcutta also. Instructions should be given saying that no notification should be issued by any District Magistrate or by any other authorities referred to in sub-clause (7) regarding banning of all meetings; otherwise the assurance of the Hon'ble Home Minister will not have any efficacy. If the Home Minister really wants that the public should be given unfettered right to ventilate their grievances, their views and their demands, then the instructions embodied in the notification regarding the holding of public meetings should at once be cancelled and fresh instructions should be issued to the District Magistrate and to other authorities referred to in sub-clause (7) that they should not issue any such notice at all, and further that if they have already issued such notifications they should be publicly withdrawn and rescinded intimating to the public that they are now free to hold meetings. It should be declared that there is now no restriction on the ventilation of public grievances. The situation has changed for the better; and all the world over people are talking of post-war reconstruction and plans for finding out means of improving their standard of life. At a time like this, there should not be any sort of restriction on our power of ventilating our grievances and demands. If I may say so, Sir, with a great deal of sorrow in my heart, the people are suffering miserably at the hands of the profiteers still aided by corrupt officials; therefore at this time the public should not be restrained from ventilating their grievances and bringing the real state of affairs to the notice of the authorities who if they are so minded can very easily give relief to the people. So I would say again that to clarify the position about the holding of public meetings this sort of instruction should be issued to the local authorities concerned—so that the general public may not be afraid of holding meetings and fearlessly criticising the authorities. Of course, if they hold meetings for discussing matters of a prejudicial nature, then for that no notification like the one under discussion is required. The Defence of India Rule is quite enough for the purpose; for if any one commits any action which comes within the definition of "disaffection", then under rule 37 of the Defence of India Rules he cannot escape the penalty. To me, therefore, it seems that the notification is absolutely superfluous and at this particular moment there should not be any such notification banning public meetings.

(At this stage the honourable member reached the time-limit and resumed his seat.)

Mr. NAGENDRA NATH MAHALANOBISH: Mr. President, Sir, I had no intention to intervene in this debate but for the statement that the Hon'ble the Chief Minister has made. I could not understand exactly what the Chief Minister wanted to convey to us. To my mind it seems that he intends to say that in spite of the notification under the Defence of India Rules you can merrily go on holding meetings unless there is serious apprehension of the breach of peace. He says that meetings can be held everywhere except in Calcutta, Dacca and Midnapore. But I would like to ask the Chief Minister to answer the question as to how can he, being at the head of the executive authority, advise people to go on holding meetings in the face of a notification under the Defence of India Rules? I am quite sure that he knows that offences under the Defence of India Rules are cognisable and non-bailable. People who violate run great risks as they would be at the mercy of the Subdivisional Officer, police officers and others and they are liable to be arrested and imprisoned for the offence of holding a meeting. I would ask the Chief Minister this question and secondly if really there is absolutely no necessity for checking meetings throughout the province save and except in those three places, then why not resort to section 144 of the Criminal Procedure Code to deal with the situation? And about leaving out Calcutta, Dacca and Midnapore, I think there is nothing

to distinguish these places from other places, except that there were some riots. These are the two points which should be explained by the Chief Minister.

Mr. HUMAYUN KABIR: Sir, in spite of my doubts regarding one or two points referred to by the Hon'ble the Home Minister, I feel I must compliment him on the statement which he has made today. Really, it does go a long way towards removing the apprehension both in the public mind and in the minds of the members of this House. I only wish that what he has stated here today on the floor of this House will be made actually a part of an executive order of the Government. For, as has been pointed out by my honourable friend who has just sat down that an assurance from the Hon'ble the Home Minister will not in itself be binding against the declared provision of law; and as the law now stands, meetings cannot be held in any part of Bengal without obtaining previous permission and it is clearly stated that such non-holding of meetings shall come into force on the 24th of August and shall remain in force so long as the Defence of India Rules continue in force. Therefore, I would, first of all, request the Hon'ble the Home Minister to issue an executive order in terms of the statement which he has made on the floor of the House today. If he makes it clear there, as he has made clear to the House today, that there is no intention on the part of the Government to prevent criticism of either their action or of the political condition in the country excepting those which are covered under the existing provisions of the Defence of India Rules, that I am sure will satisfy both the members of this House and the general public. I would, however, at the same time draw his attention to that part of his statement where he said hat he made this point quite clear to the District Magistrate of Faridpur. In view of this fact, it is really surprising to find that this particular meeting which is the subject-matter for our discussion today was prohibited by the District Magistrate on the ground of short notice. Therefore, even though the Hon'ble the Home Minister said that it was not the intention of the Ministery to prevent meetings being held in any part of Bengal save and except Calcutta, Dacca and Midnapore, yet that has not been the interpretation which has been put on the order by his own executive officers. And, Sir, if such a mistake has been made by his own executive officers and officers who hold such high posts as those of District Magistrates and Additional District Magistrates, it is easily to be understood that the mistake was not entirely the fault of themselves but that there was a lacuna in the order itself.

I would, in passing, refer to the point stressed by my honourable friends Mr. Bankim Chandra Mukherjee and Mr. Lalit Chandra Das that Calcutta, Dacca and Midnapore should not have been excluded from the list of places where meetings can be held without obtaining previous permission. Sir, Calcutta and Dacca are the centres of public opinion in Bengal and they also are the centres of public activity. Very often when grievances are ventilated at these two places, they receive more immediate attention and are redressed than if such grievances are ventilated in less well-known places. Therefore, I would request the Hon'ble the Home Minister, when he would issue his order, to consider the desirability and also the imperative necessity of including Calcutta and Dacca along with other districts. I also think that in view of the improved situation in Midnapore at present, it should not be excluded. Therefore, Sir, in a way I feel glad that the purpose of my adjournment motion has been served. In so far as it was a protest against the order prohibiting meetings all over Bengal, the Hon'ble the Home Minister has assured us that the Government have no such intention. No doubt, he made a certain reference to the condition of Faridpur in order to justify the action of the District Magistrate there. I would like to remind him that during the period he was in the Opposition no public meeting was banned in Faridpur. I have made it quite clear and it is my belief that these disturbances are very often created by the zealous

followers of the Hon'ble Ministers who are apt to run to excesses. I would further remind him that during the period when he was in the Opposition his first meeting in Faridpur was not interfered with, and that he was allowed to hold his first meeting in the town of Faridpur. It was immediately after the loss of his office, and the campaign against the then Ministry was started in the town of Faridpur without any interference from the Government of the day. However, Sir, as I said before, meetings can be held without any disturbance if only some of the followers of the Party, which my honourable friend the Home Minister has the honour to lead, can be restrained, for some times they become very unruly as would be borne out by the Hon'ble Minister himself even to his own cost in the town of Calcutta. As I stated before, the main purpose of my adjournment motion has been served as Government have made it clear that they do not want to interfere with the right of public speech and meetings and that meetings can be held in any part of Bengal even without applying for permission.

These are words which require emphasis and underlining, and therefore we may take it that from today meetings can be held practically all over Bengal barring the two districts of Dacca and Midnapore, and Calcutta without applying for permission. And as it has been practically admitted that some of the District Magistrates have not been able to understand the order whether it is their fault or whether the fault lies in the wording of the communiqué, I do not know, I leave that to the Hon'ble Minister in charge —but since both the points have been conceded, I would like, with the leave of the House, to withdraw my adjournment motion.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not want to take much time of the House, Sir, except explaining one or two minor points. It is obvious that so far as the Opposition is concerned, at least Mr. Kabir has fully understood the position of the Government and has had the courage to appreciate that at no time was there any idea of banning public meetings. As regards Faridpur, I may say that when we were in Opposition, at the very first meeting that was held there, the first speaker was immediately arrested and he was pursued up to Chandpur and again arrested. When we were there a second time, the order was passed that in our speeches we must not criticise the Ministry; permission was given subject to that condition. So, the less said about what took place during the regime of the previous Ministry, the better.

I would now say only one word about the speech of my friend, Mr. Bankim Chandra Mukherjee. One disadvantage of manuscript eloquence is that the speaker does not take into consideration all that has been said on the floor of the House and I think Mr. Mukherjee at least owes an apology to the members of the House for misleading them with reference to what he said on the occasion of the last adjournment motion on the 13th June. He quoted me as having said that throughout Bengal permission had been given for holding meetings. As a matter of fact, here I have got a copy of the proceedings of the Council, as printed by the Council Department—"as a matter of fact, except in one or two places you can hold meetings anywhere you like and whatever you like"——

Mr. BANKIM CHANDRA MUKHERJEE: On a point of personal explanation, Sir. So far as I remember, I said perhaps that meetings could be held without permission but at that time the Hon'ble Minister did not specifically mention the exclusion of Calcutta, Midnapore and Dacca; he did not mention the three exceptions at the time. If, therefore, there has been any misleading on my part or if any members of this House were misled by what I said then, I withdraw what I said.

The Hon'ble Khwaja Sir NAZIMUDDIN: Thank you. I have nothing further to add except this that before the 24th of August meetings could be freely held without permission throughout Bengal except at the places I have mentioned Similarly, after the 24th of August, the same is the

position. The law as it stands now does not in any way curtail the right of holding a public meeting. But so far as Calcutta is concerned, here, again, the Commissioner of Police can allow meetings to be held but retains the right of taking action if he finds that speeches are of such a character as to come under the provisions of the Defence of India Rules.

Mr. HARIDAS MAZUMDAR: Then, so far as Calcutta is concerned, permission is necessary?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, so far as Calcutta, and the districts of Dacca and Midnapore are concerned. I am, however, prepared to go so far as to say that in view of the improved situation in the Dacca district, the restriction will be confined to the town of Dacca, and that in the rest of the Dacca district meetings may be held without permission. Instructions will be issued to the district authorities accordingly. But so far as Calcutta and Midnapore are concerned, I am afraid I cannot consent to any relaxation beyond what is prevalent at the present time.

Mr. LALIT CHANDRA DAS: On a point of information, Sir. In his last speech in connection with the adjournment motion regarding the Lora Conference, the Hon'ble the Chief Minister did not mention these places but only said excepting one or two places; subsequently, he referred to Calcutta, etc., and said that "in the parks of Calcutta meetings are being held about the Secondary Education Bill....."

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have already made it clear that the Commissioner of Police in his individual capacity can allow meetings to be held. I do not want to take away the discretion of the Commissioner of Police.

Mr. HARIDAS MAZUMDAR: On a point of information, Sir. What about the legal difficulty that was pointed out by the Chief Minister? As long as that stands, how a press-note can help the people to hold the meeting?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already said, we have instructed the District Magistrates not to prosecute anybody unless they get definite orders. My conversation took place with the District Magistrate of Faridpur on the 24th August, and not before.

Rai KESHAB CHANDRA BANERJEE Bahadur: Is the Hon'ble Minister in a position to say whether or not permission of the District Magistrate was obtained for holding a meeting supporting the C.R.'s formula in the Dacca town?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have no information.

Mr. HARIDAS MAZUMDAR: On a point of information, Sir. In response to the suggestion of the Chief Minister, I tabled a short-notice question regarding the Howrah Municipality——

Mr. PRESIDENT: Order, order.

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have already said, I am prepared to issue a further press-note.

Mr. PRESIDENT: Leave has been asked by Mr. Humayun Kabir to withdraw his adjournment motion. Is it the pleasure of the House to allow him to withdraw his motion?

(The motion was then, by leave of the House, withdrawn.)

The Bengal Agricultural Income-tax Bill, 1944.

Mr. PRESIDENT: The House will now resume discussion on the Agricultural Income-tax Bill.

Mr. HARIDAS MAZUMDAR: What about my short-notice question regarding Howrah Municipality?

Mr. PRESIDENT: You mention that to-morrow, please.

Mr. HARIDAS MAZUMDAR: All right, Sir.

Mr. NAGENDRA NATH MAHALANOBISH: Mr. President, Sir, I have stated at some length the reasons in support of the deletion of clause 49, and before I resume my seat I would like to emphasize that this clause 49 should not be passed, because the principle on which it is based does not apply. The argument that according to the international agreement this provision for relief against double taxation has been incorporated in the income-tax law of different countries does not apply to the case of Bengal, because Bengal really cannot have any reciprocal relief. The residents of Bengal cannot have any actual benefit out of this provision, although residents of other countries may have such benefit. Therefore, there is no reason why Bengal should go to the length of making a provision of this nature. I have already stated that the position in which Bengal finds herself today, I mean her financial position, does not allow her to become generous and that Bengal cannot afford to lose even a pie out of the tax that is leviable under this Bill. Therefore, on that ground also—and that being one of the main grounds of the Hon'ble the Finance Minister for enacting this Bill—no provision should be made for refund of any taxation on the ground of hardship to others. I have submitted that these assessees or these gentlemen who reside outside Bengal did actually make their money in Bengal from Bengal's agricultural land; so they should not grudge the excess demand that they may be required to pay under their own law in their home countries. Now, it is really a question of domestic taxation and has no analogy to the ordinary income-tax law. Therefore, that analogy should not be extended to the Bengal Agricultural Income-tax Law. Lastly, I submit that if they require any relief, they can have that relief by approaching their home countries where they can expect to have this amount of tax deducted as a legitimate expense or allowance. All these considerations would really lead you to this position that this provision is certainly unnecessary, and I would last of all appeal to the Hon'ble Minister and the honourable members to give up their claim, out of generous consideration for Bengal, to have this provision in this Bill.

Mr. LALIT CHANDRA DAS: I support the motion so ably moved by my honourable friend Mr. Nagendra Nath Moholanabish; but in doing so I do not propose to be long. This clause was not in the original Bill but it was incorporated as an amendment on the motion of one of the members of the European Group. Sir, this clause deals with reciprocal relief in respect of double taxation with other Governments. It is but fair and proper that when there is any question of reciprocal relief, the companies, firms or associations or any person deriving assessable agricultural income from land situated in Bengal shall pay agricultural income-tax in Bengal, even though he or it might have paid income-tax elsewhere in India or outside India on his or its world income including agricultural income derived from lands situate in Bengal. I say that this clause is intended specially to benefit a very large section of His Brittannic Majesty's subjects, namely, the European Group who have world income. According to the law prevalent in the United Kingdom, they can easily get relief stating that they have paid so much in Bengal for their income on agricultural land situate in Bengal, but they want something more, and it is this: that having paid there in full for world income they want relief in Bengal, whereas Bengalees will have no such advantage *vis-a-vis* the United Kingdom as the Bengalees have no agricultural income in Great Britain. So on the face of it, it would not appear to be a fair proposition to insert a provision for reciprocal relief in respect of double taxation with other Governments. In practical operation it will give relief only to those hunters of gold in the world who have an

income all over the world and particularly to the enterprising community, the European Group. So I make an appeal to the gentlemen of the European Group that they should love Bengal and loving Bengal they should not think of reciprocal relief. They should pay fairly and squarely what is due to the Bengal exchequer; they can make their point for relief in Great Britain showing payment in Bengal. That is what I think is just fair and proper. With these words, I support the amendment that this section 49 be deleted.

Khan Bahadur NAZIRUDDIN AHMAD: Mr. President, Sir, this clause, which the amendment seeks to eliminate, is a very important one. Clause 49 attempts to compress, within the compass of a single section, the elaborate provisions of sections 49 and 49A of the Indian Income-tax Act. Section 49 of the Indian Income-tax Act deals with reciprocal relief in respect of double taxation between British India and the United Kingdom. Section 49A was later introduced in the body of the Indian Income-tax Act and deals with reciprocal relief between British India and the Dominions and the Indian States. Section 49 is complete in itself and embodies the principle to be applied; but in section 49A there is no provision indicating the principle as to how the rule is to operate. Things have been left to the Executives to prescribe the principles by executive rules. It will, however, be apparent that the principles embodied in section 49 will be followed by the Executives in making the rules under section 49A, as it is to be presumed that the two sections should be read together.

So far as clause 49 of the present Bill is concerned, it has compressed these two sections of the Central Act into one. But while the Central Act has prescribed the principle upon which and the limit up to which the Executives must act, this wholesome principle is entirely missing in clause 49 of the Bill. In the present Bill, the determination of the principle and limit of exemption have been strangely left entirely to executive discretion. No principle or limit has even been indicated in the present clause. Further, the province has been saddled. The principle is extremely attractive, namely, reciprocal relief in respect of double taxation. It is sufficiently attractive and philanthropic persons will rush from their retirement for granting this relief. It is, however, necessary to have a clear idea of reciprocal relief in respect of double taxation. Without a clear comprehension it will be difficult to resist the temptation of the impulse of the moment. It is necessary therefore to consider the limits and the elements of double taxation. Why does relief operate and what is the theory or rather the mechanism of reciprocal relief with regard to the double taxation? Double taxation occurs when resident of a home country derives income in the home and also in another country and when the foreign country imposes a tax upon the income arising within itself and when home country imposes another tax on the same income as part of the assessee's world income. We have instances of double taxation in India from a very long time. There is the Baranagore Jute Mill which pays Indian Income-tax because it is working in India; it also pays the United Kingdom tax, because it operates from that place as it is registered there.

Then the next question would be how does relief operate. Relief is granted in this way that United Kingdom grants relief to the extent of half its own rate. Assuming the United Kingdom rate to be 90 pies in the rupee and the Indian rate is 60 pies in the rupee, the United Kingdom will grant relief to the extent of half its own rate, that is, 45 pies in the rupee. There will then be a balance of 15 pies which is to be relieved. The effect of this would be: once the relief comes from the United Kingdom and again from the Indian Exchequer. The original tax was 90 pies in the rupee. By reduction the balance remaining in the hands of the United Kingdom Exchequer would be 45 pies. The tax realised at the first instance by the Indian Income-tax authorities would be 60 pies and after granting relief to the extent of 15 pies the balance would be 45 pies, so that it is so adjusted

that a higher rate, that is, 90 pies in the rupee (English rate) would be divided equally between the United Kingdom Exchequer and the Indian Exchequer. That is how the relief operates.

Then, we come to the more important subject, namely, reciprocal relief. What is reciprocity? It would be quite clear when, so far as British India is concerned, that is, the Central Government is concerned, it has certain advantages over Bengal. In fact, the Central Exchequer can impose taxes extra-territorially. But Bengal cannot impose taxes on income which accrues outside it. Similarly, the United Kingdom would try to tax their assessees for their home income as well as outside income. This power of extra-territorial operation in the matter of taxation is extremely important. Though India can tax an Indian for income which accrues in India and also in the United Kingdom, it is a matter of frequent occurrence that many assessees having English income while in India—they are the holders of British securities, share-holders of British companies and buyers of British investments—have to pay English tax while in India; and then Indians have also to pay British income-tax provided they have an income accruing in the United Kingdom. So that is the position of Indians. Then it follows that in refunding the double taxation India has certain advantages as well as disadvantages. India participates in foreign taxation and British India must in equity return extra taxation. There is mutuality between India and the United Kingdom in the matter of taxation. They can have friendly encouragement and therefore by operation of this whenever there is double taxation, India as well as the United Kingdom must agree to share the loss and then share the larger tax, half and half. This is the theory upon which the relief operates and this is the theory behind the mutuality of the reciprocity. There will be no reciprocity in the matter of mere contribution for certain loss which was caused not by anything done in India but elsewhere. There is the advantage of taxation and there must be the disadvantages of participating in refunds. That is how Indians stand *vis-a-vis* the United Kingdom authorities.

Similarly, an Indian State can have extra-territorial operation so far taxation is concerned. The Dominions have always extra-territorial operation in this respect. They can tax income arising in distant fields outside their own geographical limits. This right of extra-territorial taxation is the basis of the liability to refund extra-territorial taxation. Then again, it is necessary to appreciate the necessity at first of levying a higher tax and then refunding it. The reason is rather departmental. First of all, the Bengal tax at the maximum rate is imposed on a Bengal Company. Then certain refunds are given bringing down the tax to a lower rate. Then, whenever an individual tax-payer's rate is considered, the case is again considered by the taxing authorities. Then, if any tax has been paid along with the dividend, that also is taken into account and there is a further reduction down to the personal rate of the tax-payer. The policy of the taxing authorities in this case is to lay the *onus* on the assessees individually to show their total income and to secure a refund by adjustment. That liability to show the entire income is at the base of the scheme of refund. If the taxing authorities instead of going through this adjustment business went through the process of taxing every share-holder of a company with regard to his own personal rate, then the work involved would be administratively impossible. The best thing is to tax a company at the full rate and then to leave the share-holder to work out his own rate and get further refund. This is the reason why first of all 90 pies in the rupee is imposed on foreign income by the United Kingdom taxing authorities and again a 60 pies tax is imposed by the Indian taxing authorities, and then the actual rate is subsequently adjusted. Of course, there are other individual adjustments. Now, the case for clause 49 is this: that if any agricultural income accrues in Bengal, we may impose a tax on this income. The clause has been intended to operate in favour of certain tea companies which are incorporated in the United Kingdom but which are working in Bengal. If

a tea company makes an income here in Bengal, 60 per cent. of the income is regarded as agricultural income and 40 per cent. as non-agricultural income. On the 60 per cent. of its income, a tea company will have to pay the Bengal tax. On the remaining 40 per cent. of the company's income, they have got to pay a tax to the Indian income-tax authorities at the rate of 60 pies in the rupee and then the whole income, including the agricultural and the non-agricultural, is subject to a tax in the home country at the United Kingdom rate of 90 pies. So far as the non-agricultural tax is concerned, there is the arrangement for reciprocal relief given by section 49 of the Indian Income-tax Act. It is argued on that analogy that as Bengal has levied a tax on this income and as England also has levied another tax on the same income, therefore there is double taxation and so there should be reciprocal relief. I do not deny that there should be relief; but I deny that there should be or could be any reciprocal relief, because there is no reciprocity between Bengal and the United Kingdom in this respect. Bengal has no right to levy any tax on agricultural income that accrues in England; all the agricultural income that accrues to a Bengalee in the United Kingdom will go to the benefit of the Indian taxing authorities. It is only agricultural income in India that is forbidden to the Indian taxing authorities; but any agricultural income accruing outside India will be available for taxation to the Indian taxing authorities. Bengal has no right to participate in any agricultural income of a Bengalee accruing outside Bengal. That is the difference. There is no mutuality between the United Kingdom and Bengal except in the matter of contribution. Bengal does not participate in the taxing benefits and so it should not be asked to contribute towards the relief of the tax. It has been said that Bengal tax is a domestic tax. Bengal does not derive any extra-territorial tax, while the United Kingdom does, and so there is no comparison between the two. There is no analogy. The question is one of give and take. In case of Bengal it does not take but in the matter of refunds it only gives. There should be no liability to contribute if there is no right to impose extra-territorial tax. I think these considerations alone would be quite enough to rule out the application of clause 49 so far as Bengal is concerned.

Then, there are further complications. I have already stated that there is no mutuality. It is often said that at present the Bengal tax is only 30 pies in the rupee, which is less than half the English tax and for some time this will remain so. It is believed rather widely that this Bengal tax of 30 pies in the rupee is just only a thin end of the wedge. More is expected, and I do not at all grudge the Finance Minister demanding more. Bengal needs money. The principle of agricultural income-tax has been accepted by us and if more is needed Bengal should be ready to pay. In fact, if the money is needed for supplying the needs of Bengal, I do not think there will be any harm in Bengal agreeing to pay higher tax,and then as it happened after the last war, the English rate rapidly came down. So, by the operation of two causes—the reduction of the United Kingdom rate and the enhancement of the Bengal rate—the safety limit will be crossed, and then Bengal will be asked to contribute. So the danger of contribution is there and that is no reason why clause 49 has been inserted by way of anticipation. If clause 49 could be inserted by way of anticipation, it is necessary that the anticipation should be a real risk of real contribution. Then, if Bengal rate goes up to 60 pies and the English rate remains at 90 pies, the same situation will occur. The United Kingdom will relieve the tax to the extent of 45 pies, and that is the war-cry of the supporters of this clause. I believe Mr. Laidlaw, who is the spokesman of the European Group for whom I have the highest respect, in order to justify clause 49 should have laid down the law for us. Now, Mr. Laidlaw must certainly lay down the law and he will not waylay or mislay it. I hope he will try to answer some of the questions which are suggested to him. It is by way of friendly suggestion that I speak. I believe that very high hopes lie behind this mistaken conception of clause 49. It simply looks at the double taxation. It has become a slogan:

"double taxation must be relieved. England has relieved it to the extent of 45 pies and so Bengal should relieve it by 15 pies". I am prepared to show that that fear is absolutely unfounded. Supposing this clause is not passed and is deleted what will happen? Will there be double taxation so far as the unrelieved 15 pies is concerned? My answer is "No". I shall quote high authority for that proposition. In fact, I have found the whole law considered by Halsbury's Laws of England, Volume XVII, page 323, Article 642. That is the greatest authority so far as the statement of laws of England are concerned. This book deals with the very question in hand. What will happen to a United Kingdom Company which has paid Bengal income-tax at a certain rate and which is relieved by the Home Exchequer only to a fractional extent leaving a balance? What will happen to this unrelieved balance? Will this income suffer double taxation to the extent of unrelieved balances? The answer is "No". If the United Kingdom authorities find that no provision is made in any Dominion or any taxing unit anywhere in the world, then these home authorities will give a further relief to the extent of the unrelieved balance, i.e., 15 pies in the rupee.

With regard to the balance of the 15 pies in the rupee, what the home authorities will do is to allow an exemption or deduction, that is to say, a refund to the company next year. The relevant passage is extremely important and on that the whole case for clause 49 hinges. Clause 49 depends upon a possible unrelieved double taxation. If clause 49 is not passed, that is, if Bengal has made no provision for the relief of the unrelieved double taxation, then the United Kingdom Exchequer will come forward and make a second refund and relieve the balance. So the tax-payer is entirely compensated so far as double taxation is concerned. I will only quote a few words from Halsbury. It says: "Where relief is not granted in a Dominion in respect of payment of the United Kingdom tax deduction is allowed in estimating the income for the purposes of the United Kingdom tax of an amount equal to the difference between the Dominion income-tax paid and the total relief allowed from the United Kingdom tax for the period on the income on which the assessment or the charge to the United Kingdom tax is computed." A plain paraphrase of this would be that if Bengal does not make any provision for reciprocal relief, the consequence of this would be that first of all the home exchequer will make an initial refund of 45 pies and if there is a balance, the difference between this refund and the Bengal tax would again be refunded by the home authorities. The same has been elaborated in an illustrative footnote in the same passage where it says: "Assume that in a certain year the Dominion tax paid was £50, and the total United Kingdom relief allowed was £25. In assessing the income to United Kingdom income-tax for the following year, a deduction of £25 is allowable from the amount of the assessment." So, if the tax-payer is relieved, first, to the extent of £25 out of £50, then in connection with the assessment for the next year the balance will be relieved from the next year's tax. So a complete deduction will be made by the home authorities and the tax-payer will be completely relieved. Therefore there is in reality no question of any unrelieved balance. And that is how the matter stands. Then, may I ask if a United Kingdom Tea Company is completely relieved with regard to the assessment of the British tax by the United Kingdom Exchequer in two instalments, he has any grievance. The effect of a double relief by the United Kingdom is this: It adjusts the tax to be relieved by the two countries. So far as the tax-payer is concerned, he is entirely relieved. The entire business of relief and its mechanism concerns itself with the allocation or adjustment of the loss between the two countries. The House will be pleased to consider that the United Kingdom tax is 90 pies in the rupee and that the Bengal tax may be assumed to be 60 pies in the rupee. This 60 pies must be relieved.

England initially relieves it to the extent of 45 pies and India 15 pies. So, the net gain between India and England would be India 45 and United Kingdom 45 and loss to the United Kingdom income-tax would be 45 and

for India it would be 15 pies. Therefore, the effect of this operation is merely to allocate the loss between the two countries. The matter is between the two exchequers. In fact, I think Mr. Churchill should write to Sir Nazimuddin for mutual relief. A tea compar incorporated in England has no *locus standi* in the matter and also no interest in the matter. This controversy has nothing to do with it. Mr. Churchill is a rich man spending Rs. 20 crores a day and the exchequer is in the hands of a man who had been a Governor of Bengal, I mean Sir John Anderson, during the critical period of our life. I do not think they will condescend to ask Bengal to contribute 15 pies in the rupee. They will certainly appreciate that Bengal has no extra-territorial income and so should not be asked to contribute. This clause 49 is a mistake. We only find our Finance Minister and the third party, Sir John Anderson, is not present here.

Mr. K. C. ROY CHOWDHURY: Sir, may I suggest that the question be now put.

Khan Bahadur NAZIRUDDIN AHMAD: Now, Sir, there is no interest of any third party involved in the question.

So far as the reciprocal business between India and the United Kingdom is concerned, there was a conference between the representatives of the Indian Government and the representatives of the Home Government. They discussed various questions and it was found that this full taxation and partial relief gives great profit to the taxing countries. So far as Bengal is concerned, there is no profit, there is only loss. So the effect of all this is that Bengal is asked to contribute without any corresponding advantage. The analogy between the United Kingdom and India does not apply. I think this consideration should, in addition, be enough to dispose of the case of clause 49.

Then coming to the details of the clause, I shall deal only with one aspect of the thing, and I shall show how the draftsman proceeded to blindly copy the provisions of the Indian Income-tax Act. It is said that reciprocal refund of taxation should be extended between the provinces, not merely between Bengal and the Indian States, between Bengal and the Dominions, between Bengal and the United Kingdom but between Bengal and the 10 other provinces. I shall show how great a blunder underlies this conception. The whole idea is that there should be a provision for relief of double taxation between the provinces. I may ask the honourable members to subdue their voices for a minute and to consider whether there would be any double taxation between the provinces. If there is an agricultural income-tax in Bengal and it is taxed by Bengal, can we tax the agricultural income of a Bengalee accruing in Assam? The area of Bengal tax is confined within its geographical limit. Bengal cannot tax any income arising in Assam——

Mr. PRESIDENT: Khan Bahadur, how long will you take to finish?

Khan Bahadur NAZIRUDDIN AHMAD: About 10 or 15 minutes.

Mr. PRESIDENT: You have already spoken for a very long time.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the reason is that this is a very important clause, and you yourself said on a previous occasion that this question can be discussed on the floor of the House and opinions may be elicited thereby.

Mr. PRESIDENT: All right. But please try to cut short.

Khan Bahadur NAZIRUDDIN AHMAD: As I said just now, there can be double taxation between the provinces. I have got an agricultural income which arose in Assam. I have a dividend warrant with me which shows a deduction of Assam Agricultural Income-tax. Can it be taxed by Bengal so as to enable me to procure reciprocal relief? I think that double

taxation between the provinces is a huge blunder and a myth. The provision is based upon a mistake. The provision will have no application whatsoever. In these circumstances, I beg to submit that the question of double taxation between the provinces will never arise. Then, as between Bengal and the Indian States, we do not know their taxing law. We are asked to take relief in the Dominions, but we do not know the taxing law of the Dominions. We do not know the conditions on which they work, and we do not know whether there are taxing rules and refunding rules. The clause empowers the Government to make rules for refund, if it appears to the Government that the other Governments make similar provisions. There are technical questions of ascertaining the exact amount which has suffered double taxation. In fact, there are different rules as to exemptions and exceptions. The exact amount which has suffered double taxation in the two countries is difficult to determine. The next point is as to whether the decision should be left to the department. The department has no experience, no knowledge of the taxing laws in the different countries or units. In these circumstances, it will be dangerous to leave to the department the decision of questions of principle. They should have been enacted in the clause of the Bill itself. For all these considerations, I would submit that clause 49 is a mistake. The question of double taxation does not arise. In this connection, I am reminded of the number 49 which is always full of mischief. There is no double taxation, no mutuality either. So clause 49 suffers from two mistakes. A scientific man once asked a village cockney to define a lobster. The answer of the cockney was that a lobster was a red fish. The scientific man smiled and said that it was an excellent definition of lobster, but that it was mistaken in two particulars, namely, that it was neither red nor was it a fish. I do not say that clause 49 is not an excellent clause making a provision for reciprocal relief in case of double taxation. It is an excellent provision but it has only two mistakes, namely, there is neither any double taxation nor is there reciprocity.

With these few words, I shall conclude my speech. I believe that I have make it plain that I am opposed to the principles of the law embodied in this clause.

Mr. KAMINI KUMAR DUTTA: Sir, I rise to support the amendment that clause 49 should not find a place in the Statute. Already this matter has been discussed threadbare. There is one aspect of the matter that I would like particularly to lay stress on. To me it appears that clause 49 is inherently bad, because it falls within the mischief of what is called "delegated legislation". It is the Legislature only which can legislate. The Legislature has not been given the power or authority under the Government of India Act to delegate the power of legislation to the Executive. No doubt, it is a well-recognised principle that the Legislature may give the right to the Executive to make rules and that this has been done in the case of the present Bill also, for in section 57 of this Bill provision has been made empowering the Government to frame rules. These rules, however, are not for making any new enactment but only for putting into operation the provisions of the law. So far as clause 49 is concerned, it embodies the principle of refund of agricultural income-tax and this principle has been applied in respect of other Acts also. The principle on which relief should be given it is for the Legislature to lay down. But it is very peculiar that in clause 49 of this Bill the question as to what kind of relief should be given, and what should be the extent of that relief and further what should be the mode of that relief—all these have been left to the Provincial Government.

I would like to point out that this is nothing but delegating power of legislation to the Provincial Government, a thing which is inherently repugnant, and which has been condemned as absolutely invalid in connection with recent cases relating to the Ordinances. This point has been discussed both before the High Court and the Federal Court. Now, it

appears that a provision akin to that finds a place in the British Finance Act of 1920 to which reference has been made by my honourable friend, Khan Bahadur Naziruddin Ahmad; but there it was not left to the Government to provide what kind of relief is to be given. It has been laid down in section 27 of the British Finance Act that the Legislature has to provide as to what extent the relief would be given, to whom relief would be given and from what fund refund is to be given. Looking to the draft, it appears that it is almost a replica of section 49(*a*) of the Indian Income-tax. It is really a copy of that Act. There it is said that the Central Government may, by notification in the Official Gazette, make provision. There under section 49 it is the Legislature that makes provision for giving relief. Apparently, the logical interpretation of section 49(*a*) of the Indian Income-tax Act would only mean that the procedural portion would be left to the Executive. Here, strangely enough, nowhere in the whole Bill there is any provision to cover where there is double taxation. This delegation of authority to the Provincial Government or to the executive authority is not good. This sort of unfettered delegation of authority to the Executive should not be allowed. Even the Government of India Act does not contemplate the giving of this power. So, I would warn the Government itself that it will be an invalid law if this clause is incorporated in the Bill, as it would come within the mischief of delegated legislation. I say again that nowhere in the Act or in the Bill there is any provision to show that any relief in the shape of refund can be given. Apparently, it contemplates only relief in the shape of refund. This matter particularly should be taken note of. Of course, by majority of votes this clause will be passed but that will not make valid an apparently invalid law. And it would be nothing new. You know, Sir, that some of the legislations recently passed by the Provincial Legislature have been pronounced by the highest court to be invalid with the stricture that they were enacted by incompetent authorities. Here again we are going to enact a similar legislation. We cannot approve of the principle that the power to make law should be handed over to the Executive. It is really delegating the power of making the law to the Provincial Government. It is not only invalid but at the same time it is transgressing the authority of the House and indeed the House would be stultifying itself by delegating that power to the Executive. Looking to the principle underlying this particular clause, it may be said that a similar agricultural income-tax was also enacted in the province of Assam, and indeed this clause is particularly intended for giving relief to the tea-planters. So apparently it is the tea-planters who are intended to be benefited by the inclusion of this clause 49. Majority of the tea-planters are practically working within the province of Assam. But the Assam Agricultural Income-tax has made no such provision for giving relief in respect of refund. It is really strange that Bengal should go out of its way to give the refund. Looking to the principle enunciated in the laws of the United Kingdom itself, we find that the Finance Act of 1920, section 27, provides that relief can be given in respect of tax paid——

Mr. NAGENDRA NATH MAHALANOBISH: On a point of order, Sir. Is the Hon'ble Minister entitled to discuss matters in this House with outsiders? There is a decision by the late President that members are not entitled to talk to others who are outside the Council.

Mr. W. B. C. LAIDLAW (Chairman): I expect he was taking their advice.

Mr. KAMINI KUMAR DUTTA: There also a similar question did arise, namely, if the same party has to pay tax on the same income to the United Kingdom, whether the Dominions will be asked to claim a refund from the mother country. The United Kingdom agreed to give the refund. but here we have quite a contrary principle, namely, that it is Bengal that

will give the refund and not the United Kingdom. They earn their income here and carry it to the United Kingdom and although the United Kingdom gets the benefit of that income, the refund is to be made by the Government of Bengal. Nothing, Sir, can be more unfair and improper than that. We do not get the advantage of the income; that income is not used in this country; only that income accrues here. We help in the accrual of that income; they earn it but do not spend it here. The income is spent in the United Kingdom and yet the refund will have to be made by the Government of Bengal, —quite contrary to the principle of their own Act. So I say, first of all, it is objectionable on the ground that there is the danger of delegated legislation in this case. Such power should not be given to the Executive at all and questions will be raised as to whether this is legal, whether such a law can be enacted by the Government at all. So that if the House agrees to this proposition, it will only be stultifying itself. It is also a valid and cardinal principle that a man is entitled to get a refund only from the country which derives any benefit from the income and not from the country where the income accrues. So a clever manipulation was made: leave the power to the Government and they will make adequate provision for the purpose. Instead of making a clear provison to that effect and laying it before the House as to what kind of relief should be given, and what is the extent of that relief, only a very short provision is made, a short provision no doubt, but a provision pregnant with serious consequences. The Provincial Government should not be given this power to make any provision in respect of relief and I would therefore say that this clause should be deleted and should not find a place in the statute. Further, I do not think that any party considerations should intervene in this matter. We have seen enough of party considerations in respect of some of the laws passed here. The laws should be passed only after taking into consideration the best interests of the country and of the people. In regard to such a provision which affects the main principle of taxation and of refund, we should rise above party politics and unanimously reject this clause 49.

Mr. BANKIM CHANDRA MUKHERJEE: I would like to support the motion that has been moved about the deletion of clause 49 of the Bill. I do not know who is responsible for the drafting of this clause as it stands in the Bill. If we look at the history of this clause itself you will find that in the Bill as published in the *Calcutta Gazette* on the 26th of August, 1943, this clause was clause 47 and it stood exactly in the form in which it now stands in the Bill. When the Bill went to the Select Committee in the Lower House, the Select Committee reported on the Bill, and we find that clauses 47 and 48 dealing with analogous subjects, as follows: "As the scope of the Bill is limited to income derived exclusively from lands and originating exclusively within Bengal, we are of opinion that any provision for relief of double taxation is not appropriate and that the responsibility for relief of double taxation, if any, is on the country, etc....." We find one of the signatories to the Select Committee report is our Finance Minister, the Hon'ble Mr. Goswami, now in charge of the Bill. That Select Committee wanted to delete these two clauses 47 and 48. We find a note of dissent by Mr. Royen Hodge, a member of the Bengal Legislative Assembly, who in his remarks on clause 47 and clause 48 states *inter alia* that "As regards the United Kingdom where relief is given first by His Majesty's Government on the present rate.....".

Mr. PRESIDENT: Order, order. Mr. Mukherjee, I think you cannot refer to the report of the Select Committee because that is not before us. We are considering the Bill as passed by the other House.

Mr. BANKIM CHANDRA MUKHERJEE: But, Sir, in dealing with the Bill we have to refer to the history of the Bill. It is a question of

legislation and whenever a House deals with legislation it is entitled to look to the history of the whole thing, because an Act is a joint product of both the Houses.

Mr. PRESIDENT: It is so; but it has never been the practice to refer to the Select Committee report of the other House.

Mr. HARIDAS MAZUMDAR: On a point of privilege, Sir. We have the privilege of referring to the history of the Bill we consider here. In the House of Commons it is also the same. In other Houses of Legislature the practice is the same——

Mr. PRESIDENT: Order, order. I have understood your point.

Mr. HARIDAS MAZUMDAR: How can you understand my point when I have not finished?

Mr. PRESIDENT: Your point does not require much clarification. All I say is that this has never been the practice.

Mr. HARIDAS MAZUMDAR: That does not matter.

Mr. PRESIDENT: It matters very much. We have to follow the tradition——

Mr. HARIDAS MAZUMDAR: But, Sir, the report of the Select Committee should be allowed to be read——

Mr. PRESIDENT: Order, order. You must not talk simultaneously with the Chair.

It is not the practice to refer in detail to the proceedings of the other House, especially to the report of any Select Committee. The Select Committee reports to that House and this House has nohing to do with it.

Mr. HARIDAS MAZUMDAR: Sir, there might be some members present here who gave certain opinion on certain facts and we can go into that as far as this matter is concerned. The Finance Minister was there and he gave certain opinions and we can certainly refer to them.

Mr. PRESIDENT: Mr. Mazumdar, you can certainly mention the facts without referring to the report of the Select Committee. There is no objection to your stating the fact but you should not make a reference pointedly to the report of the Select Committee of the other House.

Mr. HARIDAS MAZUMDAR: I do not understand তাতে কি মহাভারত অশুদ্ধ হবে। You are the custodian of the rights and privileges of this House and as such you should——

Mr. PRESIDENT: It is not a question of the rights and privileges of the House. It is a question of procedure. Mr. Mukherjee, will you please resume your speech?

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I quite appreciate that the report of the Select Committee should not be referred to, as you have stated and I can refer to the facts mentioned in the Select Committee and that is exactly what I was doing and nothing else. As a matter of

fact, in dealing with the facts I am certainly entitled to state something which is stated by other members so that it may not be suggested that I am misquoting.

Mr. PRESIDENT: You realise, Mr. Mukherjee, that it is not the practice here to refer directly to the proceedings of the other House.

Mr. BANKIM CHANDRA MUKHERJEE: Now, Sir, that is the position and the matter was discussed and we find that the clause has been inserted. I am not going to move the reasons and circumstances under which this clause was re-inserted in the Bill in the Lower House. Now, Sir, let us consider the various aspects of the clause itself. I will first of all deal with the legality of certain clauses of the Bill. Now, if we refer to clause 49(2) and then again sub-clause (*a*) which says: "For the purposes of this section 'other income-tax' means any income-tax, super-tax or surtax charged under—

(*a*) any law of a province other than Bengal in force in that province."

we find that the principle provided is that the Provincial Government should be allowed to grant relief if any other province has imposed a tax on agricultural income which is dealt with by the present Agricultural Income-tax Bill which is to be in force in Bengal. Let us now consider whether any other province is under the constitution entitled to impose any tax on agricultural income in Bengal. Now, Sir, if we look to item 41 in List II of the Seventh Schedule, it will be found that agricultural income is an exclusively provincial subject and therefore one province cannot tax agricultural income of another province. Therefore, in the first instance the reference to sub-clause (*a*) in sub-clause (2) of clause 49 seems to be inappropriate and is likely to bring in confusion. I, therefore, submit that if we do not delete this clause, then we shall be enacting something which is not in accord with the Constitution. Therefore, I say that as far as sub-clause (*a*) of sub-clause (2) of clause 49 is concerned, it has got to go away from the Bill.

Now let us consider the other sub-clauses in this clause. After (*a*) and (*b*) of sub-clause (2), we find the following: where the laws of such Province, State or part of His Majesty's Dominions or of the United Kingdom, as the case may be, provide for relief in respect of tax charged on income both in such Province, State or part of His Majesty's Dominions, or in the United Kingdom, as the case may be, and in Bengal, which appears to the Provincial Government to correspond to the relief which may be granted under this section.

I do not know that any Dominions of His Majesty is entitled to raise any tax on agricultural income—I lay stress on this—on the income in this province and I submit that unless this point is cleared up this provision also seems to be inappropriate. What really has been done is that the United Kingdom Finance Act has imposed a tax on all incomes outside Britain and within the Dominions including India and that is to be found in the various Finance Acts of the United Kingdom. Now with regard to that, I made my position quite clear when I moved other amendments with reference to this Bill and I would only make a short reference to that only so far as the United Kingdom tax is concerned. With regard to that the position is this: under section 27 of the Finance Act, the United Kingdom will give relief to the extent of half the Dominion rate or the rate which is charged in any other country outside Britain. The taxation which we are levying so far as the tea companies are concerned is 30 pies in the rupee; that is 2 annas and 6 pies in the rupee. Now the United Kingdom tax is, I believe, 10 s. in the pound and therefore half of the income is levied as tax in the United Kingdom.

In the United Kingdom, a tax-payer gets a relief to the extent of half the tax which is paid here, he gets the entire amount which he pays here

from the United Kingdom itself. Therefore, there is nothing to be relieved so far as the present rate is concerned and I hope the European members will support the motion. They have nothing to be afraid of so far as the present rate is concerned.

Now, let me consider the question from the point of view which has been submitted by my honourable friend Mr. Kamini Kumar Dutta, namely, what is the power which the Provincial Legislature wants to retain under this clause. We have been asked to pass a measure by which we are to delegate our authority of legislation to the Provincial Government by authorising them to make provision for granting relief in respect of agricultural income. I submit this matter has got to be seriously considered. If it is outside the scope of the Provincial Legislature to delegate its authority of legislation to the Provincial Government and the clause should not be allowed to retain in the shape in which it stands at present.

Now, before referring to the provision of the Indian Income-tax Act itself, I would refer the Hon'ble Minister to the parent provision in the Indian Income-tax which the Hon'ble Minister quotes frequently. We may read section 49 of the Indian Income-tax Act and see whether the Central Legislature was requested by the Central Government to give to them a delegated authority of the nature which the Provincial Government wants in this clause. We find in the Central Act how relief is to be granted but there is no delegation at all. Under section 27 of the Indian Act we find that he shall be entitled to a refund of a sum equal to the difference between Indian rate of tax and the rate at which he was entitled to obtain relief under that section. I would request the Hon'ble Minister to make note of this. Therefore, it seems that clause 49 does not contemplate any delegation of authority to the Central Government to issue by notification the extent of the relief which the tax-payer has to get from the hands of the Central Income-tax authorities.

Now let us consider clause 49A of the Bill. Clause 49A of the Indian Income-tax Act was subsequently introduced by reason of an amendment which was passed in 1939 and which was inserted by section 58 of the Indian Income-tax (Amendment) Act (Act VII of 1939). Now, clause 49A of the Indian Income-tax is in the following words:—

> "49A. (*1*) The Central Government may, by notification in the official Gazette, make provision for the granting of relief in respect of income on which has been paid both income-tax (including super-tax) under this Act and Dominion income-tax."

Now, here you will find mention is made with reference to "Dominion income-tax" which are as follows:—

> "(*2*) For the purposes of this section 'Dominion income-tax' means any income-tax or super-tax charged under any law in force in any Indian State or in any part of His Majesty's Dominions (other than the United Kingdom) where the laws of that State or part provide for relief in respect of tax charged on income both in that State or part and in British India which appears to the Central Board of Revenue to correspond to the relief which may be granted by this section."

Now, Sir, the Hon'ble the Finance Minister may state that there is some amount of delegated authority. The delegated authority comes in only because it is not sure whether any Dominion has yet fixed any tax upon the Bengal Agricultural Income-tax Act. On the contrary, you will find that section 49A expressly includes the words "United Kingdom", because the United Kingdom is provided in section 49 of the Act, and there we find definite rules laid down for the purpose of granting relief. Now, Sir, if we look to the Bill itself as published in the *Calcutta Gazette*, we find that there was a similar provision in clause 48 of the Bill and so far as the Bill

that we are now considering is concerned, I do not find clause 48 which was there in the Bill as published in the *Calcutta Gazette* and it is not to be found in the Bill as passed by the Lower House. Now, the salutary provision which is there is the clause 49 which we are now referring to and which includes all reliefs to be granted with reference to taxes in the Dominions, in the provinces and in the United Kingdom. I submit, Sir, that this is a clause which ought to have been seriously considered before it was drafted in a way it has been done, and it would have been better if the clause had been split up and drafted in the manner in which we find it in the Indian Income-tax Act so that we might have some definiteness as to the extent of the relief which the assessee would be entitled to claim under clause 49 of the Bill. As the Bill stands at present we have no other alternative but to move for the deletion of the clause so that in the first place the illegal provision may not remain in the Bill; in the second place the provision which is *ultra vires* may not be there; and thirdly, the Provincial Government is not given this weapon which may be used by them for compelling the European members to support them.

I do not think that the House should be asked to give a weapon of this kind to the Government, whatever may the composition of the Government be. In the first instance, as has been already pointed out that this is a clause which does not seem to be in accordance with the provisions of the Government of India Act and the powers of the provincial legislature. Now I may refer to one or two sections of the Government of India Act for the purpose of considering the question as to whether this matter could be delegated to the provincial executive in the manner in which it has been intended to be done. Now, Sir, so far as the provinces are concerned, it will be found that Part III of the Government of India Act deals with Governor's Provinces, Chapter I deals with the Provinces and Chapter II with the provincial executive and the powers of the provincial executive are defined in Chapter II of the Act. We find different provisions mentioned in that chapter. Then comes Chapter III which deals with the Provincial Legislature and the powers of the Provincial Legislature for the purpose of passing Bills and the Bills go through the proper authorities for assent till they become law. We do not find any provision any where in Chapter III whereby the provincial executive can be given delegated power. I would refer to a particular part of the section, where for instance there is the question of the finance of the Government of Bengal, namely, Bengal's exchequer. And so far as finance is concerned, we are asked to give to the Provincial Government power for the purpose of abrogating a part of the province's income which is enacted in other portions of the Act. By reason of this abrogation in favour of certain classes of assessees the provincial exchequer will lose a part of the income. I submit that this is a very serious matter and Government should consider seriously whether this clause should be allowed to be retained in the form in which it now stands or should be changed to the form in which it appears in section 49 of the Indian Income-tax Act, so that it may have some definiteness as in that Act.

With these words, I support the amendment which seeks to delete clause 49.

Mr. PRESIDENT: Hon'ble Minister.

Mr. W. B. C. LAIDLAW: May I have a few words? I shall be very brief.

Mr. PRESIDENT: Yes, Mr. Laidlaw.

Mr. W. B. C. LAIDLAW: Mr. President, in my view the importance of this clause compared with the rest of the Bill has been greatly exaggerated. On the one hand, the importance of the Bill cannot possibly be too highly emphasised and more particularly the effect of the new tax which the Bill seeks to introduce in respect of agricultural incomes in

Bengal. I am not going to attempt to go through all the details in the working of this section: I merely want to draw the attention of this House to one point. When we are considering a Bill introducing a new and quite revolutionary tax so far as Bengal is concerned, we have got to take every possible precaution to mitigate the effects of the new tax on the economic structure which has been built up. I must say that the effect of double taxation relief has been exaggerated. I say that the mere existence of double taxation is an argument for providing a section to mitigate the effects of it not merely from the point of view of the tax-payer but from the Government's point of view. I do not know whether it is fully realised that when double taxation occurs by reason of the fact that capital is being brought into a country from another country, the burden of taxation falls on the borrower country. The House will admit that the burden naturally falls on the shoulders of the borrower country. Is it necessary to explain that? It seems fairly evident. Because all money has a price. When you want finance, you have to pay for it. If by introducing a tax on the return of that money which is the price for borrowing it you reduce the net figure, then normally the lender raises the price next time. Therefore, from that point of view it is said that the burden of this type of double taxation falls not on the lender country, not on the United Kingdom but on Bengal and therefore it is necessary to have some machinery, some means of mitigating the effect of that. It is not essential as far as we can see that this machinery should be brought into force immediately. But it is advisable, it is a matter of common foresight to provide for some means of mitigating the effect of double taxation. For example, the case of a tea company has been very much quoted. If you look at the section, you will find that there is no immediate effect of it as far as Bengal is concerned. If a tea company pays 2¾ annas in Bengal and 8 annas in the United Kingdom the whole of the relief will be within the United Kingdom Exchequer. In the future, I think Government may find it necessary to raise the rate of tax in Bengal and the Hon'ble the Finance Minister will have to consider what is going to be the effect on this capital which is being supplied to Bengal. It is then that he will have to act or may have to act under his section.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Mr. President, Sir, if it is the decree of the Providence that after a few years I should be called upon to write an '*apologia*', I will have to make many apologies to God and to men existing under the sun and to the posterity for many acts of omission and commission on my part. But I am certain that I shall not make any apology on my own behalf for the enactment of clause 49 of the Bengal Agricultural Income-tax Act. If I have to make any apology in that connection, I will have to make an apology on behalf of the erring and perverse humanity who seek to mislead the public by misinterpreting a very innocent clause. Let me refer to the speech of my honourable friend Mr. Mahalanobish. I am thankful to him that very likely due to the very lucid exposition on the subject by me on a previous occasion he was able to make a very clear analysis of clause 49. I am still more thankful to Mr. Mahalanobish for having proved that having made a clear analysis of clause 49 it was very difficult for him to put up a case for the Opposition. Let me say this, and I should be very brief, that Government cannot act under the provision of this clause except under certain conditions, namely, (1) when there is double taxation between Bengal and another country, (2) when the other country provides for some relief for double taxation and if relief is necessary the other country not having provided for the whole of the relief, and (3) provision of the relief in the two countries should be reciprocally and mutually agreed upon.

Sir, I agreed to the incorporation of this clause because I feel that it was appropriate that such a clause should find place in an Income-tax Bill. I cannot foresee that. I wonder if my honourable friends of the European Party can foresee a time when the rate of taxation in the United Kingdom

will be less than double the rate of tax provided in this Bill or that our rate of tax will come up to more than half the United Kingdom rate, or to that extent the relief that a United Kingdom tax-payer gets is from the United Kingdom Treasury and not from Bengal.

Then, Sir, it is a purely permissive clause. A situation may arise when Bengal Government may feel called upon to arrange for relief for double taxation on the basis of some kind of reciprocity. That situation may arise, when I do not know, in some distant future and I do not see why our Bill should not follow the Indian Income-tax Act in this respect. In the case of the Indian Income-tax Act, that contingency may arise much sooner than in the case of the Bengal Agricultural Income-tax Act. But even so, I think it is right—and I say this at the risk of repetition, it is right that such a clause providing for reciprocal relief should find a place in this Bill. I was somewhat confused by Mr. Kamini Kumar Dutta's argument and I wonder whether his mind was not also slightly confused. He referred to clause 49 as an instance of delegated legislation. Sir, this is not an instance of delegated legislation. It is a power of delegation; power is delegated to certain authorities. If that is invalid, then the Defence of India Act is invalid and many other Acts also are invalid. The question whether an order or a rule under a particular law is valid or invalid is another matter but the power to delegate the authority of the Legislature belongs to the Legislature——

Mr. HARIDAS MAZUMDAR: On a point of information, Sir, as to whether it is not rather a pistol pointed at the heads of the voters——

Mr. PRESIDENT: What is your point of information?

Mr. HARIDAS MAZUMDAR: Regarding this delegated authority, namely, that the Executive will do this and that provided the House or the Legislature gives them the power to do this and that. That is a pistol levelled against the heads of the voters, namely, that unless the voters vote this way, the Executive will not take certain action, etc. That is my point of enquiry.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I fail to understand what Mr. Majumdar means; perhaps he does not understand it himself. Mr. Kamini Kumar Dutta referred to the Assam Act. May I tell him that under section 39 of the Assam Act a similar provision has been introduced in January, 1944, through a rule. Now, Sir, reference was made to the text of the Bill as it appeared in the official Gazette in August last year. Since a reference has been made to it, I may be permitted to make a short reply. It has been said and said rightly that the clause we are discussing, clause 49, is substantially the same as clause 47 as it appeared in the original Bill. It was also mentioned that clauses 47 and 48 were omitted by the Select Committee in another place. That is true, Sir; it is to clause 48 in the original Bill itself that real objection attached and I do think that we have done rightly in having deleted clause 48 as I explained at great length on a previous occasion. So far as clause 49 of the Bill now before us is concerned, it is substantially the same as clause 47 of the original Bill. I cannot think that it is right and proper that it should find a place in the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I most respectfully ask one or two questions?

Mr. PRESIDENT: I think you have taken enough time of the House in this matter.

The question before the House is: that clause 49 of the Bill be deleted.

(The amendment was negatived.)

Mr. PRESIDENT: Before I adjourn the House, I want to mention one thing. The other day I wanted to put amendment No. 145 to vote and the Opposition wanted time. Is it the desire of the Opposition to put the amendment *de novo* today? I got the impression that the Opposition felt aggrieved that they could not get the opportunity to divide the House on that amendment. I am willing to give the Opposition a chance of mustering their full strength at the time of voting.

Mr. HARIDAS MAZUMDAR: We want to have discussion amongst ourselves over this matter and I shall let you know our decision tomorrow.

Mr. PRESIDENT: There should be no discussion. Then tomorrow I shall put the question to vote.

Mr. MESHBAHUDDIN AHMED: We shall also require some time to prepare for the voting. The voting may be done today.

Mr. PRESIDENT: No, I must give the Opposition time to muster their strength. The House stands adjourned till 2 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2 p.m. on Tuesday, the 10th October, 1944.

Members absent.

The following members were absent from the meeting held on the 9th October, 1944:—

(1) Mr. Moazzemali Chowdhury.
(2) Mr. H. R. Chowdhury.
(3) Mr. Mohammad H. Chowdhury.
(4) Mr. B. C. Datta.
(5) Mr. Mohamed Hossain.
(6) Mr. N. N. Mookerji.
(7) Mr. R. S. Purssell.
(8) Dr. K. S. Ray.
(9) Mr. S. N. Sanyal.
(10) Khan Sahib Maulvi Wahiduzzaman.

BGP-44/5-9469A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 84.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 10th October, 1944, at 2 p.m., being the eighty-fourth day of the First Session of 1944, pursuant to section 62(*2*)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

Point of information.

Mr. HARIDAS MAJUMDAR: Sir, before the business of the day is taken up, I have some information to ask for. I rose on that point yesterday and you directed me to do so this morning.

Mr. PRESIDENT: All right.

Mr. HARIDAS MAJUMDAR: I do not see either the Hon'ble the Chief Minister or the Hon'ble the Leader of the House. So it comes to this: that when they are not present in the House I cannot mention it and generally they make themselves scarce in the beginning of the sitting.

Mr. PRESIDENT: You may then mention the matter at the end of the day's sitting—before we rise. I presume the Hon'ble Ministers will be here by that time: please remind me then.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I desire to rise on a point of information.

Mr. PRESIDENT: About what?

Mr. BANKIM CHANDRA MUKHERJEE: It is about a short-notice question, relating to a very urgent matter but has not yet been answered——

Mr. PRESIDENT: About what subject?

Mr. BANKIM CHANDRA MUKHERJEE: About the supply of wheat. I understand that wheat is supplied by the Civil Supplies Department to Calcutta and the suburbs at Rs. 14 per maund. This wheat is being supplied to this Government by the Central Government——

Mr. PRESIDENT: Just a minute, Mr. Mukherjee: It will be better if you would kindly contact the Council Secretary about this thing—as to whether this short-notice question has been admitted or sent to the department concerned. Will you kindly find this out from the Secretary?

Mr. BANKIM CHANDRA MUKHERJEE: May I do so now?

Mr. PRESIDENT: You can do so at your convenience.

Privilege of the House.

Mr. NAGENDRANATH MAHALANOBISH: Sir, may I rise on a point of privilege of this House?

Mr. PRESIDENT: Yes, what is it?

Mr. NAGENDRANATH MAHALANOBISH: You will remember, Sir, that just before the House dispersed in August last, I raised a question of the privilege of this House. That was against a particular newspaper which

published a libellous statement against the President and the honourable members of the House and particularly against members of the Opposition. At your request I handed over the paper to you with the portion marked. We have not yet been able to know what has happened to it.

Mr. PRESIDENT: I have examined the matter and I think it should be referred to the Privilege Committee. I take it that the House agrees that the matter be referred to the Privilege Committee.

(There was general agreement.)

Adjournment Motion.

Mr. PRESIDENT: The adjournment motion No. 5 on the list is similar to what we discussed yesterday. So I do not think it can be admitted.

Regarding your motion, Rai Bahadur, you referred to the distribution of cloth during "*Id*" and *Durga Puja* festivals. But as those festivals are now over, the urgency of your motion does no longer exist but the general question may be considered in connection with another adjournment motion which is rather down below in the list, namely, that of Mr. Bankim Chandra Mukherjee. So instead of taking up your adjournment motion, I will take up that of Mr. Mukherjee.

Rai Bahadur KESHAB CHANDRA BANERJEE: The point is this. When I gave notice of this motion, the House was not sitting and it was not possible to move this motion before the House met on the 5th October.

Mr. PRESIDENT: I have considered the urgency and importance of the matter and I don't think that they really exist now. The general question regarding difficulties of cloth supplies may be considered in connection with a motion exactly on the same line which is down on the agenda.

Rai Bahadur KESHAB CHANDRA BANERJEE: My point is that Mr. Suhrawardy held out high hopes to members——

Mr. PRESIDENT: You can raise that point in connection with Mr. Mukherjee's motion, Rai Bahadur.

Next comes Mr. Lalit Chandra Das's motion. Mr. Das, do you propose to move your motion?

Mr. LALIT CHANDRA DAS: Yes, Sir.

Mr. PRESIDENT: I give consent to it. Is there any objection to it?

Mr. MESBAHUDDIN AHMED: Yes, Sir, we do object.

Mr. PRESIDENT: Those members who are in support of the motion will please rise in their places.

(The motion was admitted as the requisite number of members had stood up in support of the motion.)

Mr. Das, you have the leave of the House to move the motion. It will be taken up to-morrow at the usual hour.

The Bengal Agricultural Income-tax Bill.

Mr. PRESIDENT: The House will now resume further consideration of the Agricultural Income-tax Bill. May I know from the Opposition whether they want amendment No. 145 to be put to vote?

Mr. HARIDAS MAJUMDAR: No, Sir.

Mr. PRESIDENT: I shall now put clause 6 to vote.

The question before the House is: That clause 6 stand part of the Bill.

(The motion was agreed to.)

Mr. PRESIDENT: Mr. Lalit Chandra Das, do you want to speak on amendment No. 336. You actually moved the amendment previously?

Mr. LALIT CHANDRA DAS: I could not move it because at that time it was decided that this amendment would be taken up after amendment No. 344(A) is finished. However, Sir, I do not move it at all. I shall move amendment No. 345.

Mr. PRESIDENT: You were not present in the House at the time when I called your name yesterday.

Mr. LALIT CHANDRA DAS: Sir, it was decided that this amendment would come afterwards.

Mr. PRESIDENT: All right, I give you a chance to move it.

Mr. LALIT CHANDRA DAS: Sir, I beg to move: That in sub-clause (*1*) of clause 49 of the Bill, after the words "by notification in the Official Gazette" in lines 1 and 2, the words "after previous approval of the Legislature" be inserted.

Sir, it is a positively distasteful provision that has been incorporated through section 49. Government should have taken the approval of the Legislature before publication of this provision. With these words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*1*) of clause 49 of the Bill, after the words "by notification in the Official Gazette" in lines 1 and 2, the words "after previous approval of the Legislature" be inserted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment. The relief proposed to be granted is necessarily upon the result of mutual agreement between the Bengal Government and another Government and I think it will take place under conditions in which reciprocity is possible. Therefore, Bengal Government agree to negotiate with the other Government and it would be very difficult to consult the Legislature in advance. I think Government ought to be free at the stage of negotiation.

Mr. PRESIDENT: The question before the House is: That in sub-clause (*1*) of clause 49 of the Bill, after the words "by notification in the Official Gazette" in line 1 and 2, the words "after previous approval of the Legislature" be inserted.

The motion being put, a division was challenged and taken with the following result:—

AYES—16.

Khan Bahadur N. Ahmad.	Rai Bahadur B. M. Maitra.
Rai Bahadur K. C. Banerji.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. K. A. Chowdhury.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Mr. R. Pal Chaudhuri.
Mr. N. C. Datta.	Rai Sahib J. N. Ray.
Mr. K. K. Datta.	Mr. A. D. Roy.
Mr. M. R. Jaipuria.	Mr. Biren Roy.

NOES—20.

Khan Sahib F. Ahmad.	Mrs. K. D'Rozario.
Mr. M. Ahmed.	Mr. J. S. Graham.
Mr. N. Ahmed.	Khan Bahadur A. Gofran.
Khan Sahib N. Amin.	Hon'ble Khan Bahadur S. M. Hosain.
Mr. D. L. Barua.	Mr. L. Hossain.
Khan Bahadur A. H. Chowdhury.	Maulana Mohd. Akram Khan.
Mr. C. E. Clarke.	Mr. W. B. G. Laidlaw.

Mr. A. Latiff.	Mr. K. C. Roy Chowdhury.
Khan Bahadur M. A. Momin.	Rai Bahadur R. B. Roy.
Khan Bahadur M. Rahman.	Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—16, and the "Noes"—20, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*2*) of clause 49 of the Bill, the following words, letter and brackets be omitted, namely:—

"(*a*) any law of a Province other than Bengal in force in that Province, or";

I had already in a general manner discussed this matter yesterday. So I need only sum up those arguments today. I shall read clause 49 omitting the portions which are not relevant to the amendment. The clause would then read like this: The Provincial Government may by notification in the official Gazette make provision for the granting of relief in respect of agricultural income on which both agricultural income-tax under this Act and other income-tax have been paid;

(*2*) For the purposes of this section "other income-tax" means any income-tax, super-tax or sur-tax charged under—

(*b*) any law in force in any Indian State, or in any part of His Majesty's Dominions, or in the United Kingdom,

where the laws of such Province, etc., provide for relief in respect of tax charged on income both in such Province, State or part of His Majesty's Dominions, which appears to the Provincial Government to correspond to the relief which may be granted under this section. [and if any law in another province provides that such provision has also made a corresponding provision for relief.]

The provision affecting the province is just like this: if there is a tax imposed by this province for agricultural income arising from the land within its boundaries and if again another province imposes an agricultural tax or other tax upon the same, then there is double taxation and Government is authorised to relieve the double taxation provided there is a corresponding arrangement for relief with the other Government. I do not wish to waste the time of the House by repeating what I already said yesterday. I would simply conclude by saying that there could be no double taxation between two provinces with regard to agricultural income. Each is confined within exclusive watertight compartments. They are exclusive and mutually exclusive taxing units. So there could be no double taxation between the provinces. Any income which accrues in and is taxable by Bengal cannot be taxed by another province. *Vice versa*, no other province can tax any income accruing in Bengal. The offending words constitute an anomaly and try to remove an imaginary difficulty. The words must be omitted. With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*2*) of clause 49 of the Bill, the following words, letter and brackets be omitted, namely:—

"(*a*) any law of a Province other than Bengal in force in that Province, or"

Mr. PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 49 of the Bill, the following words, letter and brackets be omitted, namely:—

"(*a*) any law of a Province other than Bengal in force in that Province, or";

(The amendment was negatived.)

Mr. KAMINI KUMAR DUTTA: Sir, I beg to move that in clause 49 of the Bill, in paragraph (*b*) of sub-clause (*2*), the words and comma "or in any part of His Majesty's Dominions, or in the United Kingdom", in lines 10-12 be deleted.

Already in connection with the amendment regarding the deletion of the whole clause, there has been a full discussion. Now this present amendment is meant to secure the deletion of a portion of that clause. Clause 49 provides for relief in the shape of refund in a case where it is required by any law of a province other than Bengal or by any law enforced in Indian States or in any part of His Majesty's Dominions or in the United Kingdom.

Now, this amendment only contemplates that so far as any portion of the country included within India is concerned, the clause may remain; but if any sort of reciprocal relief is claimed in respect of payment made or required to be made in any portion of the United Kingdom or His Majesty's Dominion which is outside India, that ought not to find a place in it. With that end in view, this amendment has been moved the object being that there should be some reason for giving reciprocal relief in respect of a clause in force within India. There is no reason why we shall go beyond it and think of giving relief in respect of a tax to be paid under any law in the United Kingdom and the Dominions. Now, while discussing clause 49 the Hon'ble the Finance Minister said that the Assam Agricultural Act also makes such a provision for refund and reference was made to section 39 of the Assam Act. Now, section 39 of that Act never contemplates the position which we have in view. I was astonished to find that one in the position of the Hon'ble Minister in charge of the Finance Department should make an attempt to interpret section 39 of the Assam Act in that way. That section only says that refund shall be admissible. The circumstances and the manner in which refund shall be allowed shall be prescribed under rule 50. Apparently, it means that so far as the Assam Act is concerned, it does not provide for any refund on the ground of reciprocal relief; it only contemplates refund in case where payment might have been made where assessment has been made, and there has been some mistake and that that mistake could be rectified. In that case, it was a consequential relief. Therefore, the matter has not been placed in its true and proper perspective by the Hon'ble Minister. So, in moving the amendment, I say that while accepting the principle of reciprocal relief so far as India is concerned, my amendment only aims that it should not be extended beyond the shores of India.

Mr. PRESIDENT: Amendment moved: That in clause 49 of the Bill, in paragraph (*b*) of sub-clause (*2*), the words and comma "or in any part of His Majesty's Dominions, or in the United Kingdom" in lines 10-12 be deleted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I have already explained my position, I hope very clearly, regarding clause 49 on more than one occasion. One of the justifications for incorporating clause 49 in this Bill is that we looked forward to a much more effective international status that our country in the near future will attain; and effective international status implies obligations as well as rights and privileges. I do not wish to dilate on that point any more. It was said by Mr. Kamini Kumar Dutta that I tried to mislead the House yesterday with regard to the Assam Agricultural Income-tax Bill. Sir, it has never been my habit to mislead people. What I said was this and I said it very clearly that in January, 1944, a provision similar to the provision we are discussing has been incorporated under the rule-making power given by section 39 of the Assam Act. This is a fact of which Mr. Kamini Kumar Dutta may be unaware, nevertheless it is true that in the Assam law a similar provision does exist to-day. That is all I have got to say in opposing the amendment.

Mr. PRESIDENT: Order, order. The question before the House is: that in clause 49 of the Bill, in paragraph (*b*) of sub-clause (*2*), the words and comma "or in any part of His Majesty's Dominions, or in the United Kingdom" in lines 10-12 be deleted.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJI: Now, Sir, my amendment No. 334 will come.

Mr. PRESIDENT: Yes.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that to sub-clause (*2*) of clause 49 of the Bill, the following proviso be added, namely:—

"Provided that where relief is obtainable under any law in force in the Indian States or any part of His Majesty's Dominions or in the United Kingdom with respect to any portion of the tax payable under this Act, no relief shall be granted by the Provincial Government under this section."

Sir, I have tried to make it definite, so that some vagueness may be removed from the section. I would, therefore, submit that the House will accept it, because if relief has been obtained with regard to the operation of the tax elsewhere, the powers of the Provincial Government should be tied down and they should not give any relief, if any relief has already been obtained elsewhere. With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved that to sub-clause (*2*) of clause 49 of the Bill, the following proviso be added, namely:—

"Provided that where relief is obtainable under any law in force in the Indian States or any part of His Majesty's Dominions or in the United Kingdom with respect to any portion of the tax payable under this Act, no relief shall be granted by the Provincial Government under this section."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I submit that this proviso is inconsistent with the main clause. By the main clause, clause 49, power is sought to be given to the Provincial Government to grant reciprocal relief in respect of double taxation within the British Empire, only when the laws of other countries in the Empire provide similar relief. This proviso, however, seeks to enact that when the other country grants relief Bengal should not. Such a provision is obviously bad as a basis of reciprocity, for reciprocity means that when other countries give some relief we should also reciprocate and grant similar relief. The mover probably means that when the relief is obtainable from other countries, Bengal should not grant additional relief. But in that case the amendment becomes unnecessary because when the whole of the relief is obtainable from one country, the need for further relief does not exist and will not arise.

Mr. PRESIDENT: The question before the House is: that to sub-clause (*2*) of clause 49 of the Bill, the following proviso be added, namely:—

"Provided that where relief is obtainable under any law in force in the Indian States or any part of His Majesty's Dominions or in the United Kingdom with respect to any portion of the tax payable under this Act, no relief shall be granted by the Provincial Government under this section".

The question being put, a division was challenged and taken with the following result:—

AYES—19

Khan Bahadur N. Ahmad.	**Mr. L. S. Das.**
Rai Bahadur K. C. Banerjee.	**Mr. N. C. Datta.**
Mr. S. C. Chakraverti.	**Mr. K. K. Datta.**

Mr. M. R. Jaipuria.
Alhadj Khan Bahadur Sk. Mohd. Jan.
Mr. H. Kabir.
Rai Bahadur B. M. Maitra.
Mr. H. D. Mojumdar.
Mr. N. N. Moholanabish.
Mr. B. C. Mukherji.
Mr. R. Pal Chaudhury.
Rai Sahib J. N. Roy.
Mr. A. D. Roy.
Mr. Biren Roy.
Mr. S. K. Roy Choudhury.
Khan Sahib Maulvi Wahiduzzaman.

NOES—23

Khan Sahib F. Ahmad.
Mr. M. Ahmed.
Mr. N. Ahmed.
Khan Sahib N. Amin.
Khan Sahib A. Aziz.
Mr. K. Baksh.
Mr. D. L. Barua.
Khan Bahadur A. H. Chowdhury.
Mr. C. E. Clarke.
Mr. D. J. Cohen.
Mrs. K. D'Rozario.
Mrs. L. P. Dutt.
Mr. J. S. Graham.
Khan Bahadur A. Gofran.
Hon'ble Khan Bahadur S. M. Hosain.
Mr. L. Hossain.
Maulana Mohd. Akram Khan.
Mr. W. S. G. Laidlaw.
Mr. A. Latiff.
Khan Bahadur M. A. Momin.
Khan Bahadur M. Rahman.
Mr. K. C. Roy Chowdhury.
Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—19, and the "Noes"—23, the amendment is negatived.

Clause 49.

Mr. PRESIDENT: The question before the House is: that clause 49 stand part of the Bill.

(The motion was agreed to.)

Clause 50.

Mr. PRESIDENT: The question before the House is that clause 50 stand part of the Bill.

(The motion was agreed to.)

Clause 51.

Mr. PRESIDENT: The question before the House is: That clause 51 stand part of the Bill.

(The motion was agreed to.)

Clause 52.

Mr. PRESIDENT: Clause 52 stand part of the Bill.

Mr. LALIT CHANDRA DAS: Sir, I beg to move: that in clause 52 of the Bill, *for* the word "four" in line 4, the word "three" be substituted.

Sir, this clause deals with limitation of claims for refunds. It says "No. claim to any refund of agricultural income-tax under this chapter shall be allowed unless it is made within four years from the last day of the financial year.....etc." I suggest three years. With these few words, I move my amendment.

Mr. PRESIDENT: Amendment moved: That in clause 52 of the Bill, *for* the word "four" in line 4, the word "three" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is. That in clause 52 of the Bill, *for* the word "four" in line 4 the word "three" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: That clause 52 stand part of the Bill.

(The motion was agreed to.)

Clause 53.

Mr. PRESIDENT: Clause 53 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in sub-clause (*1*) of clause 53 of the Bill, in paragraph (*a*), the word "or" be inserted at the end.

Sir, there are several sub-clauses: (*a*), (*b*) and (*c*); and so the alternative form should be separated by the word "or" simply to show that it is not cumulative but alternative.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 53 of the Bill, in paragraph (*a*), the word "or" be inserted at the end.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I think this is a drafting amendment and I think our draft is clear enough. I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 53 of the Bill, in paragraph (*a*), the word "or" be inserted at the end.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: that in sub-clause (*1*) of clause 53 of the Bill, in paragraph (*b*), *for* the words "whichever is the later" in line 6, the words "whichever is later" be substituted.

The expression which I want to introduce is usually used in other Acts.

Mr. PRESIDENT: Amendment moved: That in sub-clause (*1*) of clause 53 of the Bill, in paragraph (*b*), *for* the words "whichever is the later" in line 6, the words "whichever is later" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: That in sub-clause (*1*) of clause 53 of the Bill, in paragraph (*b*), for the words "whichever is the later" in line 6, the words "whichever is later" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in sub-clause (*1*) of clause 53 of the Bill, in paragraph (*b*), the word "or" be inserted at the end.

Sir, one amendment of similar nature has been rejected and if this amendment is accepted, the alternative character of the clause will be apparent. I submit that if the clause remains as it is, there will be doubts and difficulties and doubts and difficulties should never be left in a clause, for we may have to go to the High Court for a settlement. It is far better to introduce words which leave no room for doubts or difficulties. Though this is a drafting amendment, yet drafting improvement is often very important. With these few words, I move my amendment for the acceptance of the House.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 53 of the Bill, in paragraph (*b*), the word "or" be inserted at the end.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I submit that the alternative character of the clause is quite clear. I may refer to our Bible, the Indian Income-tax Act, and I find that the word "or" is not in section 51 of the Indian Income-tax Act. Similarly, in clause 53 you do not find the use of the word "or" for the simple reason that it is unnecessary.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*l*) of clause 53 of the Bill, in paragraph (*b*), the word "or" be inserted at the end.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*l*) of clause 53 of the Bill, for the words "punishable with a fine" occurring in the last line, the words "punishable with fine" be substituted.

Sir, the letter "a" seems to be redundant and is not to be found in any section even of the Indian Penal Code relating to crime. I have followed a much bigger Act than the Indian Income-tax Act, namely, the Indian Penal Code which was drafted by Lord Macaulay and which was revised by Sir Barnes Peacock. That Act is a model of legislative enactment. I choose to follow that. With this authority behind the amendment, I beg to move my amendment.

Mr. PRESIDENT: Amendment moved that in sub-clause (*l*) of clause 53 of the Bill, *for* the words "punishable with a fine" occurring in the last line, the words "punishable with fine" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (*l*) of clause 53 of the Bill, *for* the words "punishable with a fine" occurring in the last line, the words "punishable with fine" be substituted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is that clause 53 stand part of the Bill.

(The motion was agreed to.)

Clause 54.

Mr. PRESIDENT: Clause 54 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 54 of the Bill, *for* the words "a statement" in line 1, the words "any statement" be substituted.

Sir, I must confess that this is a drafting amendment but I submit that this would be an improvement. The clause begins like this: "if a person makes a statement in a verification". The word "any" is more emphatic and it is used in other Acts which have already received the approval of generations in India, namely, "if a person makes any statement in a verification....." This is more emphatic and more precise and less vague than the letter "a".

Mr. PRESIDENT: Amendment moved: that in clause 54 of the Bill, for the words "a statement" in line 1, the words "any statement" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I think our drafting is good. In section 52 of the Indian Income-tax Act the expression is in these words, namely, "if a person makes a statement in a verification, etc., etc....". So I think that the two geniuses have agreed and therefore I may stick to our draft.

Mr. PRESIDENT: Order, order. The question before the House is that in clause 54 of the Bill, *for* the words "a statement" in line 1 the words "any statement" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 54 of the Bill, the comma after the word "punishable" in line 5 be deleted.

Sir, the reason for the deletion of the comma is that there is a parenthetical expression "on conviction before a Magistrate". The usual rule of grammer is that this should either be marked off by commas on both sides or there should be no comma at all. If you put a comma on one side, there should be another comma on the other. This is the usual rule. I have attempted to delete the comma and also put no comma after the end of the parenthetical expression. If you retain it, it makes a good case for the insertion of a comma at the other end. If you delete the comma after the word "punishable", then the other amendments need not be moved.

So I am putting it only in the alternative form.

Mr. PRESIDENT: Amendment moved: That in clause 54 of the Bill, the comma after the word "punishable" in line 5 be deleted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, recent experience has shown that commas are very expensive. I do not know how much it has cost the various relief funds in Bengal at the back of the Opposition; but I know that it has cost the public exchequer of Bengal a few thousands of rupees. So I oppose the motion.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 54 of the Bill, after the word "Magistrate" in line 6, a comma be inserted.

Sir, I have already given my reasons while moving the last amendment; but I cannot refrain from making a remark or two by way of reply to the Hon'ble Minister in charge of the Bill. He said that commas have become very expensive. I quite admit that; but I deny any responsibility on the part of the mover of the amendment concerned for this expenditure. Who was responsible for all that trouble? Was it the mover or the supporters of Government who were not alert on that occasion? I assert that it was due simply to want of alertness on the part of the supporters of Government that this expenditure had to be incurred. In fact, if any money was lost, it was due entirely to the absence of any attention on the part of the supporters of Government to what was happening in the House. The insertion of the comma was moved by me not with any ulterior motive but in a perfectly innocent spirit and it led to a costly mistake. It was the duty of the Government and those who support them to be alert. They did not do what was expected of them and thus the mischief was due to their default. This comma may have cost a certain amount of money but it must be considered to have been well-spent if it has brought the necessary corrective to the members of the Government benches.

Mr. PRESIDENT: Amendment moved: That in clause 54 of the Bill after the word "Magistrate" in line 6, a comma be inserted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I rise to support the amendment moved by Khan Bahadur Naziruddin Ahmad and in doing so I want to say something in reply to what the Hon'ble Finance Minister has stated a few minutes ago in connection with another amendment relating to the insertion of a comma in this Bill. It is well-known and has already been said by my honourable friend Khan Bahadur Naziruddin Ahmad that it was due clearly to want of alertness on the part of the members of that side of the House. I am not, however, going to dilate on that aspect of the matter. The question is: what purpose amendment No. 145 has served so far as this House is concerned? The Hon'ble Finance Minister states that it has cost a few thousands of rupees to the Bengal Exchequer. I do not know whether he will give us the exact amount already spent but what I submit is: that the matter has done a good service so far the privileges

of this House are concerned. It has removed a doubt which was prevailing in the minds not only of the members of this House but also in very high quarters that section 87 of the Government of India Act gives absolute immunity to the proceedings of this House. That misconception has now been removed and the Hon'ble High Court has held that section 87 of the Government of India Act does not give an absolute immunity to the House.

The remark of the Hon'ble the Finance Minister does not seem to be quite relevant and I think the hon'ble members of the House should know what purpose that amendment has served. We do not admit that it was a mere ornamental comma. One of the Judges said that it was really necessary and that it would lead to an improvement. So far as the present amendment is concerned, it has been made quite clear by my honourable friend that if you do insert the other comma, you ought to insert this comma in order that it might give some meaning to the section itself. If no comma had been put in the first place, this comma need not have been inserted. Therefore, I submit, Sir, that if you have already negatived the other amendments, you ought to accept this amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: That in clause 54 of the Bill, after the word "Magistrate" in line 6, a comma be inserted.

(The amendment was negatived.)

Mr. PRESIDENT: The question before the House is: that clause 54 stand part of the Bill.

(The amendment was negatived.)

Clause 55.

Mr. PRESIDENT: Clause 55 stand part of the Bill.

Mr. NAZIRUDDIN AHMAD: Sir, I beg to move that in clause 55 of the Bill, *for* sub-clause (*1*), the following sub-clause be substituted, namely:—

"(*1*) No court shall take cognizance of an offence under section 53 or section 54 except on the previous sanction of the Commissioner".

Sir, the sub-clause which is to be found in the Bill runs thus:—

"A person shall not be proceeded against for an offence under section 53 or section 54 except at the instance of the Commissioner."

Instead of the word "at the instance of the Commissioner", I have put in "with the previous sanction of the Commissioner". The sub-clause is rather misleading. It is not in the proper form. The proper form is found in section 195 of the Code of Criminal Procedure. If you say, 'a person shall not be prosecuted' it is really a request to the prosecutor not to prosecute without previous approval of the Commissioner. It does not strike at the jurisdiction of the Court by preventing a prosecution. In fact, if a man prosecutes an accused in disregard of the provisions of sub-clause (*1*), the prosecution would not necessarily be illegal. Every violation of law does not make the proceedings illegal. I may cite a well-known case which had gone up to the Privy Council. In fact, there is a provision that the Indian Police cannot chase an accused into an Indian State and arrest him there. Now, an accused was chased and arrested in an Indian State and convicted in a British Indian court. Eventually this case went up to the Privy Council. The question arose as to whether the police officer's act was in violation of the legislative provisions and whether it was not outside the mandatory provisions of the Criminal Procedure Code. It was held by Their Lordships—and there are a large number of similar rulings of the Privy Council on this point—that though the arrest was

illegal and *ultra vires*, the man had been legally tried and punished. If the arrest was illegal, then it was a case between the police officer and the State in which the violation of the law was made. Sir, this is a nice and subtle question and it might not be appreciated by some members of this House; but it may be of some importance in a court of law and to them it would give rise to a considerable amount of doubt. The amendment follows the line of section 195 of the Criminal Procedure Code. In connection with the Bengal Money-lenders' Act, I moved an amendment which was accepted and that is now part of the Act. That draft can be found in the Legislative Department. In spite of that correction which the House on that occasion made, the Legislative Department which must have been entrusted with the drafting of the clauses of this Bill, did not adopt that but has copied other Bill, as from a copy book which was probably, on the draftman's table. The Legislative Department has evolved a vicious circle beyond which it cannot go. The standard drafting should be adopted.

With these few words, I move my amendment.

Mr. PRESIDENT: Order, order. Amendment moved that in clause 55 of the Bill, *for* sub-clause (*1*), the following sub-clause be substituted, namely:—

"(*1*) No court shall take cognizance of an offence under section 53 or section 54 except on the previous sanction of the Commissioner."

Mr. HUMAYUN KABIR: Mr. President, Sir, I beg to support this amendment. In doing so I would like to advance some arguments in addition to those which have been put forward by my honourable friend, the mover of this amendment. I would, at the very outset, like to point out that I differ from him on one fundamental point. He has commended his amendment to the acceptance of the House on the ground that this draft of the sub-clause is better than what was prepared by the Government. But I would like to suggest to the House through you, Sir, that his amendment is not a mere re-draft of the sub-clause which was placed by the Government. In fact it contains an additional feature which makes it a definite improvement upon the sub-clause which was prepared by the Government. Now, I think so far as the intention is concerned, there is no difference whatsoever between the Government, the mover of the amendment and myself and, I take it, all members of this House. In intention we are all agreed, and the question which arises is: whether that intention has been clearly stated and what exactly is the nature of that intention.

Now, Sir, I propose to take up the Government's draft first. "A person shall not be proceeded against for an offence under section 53 or 54 except at the instance of the Commissioner." I would suggest in the very beginning that this indirect way of putting a negative has a comparative disadvantage, as it does not clearly state the intention of Government. Here, the suggestion is as if proceedings can be started: but after starting, the proceedings shall not continue except at the instance of the Commissioner. Therefore, Sir, even though the main purpose of this clause would be, if I understand the intention of the Government rightly, to bar any kind of proceedings of that type, it is framed in an affirmative form and that affirmative form is later qualified and made negative by a subsequent qualifying clause. Now, I would submit that that is perhaps the happiest way of expressing the intention of Government. I go still further and say that there is also an ambiguity in the Government draft. On account of this ambiguity that I would prefer the draft of my honourable friend Khan Bahadur Naziruddin Ahmad. Indeed, his draft is absolutely clear and unequivocal. I have said a moment ago and I think it is beyond question that the purpose of this clause is negative. It wants to put a restriction on any prosecution or proceedings and says that there shall be no prosecution or proceedings except under a special condition and that special condition is the previous sanction of the Commissioner. So far as the previous sanction of the Commissioner is concerned, there is no difference between the two drafts. But

this negative intention is much more clearly expressed in the amendment moved by my honourable friend Khan Bahadur Nasiruddin Ahmad than in the Government draft. My friend has said clearly what you cannot do with the words "proceeded against". Now, Sir, the words "proceeded against" may mean: that you may start a proceeding and not continue it. That is equivalent to not proceeding with a case. It may also mean: You do not institute a case at all. You do not proceed against a person when you institute a case and do not continue with it. You also do not proceed against him when you do not prosecute him at all: Therefore, Sir, the Government draft, as it stands now, is defective. It may be that a case may be instituted but because it has not been done at the instance of the Commissioner, therefore the proceedings may not continue and the person may not be proceeded against. Sir, according to the amendment which has been suggested by my honourable friend, Khan Bahadur Naziruddin Ahmad, there is no possibility of any case being instituted at all, as no court shall take cognizance of any offence under section 53 or 54 except on the previous sanction of the Commissioner. Therefore, even if some officers of Government, subordinate to the Commissioner, should institute proceedings,—if the amendment of my honourable friend is carried, no court will take cognisance of it at all; whereas if the Government draft is accepted by the House, there will be at any rate room for ambiguity. The case may be instituted and not proceeded against and between the institution of a case and the dropping of it or not proceeding with it, there may be an interval: and during this interval all kinds of things might happen. In case of intricate questions, and specially in the case of Income-tax Bills we know that large amounts of money might be involved and therefore if in such a Bill there is any sort of loophole by which Government officers might have a hold upon persons who are liable to the tax, many undesirable consequences might follow. I do not say that this will always happen; but there may be cases where advantage might be taken by over-scrupulous or perhaps unscrupulous officers to harass persons and have them hauled up before them. It is well-known that in many cases there are persons who may have money but who do not have either legal knowledge or experience; and in the case of such persons if a case can be instituted at all or if there is a threat of the institution of a case, that itself might suffice to frighten such a person and lead to consequences which are quite undesirable not only from the point of view of the competency, efficiency and honesty of the Government officer but also from the point of view of the transaction of the person concerned. I submit that if the amendment of my friend is carried, then all these possibilities or contingencies would not arise at all. The negative intention is negatively expressed and it is expressed in a form which leaves no room whatever for ambiguity. I would submit that we may generally take it that wherever action is taken with the sanction of the Commissioner, it is much more likely that there will be good grounds for that action compared with a case where proceedings might be instituted or begun or a case started by a private party or at the instance of an officer of the Department. I know that my friend, the Finance Minister, has one supreme argument against all amendments which, however, is not an argument on merits but one might say is an argument of fear. I would submit that even this argument of fear has thinned down by constant repetition. If you take a child to the dark room time and again, then his fear of the ghost wears away. He grows bolder. Now that in any case a session of the Legislative Assembly will have to be summoned very soon for the purpose of the Supplementary Budget, this one supreme argument—argument *ad hominum* one might call it—would depend more on the psychology of the Finance Minister than either on the facts before the House or the legal points that have been raised occasionally. Since the other House will have to be called, if an amendment which otherwise is required and which if passed would give satisfaction and perhaps freedom from anxiety to a large number of business persons, I think the lingering fear which might still trouble the consciousness and perhaps the conscience of the Finance Minister, that

lingering fear should not be allowed any longer to dominate him and this amendment should be agreed to. I would like specially to caution my friends belonging to the European business community who I think would be more affected by a change of this type compared with persons like ourselves who are quite safe so far as any income-tax is concerned, whether agricultural or otherwise. For, in our cases our incomes are taxed at the source and therefore we are free to defy all income-tax officers but persons who have their own accounts to make and their own accounts to submit should be rather careful. In any case, there is in the Government draft room for ambiguity or doubt or misgiving, that the rule might be used in a way which might unnecessarily harass even one innocent person; and so it is the duty of the Legislature to see that that rule is improved. With these words, Sir, I support the motion.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The amendment suggested by my honourable friend, Khan Bahadur Naziruddin Ahmad, is a suitable one; but it does not follow that the form of draft we have adopted in the Bill is not equally suitable. Professor Humayun Kabir's long speech was on nothing at all. The apprehension of my honourable friend is entirely groundless. The words in clause 55 of this Bill are quite clear and there is no danger of any harassment to anybody arising from the drafting we have adopted. If I refer to the Indian Income-Tax Act, that will not be a sufficient convincing guidance but I think it has withstood the test of time: and if honourable members care to look to the Income-Tax Act, they will find that section 53 provides in a way similar to our drafting. I see no difficulty in the present drafting and it is just as good a draft as suggested by my honourable friend the mover of the amendment.

Mr. PRESIDENT: The question before the House is that in clause 55 of the Bill, for sub-clause (*1*), the following sub-clause be substituted, namely:—

"(*1*) No court shall take cognizance of an offence under section 53 or section 54 except on the previous sanction of the Commissioner."

The motion being put, a division was challenged and taken with the following result:—

AYES—17.

Khan Bahadur N. Ahmad.	Mr. N. N. Moholanabish.
Rai Bahadur K. C. Banerji.	Mr. B. C. Mukherji.
Mr. S. C. Chakraverti.	Mr. R. Pal Chaudhuri.
Mr. L. C. Das.	Rai Sahib J. N. Ray.
Mr. K. K. Dutta.	Mr. A. D. Roy.
Alhadj Khan Bahadur Sk. Mohd. Jan.	Mr. Biren Roy.
Mr. H. Kabir.	Mr. B. K. Roy Chowdhury.
Rai Bahadur B. M. Maitra.	Khan Sahib Maulvi Wahiduzzaman.
Mr. H. D. Majumdar.	

NOES—25.

Khan Sahib F. Ahmad.	Khan Bahadur A. Gofran.
Mr. M. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. N. Ahmed.	Mr. L. Hossain.
Khan Sahib N. Amin.	Maulana Mohd. Akram Khan.
Khan Sahib A. Aziz.	Mr. W. B. G. Laidlaw.
Mr. K. Baksh.	Mr. A. Latiff.
Mr. D. L. Barua.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Rahman.
Mr. C. E. Clarke.	Mr. K. C. Roy Chowdhury.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. K. D'Rozario.	Khan Bahadur M. Shamsuzzoha.
Mrs. L. P. Dutt.	Dr. K. Talukdar.
Mr. J. S. Graham.	

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—17, and the "Noes"—25, the amendment is negatived.

Mr. PRESIDENT: The question before the House is: that clause 55 stand part of the Bill.

(The motion was agreed to.)

Clause 56

Mr. PRESIDENT: Clause 56 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*1*) of clause 56 of the Bill, *for* the words and comma "assessment, proceeding" in line 6, the words "assessment proceeding" be substituted.

Sir, in this case, the comma is really mischievous in the context. What is meant is "assessment proceeding" The two words form a pair. According to the rules of grammar, when two nouns are used together, the first is an adjective and the second is a noun; as the words "silver spoon". In the expression "assessment proceeding", the word "assessment" is an adjective and "proceeding" is a noun. They form a happy pair just like a married couple. If you interpose a comma between them, it will lead to an unhappy separation of the lovers. The comma is positively mischievous and not harmless. It is not even ornamental like the one which went up to the High Court. In the circumstances, the object of the amendment is to remove the unwanted comma. I hope, Sir, the House will remove this mischievous comma and restore amity and unity between these two affectionate friends.

Mr. PRESIDENT: Amendment moved that in sub-clause (*1*) of clause 56 of the Bill, *for* the words and comma "assessment, proceeding" in line 6, the words "assessment proceeding" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to support the amendment which has been moved by my honourable friend Khan Bahadur Naziruddin Ahmad. This time it is not the insertion of an ornamental comma; but it is the deletion of a comma which makes the meaning of the clause altogether different from what it is intended to be. If we read clause 56, we find that the clause stands in this way: "all particulars contained in any statement made, return furnished, etc.....or in any record of any assessment proceeding,....." Now, if there is any comma after "assessment", I do not understand what it will mean, and I do not understand what the framer of the Act means by inserting a comma there. It should be "in any record of any assessment proceeding....." I do not know what my honourable friend meant by talking of a silver spoon in moving this amendment. Possibly he thought that this would mean a mint of gold for the profession to which myself and others like me belong. Possibly by insertion of this comma the clause has been made as vague as it could be and it might be the subject of many proceedings in law courts to which the assistance of the members of my profession will be sought and they will earn a lot. Therefore, Sir, we cannot silently allow this mistake to remain in the clause itself because it might be said afterwards that there were these lawyers present in the Council and they deliberately allowed this mistake to remain in order that they might earn a good lot of money elsewhere. It is for this reason that we are proposing this amendment and I submit that this comma should be deleted and the thing should be made clearer than what it is.

With these words, I support the motion.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (*1*) of clause 56 of the Bill, *for* the words and comma "assessment, proceeding" in line 6, the words "assessment proceeding" be substituted.

The motion being put a division was challenged and taken with the following result:—

AYES—13.

Khan Bahadur N. Ahmad.	Mr. N. N. Moholanabish.
Rai Bahadur K. C. Banerji.	Mr. B. C. Mukherji.
Mr. S. C. Chakraverti.	Mr. R. Pal Chaudhuri.
Mr. L. C. Das.	Rai Sahib J. N. Ray.
Mr. K. K. Dutta.	Mr. B. K. Roy Chowdhury.
Rai Bahadur B. M. Majtra.	Khan Sahib Maulvi Wahiduzzaman.
Mr. H. D. Majumdar.	

NOES—24.

Khan Sahib F. Ahmad.	Mr. J. S. Graham.
Mr. M. Ahmed.	Khan Bahadur A. Gofran.
Mr. N. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Khan Sahib N. Amin.	Mr. L. Hossain.
Khan Sahib A. Aziz.	Maulana Mohd. Akrum Khan.
Mr. K. Baksh.	Mr. A. Latiff.
Mr. D. L. Barua.	Khan Bahadur M. A. Momin.
Khan Bahadur A. H. Chowdhury.	Khan Bahadur M. Rahaman.
Mr. C. E. Clarke.	Mr. K. C. Roy Chowdhury.
Mr. D. J. Cohen.	Mr. Yakub H. S. Sattar.
Mrs. K. D'Rozario.	Khan Bahadur M. Shamsuzzoha.
Mrs. L. P. Dutt.	Dr. K. Talukdar.

Mr. PRESIDENT: Order, order. The House has divided. The "Ayes" being—13, and the "Noes"—24, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*1*) of clause 56 of the Bill, after the word, figure and brackets "section (*3*)" in line 11, a comma be inserted. Sir, two commas are necessary to mark off a parenthesis. You cannot insert a comma at the beginning and leave out the other at the end. If you insert one comma, its counterpart should also be put in. I shall read the passage: "The Commissioner may, subject to such conditions as may be prescribed" this parenthetical expression has been marked off by a pair of commas. "Either before or after the institution of proceedings"—this is a place where the next comma should be inserted before the words "compound any such offence". The main sentence begins with the words "The Commissioner". The parenthetical expression should be marked off by a pair of commas. Sir, it has been said that commas are no part of Statute. The exact point is not relevant so far as we are concerned. As to what the effect there will be to the interpretation or to the sub-clause is not really to the point. In the English Statutes it has been said that commas are no part of the Statute. I have looked up the authorities and there is very good reason for the English rule. They say that Statutes should be so carefully and skilfully drafted that commas would not be necessary for clarity, or would be superfluous. In the English Statutes, commas can be entirely ignored without changing the meaning. We have not attained that standard of perfection. Therefore, it is better to follow the grammar so far as the rules relating to commas are concerned. Commas are useful like sign-posts. They are intended to guide us. In the circumstances, it would not be proper to get rid of them.

With these few words, I submit my amendment for the consideration of the House.

Mr. PRESIDENT: Amendment moved: that in sub-clause (*1*) of clause 56 of the Bill, after the word, figure and brackets "section (*3*)" in line 11, a comma be inserted.

Mr. HUMAYUN KABIR: Sir, I had at first no intention of speaking on this amendment as I think that my honourable friend Khan Bahadur Nazir-uddin Ahmad has a monopoly of all the commas, semi-colons and full stops. I, think, Sir, you will appreciate the remark of my honourable friend when

he said that commas may be ornamental and that in the English Statutes commas are not necessary or required at all; because the draftsmanship is so excellent that there is no necessity whatsoever for the commas to be taken into account when the Statute has to be interpreted. The Khan Bahadur also argued that the same analogy of English Statutes did not hold good in the case of legislations in our country and that it was necessary to have these commas, whether they are ornamental or otherwise. I was thinking whether he was also referring to the ornamental Ministerships which we have in our province. Here also it seems to us that the fundamental business of administration goes without Ministerial paraphernalia the Government can proceed and does proceed without them whenever necessary. Nevertheless, at times Ministers grace the executive proceedings and sometimes cloak the harshness of administration.—which only serves to show that these amiable gentlemen, though perhaps not altogether necessary, are at the same time not altogether superfluous or redundant. Similarly, my honourable friend was suggesting that commas in our statutes are not perhaps altogether necessary perhaps but are also not altogether unnecessary and not altogether redundant. Therefore, in view of the analogy between the position of the Ministers and the position of the commas,—and he was returning to the charge again and again,—I thought that on such a good cause he should have at least a word or two of support from the members on this side of the House. I, therefore, support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: The question before the House is: that in sub-clause (*1*) of clause 56 of the Bill after the word, figure and brackets "section (*3*)" in line 11, a comma be inserted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*1*) of clause 56 of the Bill, after the words "such record" in line 13, a comma be inserted.

Sir, I am quite convinced with the very powerful appeal which the Hon'ble Minister in charge of the Bill makes by simply opposing the amendment. I do not think any argument would be necessary in view of the strong disapproval which a single expression from the Hon'ble Minister is enough to secure.

Mr. PRESIDENT: Amendment moved that in sub-clause (*1*) of clause 56 of the Bill, after the words "such record" in line 13, a comma be inserted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose the amendment.

Mr. PRESIDENT: Order, order. The question before the House is that in sub-clause (*1*) of clause 56 of the Bill, after the words "such record" in line 13, a comma be inserted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*2*) of clause 56 of the Bill, *for* the words "any of the particulars" in line 2, the words "any particulars" be substituted.

I beg to submit, Sir, that the words "any of the particulars" are redundant. "Any particulars" would be quite sufficient. In these days of paper shortage, some economy of words would surely be appreciated. In these circumstances, the elimination of these two words "of the" might not by themselves be sufficient to economise paper but it may be a pointer in the right direction.

Mr. PRESIDENT: Amendment moved that in sub-clause (*2*) of clause 56 of the Bill, *for* the words "any of the particulars" in line 2, the words "any particulars" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment.

Mr. PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 56 of the Bill, *for* the words "any of the particulars" in line 2, the words "any particulars" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*3*) of clause 56 of the Bill, in paragraph (*a*), *for* the words "prosecution under the Indian Penal Code" in lines 2 and 3, the words and figures "prosecution under section 53 or section 54 or under the Indian Penal Code" be substituted.

Sir, this is more than a drafting amendment. In this clause, a very important principle is attempted to be introduced, namely, the secrecy to be observed by public servants in the matter of facts which come to their knowledge in the course of examination of the account books and other papers. This is a very necessary measure and it should find a place in all Income-tax Acts. But there is a healthy exception too, namely, where there is prosecution under the Income-tax Act or other Acts or under the Indian Penal Code for an offence. The Bill has proceeded in that way. It has provided for power to disclose in case of a prosecution under the Indian Penal Code. Prosecution under sections 53 and 54 will be absolutely crippled without this amendment. I think sections 53 and 54 of the present Bill were absolutely lost sight of in drafting this clause. The non-disclosure should not apply to them. The ban should be lifted so far as these provisions are concerned. There is no use providing for a prosecution and preventing disclosure of information obtained by an officer. In these circumstances, I submit that this amendment should be accepted.

Mr. NAGENDRANATH MAHALANOBISH: I rise to support the amendment which seems to be fair. Otherwise as has been pointed out by the mover, you can only disclose the information in the records of the Bengal agricultural income-tax assessment only in case of prosecution under the Indian Penal Code. The clause says that "nothing in this section shall apply to the disclosure of any of the particulars referred to in sub-section (*1*) for the purposes of a prosecution under the Indian Penal Code in respect of any such statement, returns, accounts, documents, affidavit, deposition, record or evidence or for the purposes of carrying into effect the provisions of this Act".

The question is: whether you are going to limit this only to the Indian Penal Code or going to extend it to prosecutions under sections 53 and 54 of this Bill. I do not find any reason why there should be such a limitation as we find in this sub-clause (*3*). It could not possibly have been intended by the draftsman that it is only in case of prosecution under the Indian Penal Code that disclosure should not be an offence but that in case of other prosecutions disclosure should be an offence. Of course, until and unless we hear the honourable Minister in charge of the Bill we cannot possibly learn what was the reason behind this draft—as to why prosecution under the Indian Penal Code alone has been mentioned here and other prosecutions under this Act as for instance under sections 53 and 54 were not mentioned. Is it the intention that in case of prosecution under sections 53 and 54 of this Act the department will not disclose or produce the relevant documents before the court but would do so only in case of prosecutions under the Indian Penal Code? Unfortunately, in this House we are to a great extent at a great disadvantage because in moving these amendments we have to guess the argument or reasons of the other side, for generally we find that the other side except the Hon'ble Minister seldom speaks.

The Hon'ble Minister in charge does not say a word but simply opposes it but even when he gives some reason in support of his objection, this side of the House have got really no opportunity to meet his view point. The other day I was reading certain ruling of President Mitra when it was accepted by him that in cases of debate of this nature generally the President would look to either side one after another so that this side may meet the argument of the other side. But here when there is no member to speak on the Government side I would ask you to consider whether after the Hon'ble Minister gives his reply, we may not be permitted to say a word or two: otherwise it would be no debate, it would only be a lifeless debate. The Hon'ble Minister simply stands up and says that that is not the reason.

Mr. PRESIDENT: If the Hon'ble Minister seldom advances his reason, how can you improve the debate?

Mr. NAGENDRA NATH MAHALANOBISH: When he does not advance any reason, we do not want to speak; but when he does we might be given an opportunity to speak.

Mr. PRESIDENT: You should speak in anticipation

Mr. BANKIM CHANDRA MUKHERJEE: But sometimes our anticipation may be wide of the mark. As for instance in this particular instance we find no reasonable ground for exclusion of the prosecution under section 53 or 54 and my honourable friend Khan Bahadur Naziruddin Ahmad has really found out that this is really a mistake and ought to be corrected. I entirely agree with him and I think the Hon'ble Minister will find his way to accept this amendment or to give cogent reasons. Prosecution other than in the Penal Code should not be excluded even by this clause, so that the restriction to its disclosure may not be limited to its particular item and in doing so I would like to say something with reference to clause 56. Clause 56, sub-section (*1*) runs thus:—

> "All particulars contained in any statement made, return furnished or accounts or documents produced under the provisions of this Act, or in any evidence given, or affidavit or deposition made, in the course of any proceedings under this Act other than proceedings under this Chapter, or in any record of any assessment, proceeding or any proceeding relating to the recovery of a demand, prepared for the purposes of this Act, shall be treated as confidential, and notwithstanding anything contained in the Indian Evidence Act, 1872, no Court shall save as provided in sub-section (*3*) be entitled to require any servant of the Crown to produce before it any such return, accounts, documents or record or any part of such record or to give evidence before it in respect thereof."

Then comes clause (*2*) which runs thus:—

> "If, save as provided in sub-section (*3*), any servant of the Crown discloses any of the particulars referred to in sub-section (*1*), he shall be punishable with imprisonment which may extend to six months, and shall also be liable to fine."

Then there is a sub-clause (*3*) which runs thus:—

"Nothing in this section shall apply to....."

I think the clause should have been worded thus:—

"Nothing in sub-section (*2*) of this section shall apply to ....etc." Otherwise the meaning of the section becomes vague. The sub-section (*3*) says "Nothing in this section shall apply to—(*a*) the disclosure of any of the particulars referred to in sub-section (*1*) for the purposes of a prosecution under the Indian Penal Code in respect of any such statement.....etc." I submit it is rather vaguely worded. The amendment of my honourable friend seeks to improve the drafting in a certain way. It says "That in

sub-clause (*3*) of clause 56 of the Bill, in paragraph (*a*), for the words "prosecution under the Indian Penal Code" in lines 2 and 3, the words and figures "prosecution under section 53 or section 54 or under the Indian Penal Code be substituted." He wants specific mention of the two sections; otherwise the purpose of prohibiting the disclosure of information contained in the returns as provided in sub-section (*1*) becomes meaningless, if you absolve the officer concerned from all liabilities with regard to the disclosure. So, this amendment should be accepted in order to remove the vagueness. With these few words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, with regard to the charge made by my honourable friend Mr. Mahalanobish that I advance no reason and that I am content with just saying that I oppose the amendment, I wish to say this that at times in the course of the discussion of this Bill I have spoken at great length and I have sometimes felt that my words were wasted on some of the members at least. I also discovered during my experience in various Legislatures that if one wants to talk sense he must try to be brief. I shall briefly answer the points raised by my honourable friends and in doing so I may just ask the honourable mover and his supporters once again to read clause 56. May I do the reading? "Nothing in this section shall apply to—(*a*) the disclosure of any of the particulars referred to in sub-section (*1*) for the purposes of a prosecution under the Indian Penal Code in respect of any such statement, returns, accounts, documents, affidavit, deposition, record or evidence or for the purposes of carrying into effect the provisions of this Act".

Well Sir, sections 53 and 54 are provisions of this Bill. There may be other provisions with regard to which certain amount of protection may be necessary. So I think the objection raised by the mover of the amendment falls to the ground. I wish he carefully read the draft to find that our draft is more comprehensive than the proposed draft, and further I am fortified by the Indian Income-tax Act. I refer the honourable member to section 54 of the Indian Income-tax Act.

Khan Bahadur NAZIRUDDIN AHMAD: May I offer a personal explanation on this matter?

Mr. PRESIDENT: Is it necessary?

Khan Bahadur NAZIRUDDIN AHMAD: It is necessary in view of the remarks of the Hon'ble Minister. It is not merely personal explanation, but it is more than personal explanation——

Mr. PRESIDENT: Yes, if the House is anxious to listen to you, you can go on.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, the question is whether the Chair would give me an opportunity to speak.

Mr. PRESIDENT: Certainly.

Khan Bahadur NAZIRUDDIN AHMAD: The Hon'ble Minister referred me to a provision of the Indian Income-tax Act. Sir, we are all lawyers and as such we have some amount of experience and so we jointly say that these two sections are necessary.

Mr. PRESIDENT: Order, order. It has nothing to do with your personal explanation. The question before the House is: that in sub-clause (*3*) of clause 56 of the Bill, in paragraph (*a*), for the words "prosecution under the Indian Penal Code" in lines 2 and 3, the words and figures "prosecution under section 53 or section 54 or under the Indian Penal Code" be substituted.

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: Sir, I have to draw the attention of the Leader of the House, in the absence of the Hon'ble Minister concerned, through you, to an important matter. There is a proposal with regard to the withholding of the monthly grant of Brojomohan Institution of Barisal——

Mr. PRESIDENT: Mr. Mazumdar, you have already put in a short-notice question with regard to this matter, and so far as I remember, I have admitted it——

Mr. HARIDAS MAZUMDAR: Sir, this is a very urgent matter, and so I want to know when the reply would be given by the Government, because one of the professors of the——

Mr. PRESIDENT: You must realise, Mr. Mazumdar, that you cannot put in a short-notice question and then follow it up by asking on the floor of the House another question on the same matter.

Mr. HARIDAS MAZUMDAR: Sir, the Hon'ble the Chief Minister promised some time ago that he would deal with the matter; but more than a month has passed and he has taken no notice of this matter. I have also tabled another short-notice question with regard to the Howrah Municipality affairs and I want a reply to that question also.

Mr. PRESIDENT: Order, order. Short-notice questions should not be followed up by other questions on the same matter on the floor of the House.

Mr. HARIDAS MAZUMDAR: Sir, if this sort of tactics is adopted by Government, then we are nowhere.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The Hon'ble the Chief Minister will make a statement in reply to this short-notice question.

Mr. BANKIM CHANDRA MUKHERJEE: One of my questions down on the list has been held up owing to the absence of the Hon'ble Minister in charge. It is a very urgent matter and relates to the Howrah Municipality. May I request that Government will make it convenient for that question to be answered by any other Minister? It is a very important matter and it should not be laid over for a long time.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I have taken a note of it. I shall arrange for this question to be answered—not tomorrow perhaps but on the day after tomorrow.

Mr. PRESIDENT: All right. The House now stands adjourned till 2 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2 p.m. on Wednesday, the 11th October, 1944.

Members Absent.

The following members were absent from the meeting held on the 10th October, 1944:—

(1) Mr. S. Ahmed.
(2) Mr. Moazzemali Chowdhury.
(3) Mr. H. Huq Chowdhury.
(4) Mr. H. R. Chowdhury.
(5) Mr. Mohd. Habibullah Chowdhury.
(6) Mr. B. C. Datta.
(7) Mr. Mohamed Hossain.
(8) Mr. N. N. Mookerjee.
(9) Mr. R. S. Purssell.
(10) Dr. K. S. Ray.
(11) Mr. S. N. Sanyal.

BGP-44/5-8137A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 85.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 11th October, 1944, at 2 p.m., being the eighty-fifth day of the First Session of 1944, pursuant to section 62(2)(a) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY, J.P.) was in the Chair.

Mr. LALIT CHANDRA DAS: Sir, the Public Health Minister is not here. Shall I wait till he comes?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I am going to give reply.

Adjournment motion regarding rising tide of malaria.

Mr. LALIT CHANDRA DAS: I beg to move that the Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the failure of the Government to stem the rising tide of malaria which is now at its peak causing havoc and decimating millions in Bengal.

Sir, in a speech His Excellency the Governor observed that malaria had broken out in an epidemic form. I do not think it is necessary to make a long speech on this subject and I commend it to the acceptance of the House.

Mr. DEPUTY PRESIDENT: The question before the House is: that this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the failure of the Government to stem the rising tide of malaria which is now at its peak causing havoc and decimating millions in Bengal.

Mr. NUR AHMED: Sir, I wish to speak on the motion that has been moved by my honourable friend, Mr. Lalit Chandra Das. Malaria is a very grave problem for Bengal. I must say at the commencement of my speech that I do not approve the idea of Mr. Das to censure the Government by this motion; but I must say that malaria is a scourage on Bengal. The incidence of malaria is on the increase in Bengal. Sir, it is spreading day by day. There was a time when some parts of Bengal, specially Eastern Bengal, were not affected so much; but for some years this scourage is spreading and sapping the vitality of the people of Eastern Bengal also. The published Statistics of Government say: that in 1941 about 388,000 people died from malaria in Bengal, i.e., about 32 per cent. deaths occurred from malaria in Bengal. Sir, owing to the reduced vitality of the people, during 1943 malaria could spread throughout the length and breadth of Bengal. Speaking from my personal experience I may say, Sir, that formerly in Chittagong there was very little incidence of malaria; but in 1943 there was not a single family there who was not affected by malaria. Since then malaria has made a permanent abode in that place. Sir, the peculiarity of the disease is that it does not make any distinction between rich and poor or high and low. Those who were unaffected by the famine were attacked by malaria and once attacked it is very difficult to get rid of this disease. Personally speaking from my own experience in Chittagong I find that those people who had been affected by malaria had been trying all sorts of medicine but they cannot recover fully. Sometimes

there is a remission of one month or two but it occurs again after that period. Sir, it appears from the statistics that the consumption of quinine in Bengal is very low compared with her requirements. According to her population Bengal required about 2 lakhs pound of quinine per year but its consumption in 1938-39 was only 141,000 pounds. It was further reduced to 111,000 pounds in 1941. Since then it has been further reduced with the result that malaria is spreading day by day. Of course, I am conscious of the fact that Government of India supplied to the Government of Bengal during these years large quantities of mepacrine and other anti-malaria medicines; but the system of distribution is not what it ought to be. Sir, the agency through which this quinine and other drugs are being distributed requires very careful consideration of the department concerned. Sir, sometimes it is said that as soon as quinine is given to any agency for free distribution it goes into the black market. I can cite one instance. Once I was sitting in a dispensary of a doctor when one gentleman came with a box containing quinine. He sold the quinine to the doctor. After enquiry I found that he happens to be the Chairman of a Union board. This quinine was supplied to him for free distribution to the villagers. So, Sir, the system of quinine distribution at present is not perfect and it requires to be improved in all possible ways. It is true large quantities of anti-malaria medicines have been supplied to Bengal. But, Sir, Bengal requires a permanent scheme for checking and preventing this fell disease. It is said that 70 to 80 per cent. of Bengal's population are affected. According to Dr. Bentley even as far back as in 1923, out of Bengal's population of 384 lakhs about 3 crores was affected with malaria and there were no remedial measures. According to him only a small portion got treatment in hospital and dispensaries. Even East Bengal districts are affected now very seriously: specially, Dacca, Tippera and Bakarganj. A virulent type of malaria has been raging there. Chittagong town even is now not free from this virulent type of malaria. In the Chittagong town in 1941 about 2,000 people died from malaria and in the rural areas about 10,000 died in place of 2,000 to 3,000 in 1940. Various remedial measures can be suggested. Our Hon'ble Agriculture Minister whose devotion to duty is well known, and who has been trying to do some good to the masses in all possible means has taken up this aspect of the question, namely, measures for the prevention of malaria. By irrigation land will yield larger crop and the condition of agricultural people will be improved, and malaria also will disappear. This experiment has been carried out in Italy where people were very much malaria-stricken and they have got wonderful results. It was experimented in Mauritius, and in Australia with equally wonderful results. For Bengal, it is a very small thing. Dr. Bentley said that irrigation should be tried. Sir, I appeal to the Hon'ble Minister of Agriculture to pay attention to irrigation. He will do immense good to the people of Bengal if he seriously paid attention to this aspect of the case. The expenditure on malaria and on medicine is very inadequate in Bengal. Sir, taking the standard of Italy, namely, Rs. 6 per head it will require about Rs. 6 crores per year in Bengal for medical treatment of the malaria-stricken people——

Mr. DEPUTY PRESIDENT: Mr. Nur Ahmed, you have spoken for a long time, so please try to finish now.

Mr. NUR AHMED: Sir, I am sorry to say that I cannot support the motion in the form as it is now.

Mr. W. B. C. LAIDLAW: Mr. Deputy President, Sir, there is a good reason to believe that the position with regard to malaria in this Province is serious, and Mr. Das has done well to bring the matter before this House. This is not, Mr. Das will agree, a political question: it affects too directly the lives of the people. What we should be considering today is how, with the co-operation of all political parties, Government can check what Mr. Das describes as the "rising tide of malaria". This is not, therefore, in our

opinion, a question for political censure of the Government, and from that point of view we do not support his motion; but we do consider that the situation is serious and that all parties should assist with constructive criticisms. In the present circumstances, the only effective anti-malarial measure for the rural areas is the provision of adequate drug treatment for the sick. It is therefore the duty of Government faced with the threat of a widespread malaria epidemic to make sure that quinine or quinine substitutes are obtainable by all sections of the people. Supplies of quinine are, we know, limited. But this year in addition to Bengal's quota of quinine, Government have been able to obtain large quantities of a well-known quinine substitute, namely, mepacrine. According to a Press statement, the quantity of mepacrine already received amounts to no less 81 million tablets and a further quantity of 19 million tablets is expected. If this quantity is properly distributed, then it should be possible for every sick person to obtain anti-malarial drugs. Government have already announced that it is their intention that no persons should have to go more than 2 or 3 miles from their door-steps in order to obtain quinine or quinine substitutes. We believe that elaborate instructions have been issued to the Civil Surgeons to this effect. Under these instructions mepacrine should be issued to all medical practitioners and a large number of retail selling agents should be appointed by the Civil Surgeons. We can only say that our information from a large number of areas, such as, Serajgunge and Nakalia in Pabna district, Charmugria in Faridpur district and Chandpur and Ashugunge in the Tippera district and Tarpasha in the Dacca district—from these areas our information is that generally speaking mepacrine is available only for those who want fair quantities in the divisional headquarters through the Civil Surgeons. It involves the sending of a special messenger to take delivery and it often takes 4 to 5 days on the job owing to the distance and travelling difficulties. This is not however of much use to the ordinary persons in the village; and so far as we can gather, mepacrine is practically unobtainable by him in these areas. The situation calls for an immediate check-up by Government. Do Government actually know the number of selling agents appointed by the Civil Surgeons and are they able to state that these agents are properly distributed—union by union? The idea is, we believe, to have at least one agency for the sale of mepacrine and one for free distribution in each union. Do Government know that these agents have actually been appointed and have received their quotas of mepacrine? What steps have been taken to publish the lists of appointed agents in each union? What arrangements have been made for supervision? It has been stated that at the present juncture the only effective anti-malarial measure is the provision of anti-malarial drugs in large quantities. This is, however, not to absolve the Government from pressing on with the anti-malarial scheme which will check the breeding of mosquitoes. It may not be possible to obtain supplies of insecticides; but it is surely possible to do something to check the breeding of mosquitoes by cleaning up tanks and stagnant waterways and by educating people most directly concerned in what they should do to provide for the prevention of mosquito-breeding. Sometime ago a Malaria Engineer was appointed and District Boards were asked to submit anti-malarial schemes. District Boards were, we believe, slow in submitting schemes and for some time there has been silence as to the position. We would like to know what is being done as regards anti-malarial schemes and whether any programme is being carried out with regard to these schemes. In conclusion, I would like to say one word with regard to Calcutta. There was a serious increase in the incidence of malaria in Calcutta last year and this year there are signs that this will be repeated. The situation calls for an immediate expansion of the anti-mosquito control unit of the Corporation. This is a matter in which the Government must take an active interest and we would like to know whether the question of expansion of the Corporation's anti-mosquito control unit has been taken up by Government with the Corporation and what is the present position.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Sir, I support the adjournment motion tabled by Mr. Lalit Chandra Das.

I am speaking of my own constituency, the Eastern part of Mymensingh, where particularly this year malarial fever has broken out in the form of an epidemic of the most virulent type we have ever heard of. Most attacks being fatal, the people have become panicky and as a matter of fact people so affected are deserting their places of abode in considerable numbers and rushing towards cities and towns. Such desertion will turn the green valley into desolate wastes not only defeating the Government policy of "Grow More Food" campaign but also paralysing the economic life of Bengal at large.

I should say that lack of adequate medical aid is largely responsible for such state of affairs. I mean the inadequate supply of quinine by-hydrochlore, as yet the only known effective drug for malaria fever. I am not a medical man but I am sure that the authoritative medical men will confirm this statement of mine. What the anti-malarial drugs the Government claim to have distributed so far in larger quantities, comprise largely of substitutes for quinine, known as mepacrine. Quinine bi-sulph comes next. There has been very little supply of quinine bi-hydrochlore. The substitutes for quinine so far found out, according to the medical authority, cannot be regarded as an infallible remedy for malarial fever which in most cases have become chronic and taking the turn towards deadly Kalazar. There is no denying the fact that the quantity of genuine quinine known as quinine bi-hydrochlore now distributed falls far short of pre-war consumption even in normal circumstances. Products like mepacrine, according to the users, cause jaundice, skin disease, etc.

Then again, supply of any of these drugs not being readily available near at hand and at call, the ignorant villagers are the worst sufferers. Very few suffering peasant, losing working days, in these days of acute labour shortage, can, when bed-ridden, be expected to apply to the proper authority for the required supply of quinine.

I also do fail to believe that such supplies of all anti-malarial drugs (I do not say quinine) which Government claim to have distributed all over the country, have reached the actual consumers of Bengal. With undesirable elements operating in the market, quite a large quantity of the available supplies, I have reasons to believe, is carried away even outside Bengal. Vigilant watch on the part of the Detective Department could have surely checked this flow.

The question of cultivation of quinine in Bengal had been agitated long ago. Will the Government throw light as to what transpired of that? The older members of the Ministry must have been aware of these facts and they ought to have moved the matter with the Central Government for permission to cultivate quinine especially when supply from outside was not available for civil consumption.

Have the Government drawn the attention of the International Red Cross for help in the matter of supply of quinine? If not, will the Government do so now which they ought to have done long ago when Bengal is in the grip of the acutest type of malaria.

I would, therefore, appeal on behalf of the people whom I represent here that suitable and adequate measures be taken up immediately and effectively, viz.:—

1. By increasing the supply of quinine bi-hydrochlore, or mixture or other preparations thereof.

2. Should adequate quantity of quinine be not readily available from outside, the Government should send an appeal to the International Red Cross in the name of the suffering humanity of Bengal.

3. By imposing ban on the export of quinine, or mixtures or other preparations out of Bengal.

4. By imposing heavy fines and punishment on unauthorised dealers for unauthorised deals in quinine.

5. Vigilant check and watch to be maintained by the District Officers and Detective Department throughout Bengal.

6. Checking up of quinine preparations by pharmaceutical concerns and distribution thereof.

7. Undertaking plantation of cinchona trees.

8. Undertaking plantation of pyrethrum trees.

9. Adopting any other measures considered necessary.

With these few words, I support the adjournment motion moved by Mr. Lalit Chandra Das.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Mr. Deputy President, Sir, an adjournment motion similar to the one now before us was moved in August last by Mr. Haridas Mazumdar and a reply detailing the steps taken by Government to combat this disease was given at that time by the Hon'ble the Chief Minister. It can be easily found that Government did all that was possible for them to do. The position now is very much the same as has been mentioned in the statement, with the only difference that the supply of mepacrine tablets in larger quantities by the Government of India has enabled us to distribute anti-malarial drugs in the mofussil on a much larger scale than was possible previously. The Government of India have so far promised 109 million tablets during the current year. Out of this 81 million tablets have already been received; and we have asked for allotment of another 300 millions, if possible, during the year.

As regards the method of distribution, I may mention that in addition to the agencies mentioned in the Hon'ble Chief Minister's statement, chemists and druggists are also now being employed for distributing mepacrine tablets. It has further been decided that where necessary the net-work of dealers now employed by the Union Food Committees for distributing rationed articles in the mofussil, should also be utilised for distributing mepacrine tablets, so as to bring the drug within easy reach of each villager. It has also been in contemplation to employ, besides the health staff of the districts, the Circle Officers, the Debt Settlement Officers, and the Jute Regulation Officers for checking the sale and free distribution of anti-malarial drugs to the people in the villages. Orders in this connection are expected to issue very shortly.

Sir, I should like to read out up-to-date figures of distribution of quinine that we have gathered from the report of the Director of Public Health. The amount of anti-malarial drugs allotted to Bengal by the Government of India at the beginning of the year is as follows:—

Quinine sulphate	...	50,000 lbs.
Cinchona febrifuge	...	30,000 lbs.
Mepacrine	...	50,000,000 tablets.

The Government of Bengal, anticipating severe malaria during the current year after the epidemic of 1943, requested the Government of India for substantial further quantities. A further 15,000 lbs. quinine and 59,000,000 mepacrine tablets were allotted. Of these amounts, all the quinine and 39,000,000 mepacrine tablets have been already made available. So that Bengal has up to date received a total of:—

Quinine sulphate	...	65,000 lbs.
Cinchona febrifuge	...	30,000 lbs.
Mepacrine	...	89,000,000 tablets.

A further 20,000,000 mepacrine tablets are expected shortly.

Of the above amounts, the following quantities have already been issued to the districts from April 1943 up to 30th September 1944:—

Quinine sulphate	...	34,441 lbs.
Cinchona febrifuge	...	15,163 lbs.
Mepacrine	...	60,592,100 tablets.

Out of the above quantities, over one-third of the quinine and mepacrine and all the cinchona were issued for free distribution at a cost to Government of over 12 lakh rupees.

The total quantities already issued to each district is shown in a separate statement.

Government have recently asked the Government of India for a further 300,000,000 mepacrine for Bengal, a substantial proportion of which will be for free distribution; and it is understood that 100,000,000 of this is being flown direct from United States of America and is expected any time now.

The demands of districts required, in addition to the allotment already issued in June, are being met fully from the substantial stocks now available, and the quota system has been more or less discontinued. Comprehensive instructions have been issued in June and July to District Quinine Rationing Authorities concerning arrangements for distribution within districts and popularising use of quinine substitutes. While the incidence of malaria is on the whole higher than last year at this time, the arrangements for procuring treatment are in a way better than they have ever been before.

With the further larger quantities of quinine substitutes which will be available, less control over these drugs will be necessary, and the question of making them available for sale by every chemists and druggists is under consideration. Medical practitioners are already allowed adequate supplies for their practices and are no longer dependent on quinine, the supplies of which are not so substantial.

Sir, I will now quote the comparative figures of the incidence of malaria and distribution of quinine for the last three years, from which it will be found as to what we are doing in this direction. Number of malaria patients attending dispensaries: during 1941 totalled 39 lakhs; during 1943, 47 lakhs; and during the first 5 months of 1944, 2,459,862. The proportion of increase is substantial; but, Sir, the distribution of quinine and other anti-malarial drugs has been also on the increase. The total distribution of anti-malaria drugs to districts by Government during the years 1941-42, 1942-43 and 1943-44 was as follows:—

Years.	Quinine sulphate.	Cinchona febrifuge.
	lbs.	lbs.
1941-42	13,391	14,146
1942-43	11,594	11,682
1943-44	88,624	24,759
1944-45 (upto date) (6 months)	65,000	30,000

As regards mepacrine, in 1943-44, 6 millions and this year 109 millions are to be distributed of which 89 millions have already been distributed and another 300 millions will be received from the India Government. From what I have stated above, it will be seen that Government are fully aware of the gravity of the situation and Government know that malaria is causing havoc in the country. Government are taking necessary action in that direction. As a matter of fact, the supply of quinine has been substantially increased from that of the last year. It has increased more than 50 per cent. in respect of quinine sulphate, in respect of quinine febrifuge more than 100 per cent. and in respect of mepacrine more than 2,000 per cent.

As regards anti-malarial measures to which attention of Government has been drawn by the Leader of the European party, I should like to say that the Government is very seriously thinking of having one Subdivisional Health Officer for every subdivision, so that anti-malarial measures for checking diseases may be taken by those responsible officers. Regarding the suggestions as regards the city of Calcutta, it has been noted and Government will certainly make correspondence with the Calcutta Corporation to tell us as to what measures they have taken to prevent recurrence of malaria in the city. I do not think I have anything more to say. I have shown that Government is doing everything which is humanly possible for any Government to do and more than that Government cannot do. There is icrease in malaria because it has come from above. You cannot remove malaria immediately all at once. That there is an increase in malaria, nobody denies. Of course, to a certain extent malaria is due to economic causes which you cannot get rid of within a very short time unless you are in a position to supply substantial food to the people to resist the disease.

I hope my honourable friend, the mover of the motion, would please withdraw his motion in view of what I have said.

Mr. LALIT CHANDRA DAS: Sir, of the various ailments we are heir to, malaria is the worst which carries away lakhs of people each year from Bengal. This year mortality is several lakhs over the normal. From April, malaria commenced its general assault and it has now reached its peak. Sir, I hail from Eastern Bengal and I can say, there is hardly a house which is free of it. There are several houses where the inmates *en bloc* are down with malaria, there being none left to give even a glass of water. Sir, His Excellency the Governor in his broadcast speech on September 22 last observed: "As was expected, however, malaria has unfortunately reappeared in an epidemic form in certain parts of the Province, particularly in the eastern side of Midnapore and in Eastern Bengal." Sir, it is not a mere question of reappearing. It was there in ever-increasing intensity. The proportion of malarial cases to the total number of cases treated at the medical centres operating under the guidance of the Bengal Medical Relief Co-ordination Committee, according to the statistical report received by its President Dr. B. C. Roy, shows: that in May, it was 69·3 per cent., in June, 64·6 per cent. in July, 66 2 per cent. in August, 75·3 per cent. in September, 81·2 per cent. It is clear, therefore, that malaria has assumed such a formidable proportion that I was well within mark when I said in my motion that Government have failed so far to stem the rising tide of malaria which is decimating millions in Bengal. There is no room for complacency. The situation demands utmost vigilance.

Sir, that eminent physician Dr. B. C. Roy so far back as September 28 observed "I admit, anti-malarial drugs such as mepacrine and quinocrine are available today in larger quantities than six weeks ago. But the need for these drugs in Bengal alone is far more than that in the whole of India in pre-war days. Supply of quinine is extremely low in most of the districts and altogether absent in others".

So much for the drugs. Now, I ask, where is the Governmental machinery to meet the situation created by the havoc of malaria in Bengal?

Mr. KADER BAKSH: On a point of order, Sir. Is the honourable member making a new speech or whether he is speaking in reply to the statement made by the Hon'ble Minister?

Mr. LALIT CHANDRA DAS: I am speaking in reply to the Hon'ble Minister's statement. Reference was made by Mr. Laidlaw that mepacrine supply of Government has been larger. I am quoting the opinion of the most eminent physician of Calcutta, Dr. B. C. Roy. The Leader of the House has pointed out that the Government have done all that they could do; but I say that they have not done all that they could do.

Now, Sir, what are our Civil Surgeons doing? Should they sit tight in their chairs? Why do they not in each district organize 30 to 40 centres, and put up requisite competent men to fight malaria? Such organisational works acting in concert with the Bengal Medical Relief Co-ordination Committee and the other non-official agencies will go a long way to meet the situation.

And then, Sir, the distribution of available drugs is most unsatisfactory. Civil Surgeons of the districts have been entrusted with the task of rationing them. There is want of good communication to reach the interior parts of the Eastern Bengal districts. Difficulties of transport have been made still more difficult by war conditions. No fresh requisition of quinine is allowed so long as a particular centre has not consumed the supply given to it. The result has been that the medical officers have to keep their centres in remote villages closed for days together to receive anti-malarial drugs from the authorities dwelling in the town in serene composure. We have heard of such complaints. For instance, the medical unit at Khasial, Jessore, closed its centre for 8 days until the doctor got supplies from the Civil Surgeon. In another case in Tamluq, 1 lb. of quinine cost the Peoples' Relief Committee Rs. 46 to get it.

Next, Sir, non-official relief organisation run by responsible persons get far less facilities in securing licenses for drugs than individuals whose activities have resulted in the black-marketing of the malarial drugs.

Sir, Government ought to change their method of distribution and make it easy for people to get drugs in the remotest villages. For this, organization is necessary which is lacking. Government ought to take a long view also of this problem. Government has not merely no organization of its own to fight this scourge of malaria, but they have also no plan either to carry out, in order to put a stop to malarial attacks in a number of years, although, Sir, it is a bare fact that malaria takes and is taking a total of human lives in Bengal every year which is higher than all the battle casualties so far suffered by all the warring nations put together since September, 1939. In Italy and in Panama they have succeeded in making malaria a thing of the past, and there is no reason therefore why Bengal should fail in this. This is my reply to what has been stated by the Honourable the Leader of the House.

Mr. DEPUTY PRESIDENT: Does the Leader of the House desire to make any further reply?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: No; I need not reply again, for I have already said that we are doing all that we can.

Mr. DEPUTY PRESIDENT: The question before the House is that this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the failure of the Government to stem the rising tide of malaria which is now at its peak causing havoc and decimating millions in Bengal.

(The motion was negatived.)

Point of information.

Mr. HARIDAS MAZUMDAR: May I rise on a point of information, Sir? It is this: With regard to the appointment of the Election Tribunal regarding the petition of Sir K. G. M. Faroqui, I tabled an adjournment motion. At that time the Hon'ble President suggested that the contents of the motion had been taken note of by the Minister concerned and he thought that that would serve my purpose. The motion for adjournment stated that as Mr. Ali Afzal, Secretary to the Legislative Assembly, was closely related to one of the Judges, another Judge should be appointed in

his place. Now, Mr. Akbar after sitting for some days has resigned on that very ground and the next sitting of the Tribunal will take place on the 24th of this month. Some public money and time has been wasted by not paying heed to my motion and I want to know whether a Judge will be appointed within the 24th instant so that the matter may be expedited. I think the Leader of the House who is present here may kindly be asked by the Chair to supply information, if he has any.

Mr. DEPUTY PRESIDENT: At this stage, I cannot compel the Government to make a reply. Of course, if he pleases he may enlighten the House on the matter.

Khan Sahib FARIDUDDIN AHMAD: Does this matter arise, Sir?

Mr. HARIDAS MAZUMDAR: Surely it does. I think I can rise on a point of information at any stage. Besides, the work of the House is continuing after the adjournment motion is over.

Mr. KADER BAKSH: On a point of order, Sir. Is the Council competent to go into the question as to whether Government is compelled to make any reply to the question?

Mr. DEPUTY PRESIDENT: No, the honourable member has only asked for information.

Mr. HARIDAS MAZUMDAR: We think a judge will be appointed but what I want to know is: will he be appointed in time for the next hearing on the 24th instant?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Will the honourable member kindly repeat the question?

Mr. HARIDAS MAZUMDAR: I brought in an adjournment motion——

Mr. DEPUTY PRESIDENT: You need not repeat the question.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I think the proper method would be to put in a short-notice question.

Mr. DEPUTY PRESIDENT: I am afraid, I cannot allow any discussion on the question. You have asked your question and that is all.

Mr. HARIDAS MAZUMDAR: My point is simply when the next judge is going to be appointed.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Without notice I am not able to answer the point; but I may say offhand that one new Judge will certainly be appointed very soon.

Bengal Agricultural Income-tax Bill.

Mr. DEPUTY PRESIDENT: The House will now resume further consideration of the Bengal Agricultural Income-tax Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that clause 56 of the Bill, for sub-clause (*4*), the following sub-clause be substituted, namely:—

"(4) No court shall take cognizance of an offence under this section except on the previous sanction of the Commissioner."

Sir, yesterday I moved a similar motion and advanced certain reasons. The Hon'ble Minister in charge of the Bill gave a reply which does not seem to me to be satisfactory. I shall, therefore, submit other reasons which seem to me to be quite clear. So far as the Bill-clause is concerned, it simply says that no prosecution shall be instituted under this section except

with the previous sanction of the Commissioner. It prohibits the institution of a complaint except under the sanction of the Commissioner. It does not prevent a court from taking notice or cognizance of the case. Yesterday, Mr. Humayun Kabir was kind enough to support my amendment of a similar nature. He confined his remarks to the supposed high-handed action of the Government; but the prosecution may be instituted also by private persons. Every individual can move the court unless his action is barred. In this case, the Legislature gives a warning that no prosecution shall be instituted. It does not strike at the jurisdiction of the court to take notice of the criminal prosecution. This matter has been dealt with, as I submitted yesterday, in the Code of Criminal Procedure. The usual method of dealing with such a case is to prevent cognizance by the Court of Law. That prevents all kinds of prosecutions. Under section 195, the language is this:—

"No court shall take cognizance of an offence punishable under sections 172 to 188."

This is the standardised language. It occurs in a chapter which deals with conditions requisite for the initiation of the proceedings. In fact, this section prevents jurisdiction of the court from taking any notice whatever although that is the purpose of the sub-clause. In the circumstances, I have suggested the amendment the language of which is in keeping with the Code of Criminal Procedure. Then I shall draw the attention of the honourable members to a provision of the Bengal Money-lenders Act. In it there was a provision similar to the one in the Bill. At my motion an amendment was accepted and now the section stands like this. In section 42, sub-section (*2*) of the Bengal Money-lenders Act the language has been accepted in the Court of Criminal Procedure. I do not know what is the point in departing from the standardised language. If you introduce complication, it may lead to trouble. Sometimes the legal difficulty which is created is not appreciated by lawyers. I beg to submit that all doubt should be removed and the standardised language of the Code of Criminal Procedure should be accepted. The mere intention to effect certain purposes without being expressed by adequate language would not be enough. The Judges have repeatedly said that if the language of a legislation is defective, the Judges are not to help them. It is for the Legislature to improve. In the circumstances, I beg to submit that this amendment should be accepted.

Mr. DEPUTY PRESIDENT: Amendment moved that clause 56 of the Bill, for sub-clause (*4*), the following sub-clause be substituted, namely:—

"(4) No court shall take cognizance of an offence under this section except on the previous sanction of the Commissioner."

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I am not a lawyer. So I am not in a position to explain the object of the amendment as lucidly as the Khan Bahadur has done. The only thing that I desire to say in this connection is that the amendment suggested by the Khan Bahadur is very desirable, the difference being that in the case of sub-clause (*4*), as it now stands in the Bill, any court will take cognizance of a prosecution instituted under this section. The only thing that he will see is as to whether the necessary sanction of the Commissioner has been obtained. But the amendment suggested by the Khan Bahadur says that no court shall take cognizance of an offence under this section except on the previous sanction of the Commissioner. If the Commissioner has not given the previous sanction, then no Court of Law shall take cognizance of the offence. The Khan Bahadur ought to know better because he has long been connected with the administration of the Criminal Courts of this province. I do not think I can advise him in this matter. With these words, I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The present amendment does not seem to me to be an improvement at all. I, therefore, oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that clause 56 of the Bill, for sub-clause (*4*), the following sub-clause be substituted, namely:—

"(4) No court shall take cognizance of an offence under this section except on the previous sanction of the Commissioner."

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is that clause 56 stand part of the Bill.

(The motion was agreed to.)

Clause 57.

Mr. DEPUTY PRESIDENT: Clause 57 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in sub-clause (*2*) of clause 57 of the Bill, in paragraph (*c*), for the words "is to be prescribed", in lines 1 and 2, the words "may be prescribed" be substituted.

This is a drafting amendment. The clause makes a provision for rule making power. Paragraph (*c*) of sub-clause (*2*) provides that Government may "provide for any matter which by this Act is to be prescribed". For the words "is to be prescribed", I put "may be prescribed". Is to be prescribed rather indicates that something must be prescribed, it rather indicates obligation to prescribe. To say: may be prescribed simply says that Government has power to prescribe. This seems to be better expression.

Then, there is the other difficulty. Instead of giving a list of the sections in which powers have to be exercised as is done in the case of other Acts, there is no such thing done here in this Bill. Mr. Nur Ahmed had suggested an amendment saying that specific powers should be mentioned in the sections. So there is want of definiteness. With these few words, I move my amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: That in sub-clause (*2*) of clause 57 of the Bill, in paragraph (*c*), for the words "is to be prescribed", in lines 1 and 2, the words "may be prescribed" be subscribed.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, as an Oxford scholar, I think, the Hon'ble the Finance Minister will be better able to appreciate the desirability of this amendment. Every one who knows something of English will admit that the amendment suggested is a distinct improvement upon what has been provided for in the relevant Bill-clause. The clause says "The Provincial Government may, subject to the condition of previous publication, make rules consistent with the provisions of this Act for carrying out the purposes of this Act. (2) Without prejudice to the generality of the foregoing power, such rules may—(*c*) provide for any matter which by this Act is to be prescribed, etc." The Khan Bahadur has clearly stated that there is good deal of difference in the meaning of the expression "is to be" and "may be". There is an element of compulsion in the expression "is to be." So, I think "may be" will be a distinct improvement. In this view of the matter, I hope this amendment will be accepted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I regret to say that I cannot agree either with the Khan Bahadur or with the Rai Bahadur. If they would only read the clause a little more carefully, they would understand why the drafting as it stands is absolutely necessary and that the amendment would be a mistake. The Act lays down certain things that must be prescribed, otherwise the Act has no meaning. Therefore, I strongly oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 57 of the Bill, in paragraph (*c*), for the words "is to be prescribed", in lines 1 and 2, the words "may be prescribed" be substituted.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: Order, order. The question before the House is that clause 57 stand part of the Bill.

(The motion was agreed to.)

Clause 58.

Mr. DEPUTY PRESIDENT: Clause 58 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*1*) of clause 58 of the Bill, after the words "this Act" in line 4, a comma be inserted.

Sir, I am glad to inform the House that this is the last of the commas. I gave the other day an illustration as to how a comma may play an important part if it is properly placed. If it is misplaced what a great havoc it may make. I gave illustration from the Bengali language. Now, I have come across another instance of a similar disaster which may follow if the comma is moved from the right to the left.

A young military officer wanted to marry a girl. He sent a wire to her to agree to marry. The girl sent a telegram in this way: Marry me not to do so would make me unhappy. When the gentleman read it he put a comma after the words "marry me" and then read the telegram in this way: Marry me, not to do so would make me unhappy. So the bride and the bridegroom absolutely differed in their intention.

Apart from these small affairs, a comma may be extremely important and I leave it to the good sense of the House to judge from the merits whether this comma would not improve matters.

Mr. DEPUTY PRESIDENT: Order, order. Amendment moved that in sub-clause (*1*) of clause 58 of the Bill, after the words "this Act" in line 4, a comma be inserted.

Mr. HARIDAS MAZUMDAR: Sir, I beg to support this amendment. I understand from a friend of mine that yesterday in connection with another amendment of my honourable friend, the Hon'ble the Finance Minister remarked that over that comma some thousands of rupees were spent out of some Relief funds at the disposal of the Opposition group. This is absolutely incorrect. We are not accustomed to squandering our paternal money on girls or whisky; but we always like to spend our good money for a principle. With these words, I support this comma amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, in opposing the Khan Bahadur's amendment, I must not omit to thank him for the entertainment he has given us, although another honourable member took the opportunity of defending the squandering of public funds in this connection. Some persons may have squandered their own money——

Mr. HARIDAS MAZUMDAR: It is a lie.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: No, it is a fact.

Mr. HARIDAS MAZUMDAR: It is a lie positive.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Public funds have been squandered for an illicit purpose, and I am glad that my remark yesterday has done this good——

Khan Sahib WAHIDUZZAMAN: Can the Hon'ble Minister say——

Mr. DEPUTY PRESIDENT: Order, order, Khan Sahib, you must take your seat.

The question before the House is: that in sub-clause (*1*) of clause 58 of the Bill, after the words "this Act" in line 4, a comma be inserted.

(The amendment was negatived.)

Khan Sahib WAHIDUZZAMAN: Before you proceed to the next item, I would like to make a submission. The Hon'ble Minister has made an aspersion with regard to the squandering of certain public funds by members on this side of the House. Can he do so?

Mr. DEPUTY PRESIDENT: The Hon'ble Minister simply made a reply.

Khan Sahib WAHIDUZZAMAN: Unless the Hon'ble Minister comes up with facts to substantiate his allegation, will he not be asked to withdraw the expression?

Mr. DEPUTY PRESIDENT: Order, order.

Khan Sahib WAHIDUZZAMAN: Why, Sir. Can the Hon'ble Minister make use of such expressions?

Mr. DEPUTY PRESIDENT: Well, you have made your submission and I do not consider it fit to ask the Hon'ble Minister to withdraw the expressions.

Khan Sahib WAHIDUZZAMAN: After all, it is an aspersion on the honourable member.

Mr. DEPUTY PRESIDENT: Order, order. Next amendment.

Mr. KADER BAKSH: May I speak a few words?

Mr. DEPUTY PRESIDENT: Order, order. Do you want to rise on a point of order?

Mr. KADER BAKSH: Yes, Sir. Is the word "lie" parliamentary?

Mr. DEPUTY PRESIDENT: That is not a point of order.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*2*) of clause 58 of the Bill, in the Explanation to paragraph (*i*), for the words and inverted commas "Banking company" in line 1, the words and inverted commas "The expression 'banking company' " be substituted.

Sir, in the definition clause the word "company" begins with a small letter. In sub-clause (*2*) of clause 58, paragraph (*i*), the word "banking company" has been used with a small letter, but in the Explanation to paragraph (*i*) banking has begun with a capital letter. There are two other definitions in paragraphs (*vi*) and (*iii*) where the word lawyer has been used with a small letter and accountant has also been used with a small letter. That is the technical reason why this amendment should be accepted.

Mr. DEPUTY PRESIDENT: Amendment moved: That in sub-clause (*2*) of clause 58 of the Bill, in the Explanation to paragraph (*i*), for the words and inverted commas "Banking Company" in line 1 the words and inverted commas "The expression 'banking company' " be substituted.

Mr. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (*2*) of clause 58 of the Bill, in the Explanation to paragraph (*i*), for the words and inverted commas "Banking Company" in line 1, the words and inverted commas "The expression 'banking company' " be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I think our drafting is quite all right and I think there is no necessity for improvement. I therefore oppose it.

Mr. DEPUTY PRESIDENT: The question before the House is: That in sub-clause (*2*) of clause 58 of the Bill, in the Explanation to paragraph (*i*), for the words and inverted commas "Banking company" in line 1, the words and inverted commas "The expression 'Banking company' " be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*2*) of clause 58 of the Bill, in paragraph (*iv*), for the words "Agricultural income-tax practitioner", the words "agricultural income-tax practitioner" be substituted.

Sir, the word "agricultural income-tax practitioner" is not a proper noun and therefore very properly the expression has been used with a small letter in the text of the Bill but in the definition it has begun with a capital letter. Sub-clause 2, paragraphs 2 and 3 have begun with a small letter. So in paragraph 4 of the sub-clause the word "agricultural income-tax officer" need not begin with the capital letter because it is not in the beginning of a sentence. The House will also please consider that in sub-clause (*1*) in lines 2 and 3 the expression "agricultural income-tax authority" has been written with a small letter. There are also two other words in 2 and 3 of the Explanation with small letters and there is no reason why a capital letter should be used here. In order to be consistent this should also be a small letter. With these few words, Sir, I commend my amendment to the acceptance of the House.

Mr. DEPUTY PRESIDENT: Amendment moved: that in sub-clause (*2*), of clause 58 of the Bill, in paragraph (*iv*), for the words "Agricultural income-tax practitioner" the words "agricultural income-tax practitioner" be substituted.

Rai KESHAB CHANDRA BANERJEE Bahadur: Sir, I like to support the amendment. I admire the consistency of the Hon'ble the Finance Minister. He has been very brief in his replies throughout the proceedings. I think he will also realise that the arguments advanced in support of this amendment are really sound. Khan Bahadur has already given his reasons as to why the capital letter should be placed by a small letter. Though I have managed to forget grammar still I think it is a grammatical mistake to use a capital letter after a comma. Capital letters can only be used in the beginning of a sentence. In sub-clause (*ii*) of this clause the word "lawyer" begins with a small letter and in (*iii*) the word "accountant" begins with a small letter and there is no reason why in sub-clause (*iv*) the word "agricultural" should not begin with a small letter. I think, Sir, the Hon'ble Minister will bear me out in this matter.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I am not at all convinced that there is any necessity for the substitution of a small letter for a capital one. After all, "Agricultural income-tax practitioner" refers to a category of person., Therefore, I think the capital "A" is just suitable.

Mr. DEPUTY PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 58 of the Bill, in paragraph (*iv*), for the words

"Agricultural income-tax practitioner", the words "agricultural income-tax practitioner" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*2*) of clause 58 of the Bill, in paragraph (*iv*), for the words "such a practitioner" in line 5, the words "such practitioner" be substituted.

Sir, this amendment would economise a word and probably the expression would stand better than it is in the context.

Mr. DEPUTY PRESIDENT: Amendment moved that in in sub-clause (*2*) of clause 58, of the Bill, in paragraph (*iv*), for the words "such a practitioner" in line 5, the words "such practitioner" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I agree that it is a matter of opinion and therefore I stick to my language. Sir, I oppose the motion.

Mr. DEPUTY PRESIDENT: The question before the House is that in sub-clause (*2*), of clause 58 of the Bill, in paragraph (*iv*), for the words "such a practitioner" in line 5, the words "such practitioner" be substituted.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in clause 58 of the Bill, after sub-clause (*3*), the following new sub-clause be added, namely:—

"(*4*) In the case of the Ruler of an Indian State the recognised agent of such State or any other Officer authorised by the recognised agent in writing in this behalf may attend the Appellate Tribunal or any Agricultural Income-tax authority in connection with any proceeding under this Act".

Sir, as I stated before, the object of my amendment is to see that the Ruler of an Indian State who cannot be brought by any notice to the Appellate Tribunal or the Agricultural Income-tax authority, a provision may be made so that a recognised agent of the Ruler of the Indian State may appear before the Appellate Tribunal or the Agricultural Income-tax authority in order to represent the case of the Ruler of an Indian State before the Appellate Tribunal or the Agricultural Income-tax authority. This is merely a formal matter so far as the provision with regard to the enforcement of the tax against the Ruler of an Indian State is concerned and I hope the Hon'ble Finance Minister will accept it. One of his arguments will be, I suppose, that there is ample provision in the Bill to bring in the Ruler of the Indian State, but, I am afraid, he will find great difficulty to enforce provision against the Ruler of an Indian State with the existing provisions in the Bill and unless there is some concession made with regard to some of the amendments which would be necessary for the purpose of enforcing the orders of the Agricultural Income-tax authorities, so far as these Indian States are concerned, I am afraid the authorities will find it difficult to enforce the realisation of the sums imposed under the Act if the Ruler of an Indian State proves obstructive and take legal steps for the purpose of avoiding payment of the tax imposed upon him. With these few words, I move my amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: That in clause 58 of the Bill, after sub-clause (*3*), the following new sub-clause be added, namely:—

"(*4*) In the case of the Ruler of an Indian State the recognised agent of such State or any other Officer authorised by the recognised agent in writing in this behalf may attend the Appellate Tribunal or any Agricultural Income-tax authority in connection with any proceeding under this Act."

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to support the amendment. We have already decided to levy tax on the Rulers of Indian States. This sub-clause would serve that purpose. In this view of the matter, I support it.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I find that my friend Mr. Bankim Chandra Mukherjee has not lost his interest in the Rulers of the Indian States. I would point out that—although I am not mentioning it as a point of order—he failed to move his amendment at an earlier stage of the discussion in which he sought to define the recognised agent of an Indian State. Therefore, that definition has not found its place in this Bill. So, technically this amendment would be out of order.

Mr. BANKIM CHANDRA MUKHERJEE: On a point of personal explanation, Sir. If the Hon'ble Minister looks up the Civil Procedure Code, he would find that the agent has been mentioned there.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: However, Sir, as I said in the beginning, I was not trying to raise this as a point of order. I wanted to say that this amendment is quite unnecessary, because any assessee can appear by agent under the circumstances mentioned in clause 15(*a*). Therefore, I oppose the amendment.

Mr. DEPUTY PRESIDENT: Order, order. The question before the House is: that in clause 58 of the Bill, after sub-clause (*3*), the following new sub-clause be added, namely:—

"(*4*) In the case of the Ruler of an Indian State the recognised agent of such State or any other Officer authorised by the recognised agent in writing in this behalf may attend the Appellate Tribunal or any Agricultural Income-tax authority in connection with any proceeding under this Act."

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is that clause 58 stand part of the Bill.

(The motion was agreed to.)

Clause 59.

Mr. DEPUTY PRESIDENT: The question before the House is that clause 59 stand part of the Bill.

(The motion was agreed to.)

Clause 60.

Mr. DEPUTY PRESIDENT: Clause 60 stand part of the Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in clause 60 of the Bill, in sub-clause (*2*)(*b*), the words "the Ruler of an Indian State" in line 1, be deleted.

Sir, I would refer to the provisions of the Government of India Act and also the provisions of the Civil Procedure Code wherein it is provided that you cannot serve any notice or requisition upon the Ruler of an Indian State. There is a special machinery provided for that and the provision seems to be illegal and ought to be deleted. With these few words, I move the amendment.

Mr. DEPUTY PRESIDENT: Order, order. Amendment moved that in clause 60 of the Bill, in sub-clause (*2*)(*b*), the words "the Ruler of an Indian State" in line 1, be deleted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is within the competency of the Legislature to enact a law like the one which is before

the House. We are not going to let off our dues from the Rulers of Indian States. That is our settled policy. I, therefore, oppose this amendment as unnecessary.

Mr. DEPUTY PRESIDENT: The question before the House is that in clause 60 of the Bill, in sub-clause (*2*)(*b*), the words "The Ruler of an Indian State" in line 1 be deleted.

(The amendment was negatived.)

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move——

Mr. W. B. G. LAIDLAW: On a point of order, Sir. This amendment is consequential or would have been consequential on the previous one; and as matters stand, it is repugnant to what we have already agreed on in clause 60(*2*)(*b*).

Mr. BANKIM CHANDRA MUKHERJEE: I think Mr. Laidlaw is not right when he says that my amendment is out of order. What I propose is an additional paragraph, so that even if a notice served on the Ruler of an Indian State becomes abortive, the notice may be served upon the recognised agent of the Ruler. Therefore, it is not consequential but it is an amendment which stands by itself, and if accepted will be an improvement because as the Ruler of an Indian State cannot be brought in under the provisions of the Bill clause, 60(*2*)(*b*), they may yet be brought in by this amendment which I have proposed. Therefore I think Mr. Laidlaw is not quite accurate when he says that it is a consequential amendment and should be ruled out of order. I submit that this amendment is in order and I beg to move it as follows: That in clause 60 of the Bill after paragraph (*b*) of sub-clause (*2*), the following paragraph be added, namely:—

"(*c*) in the case of the Ruler of an Indian State, to the recognised agent of such state".

I need not repeat the argument which I have already made. I think the Hon'ble Finance Minister when he replied to my amendment No. 392B probably did not notice this amendment, namely, 192C and therefore he made an irrelevant remark that having accepted the principle of taxing Rulers of Indian States, he was not going to let them off by deleting this clause. I think the Hon'ble Finance Minister should have taken his lessons from some other quarters in order to make his speech in opposing the amendment which was moved by me before. I have always maintained that I am not in favour of exempting the Rulers of Indian States from taxation and I have already accepted the position that the Rulers should be taxed and therefore the remark of the Finance Minister was not only irrelevant but was not in justification of the attitude which I have taken throughout with regard to the assessment of the tax upon the Rulers of Indian States. I hope the Finance Minister should realise this and in future when he replies to my amendments he would consider this matter more seriously; otherwise he would be guilty of placing something on record which would not be to his credit. He should remember that his speeches are going to be recorded in the minutes of the proceedings of this House which would be handed down to posterity, so that when they come to read his speeches they may not say "Oh, it is very difficult to follow how the Finance Minister could say all this", after having read the proceedings in connection with the very next amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: That in clause 60 of the Bill, after paragraph (*b*) of sub-clause (*2*), the following paragraph be added, namely:—

"(*c*) in the case of the Ruler of an Indian State, to the recognised agent of such State."

Khan Bahadur NAZIRUDDIN AHMAD: I rise to support this amendment. The question is not, as the Hon'ble the Finance Minister has said,

mere determination to levy tax upon a particular Ruler of the Indian State. For that purpose, the entire House is of one mind. The point is: whether that determination has been given effect to sufficiently by means of adequate provision. The amendment seeks to introduce a machinery to give effect to the determination with which determination the entire House has agreed. The Hon'ble Minister in charge is probably emphasizing the very obvious point that we are all determined to levy tax; with regard to that there is no difference of opinion. This amendment seeks to legislate on that point effectively.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I am very glad that my honourable friend Mr. Bankim Chandra Mukherjee is very anxious to tax the Rulers of Indian States, as many others of this House are. So if I have said anything in derogation of the present position, I apologise and withdraw. But still I think that our object in taxing the Rulers of Indian States will be attained without the amendment proposed by the honourable mover. Therefore, Sir, as it is unnecessary I oppose this amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that in clause 60 of the Bill, after paragraph (*b*) of sub-clause (*2*), the following paragraph be added, namely:—

"(*c*) in the case of the Ruler of an Indian State, to the recognised agent of such State".

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is that clause 60 stand part of the Bill.

(The motion was agreed to.)

Clause 61.

Clause 61 stand part of the Bill.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I beg to move that in sub-clause (*2*) of clause 61 of the Bill, the following be added at the end, namely:—

"or at the option of the assessee any of the areas where the agricultural land is situated".

Honourable members will please notice that this clause 61 deals with the place of assessment and different places of assessment has been prescribed for different classes of assessees. Under clause (*1*) it is prescribed that when an assessee is a company, it shall be assessed at the place where the registered office of the company is situated. Under clause (*2*), it is stated that where an assessee is a company not having a registered office in Bengal or is a firm or other association of individuals, it shall be assessed by the Agricultural Income-tax Officer of the area where the principal accounts relating to its agricultural income are kept. My amendment intended to add these words at the end of this sub-clause (*2*). I propose that save and except the place where the principal accounts are kept an option may be given to the assessee of this class to have the place of assessment fixed according to his own convenience provided it is at a place where the agricultural land is situated. The author of this sub-clause thought and naturally considered that the place where the accounts are kept must be very convenient to the assessee of this class. I do not disagree but there may be circumstances under which an assessee of this class might like to be assessed at some place other than where their accounts are kept. With a view to give that facility to this class of assessee I have proposed this amendment. I think it will not inconvenience the assessing officers nor the agricultural income-tax officers in any way. So that if you can, by adding these few words, give an additional convenience to an assessee, I

think you should not grudge it and I hope that this is a most suitable amendment to help certain class of assessees and the House will be pleased to accept this amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: That in sub-clause (*2*) of clause 61 of the Bill, the following be added at the end, namely:—

"or at the option of the assessee any of the areas where the agricultural land is situated."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I fail to see how this option can give any real advantage to the assessee. The honourable the mover of the amendment did not give us any instance where exercise of such option may be of any advantage. On the contrary, it would introduce an element of uncertainty. I submit, Sir, that assessment is best done at the place where the accounts are kept. Therefore, Sir, in view of this uncertainty, I oppose this amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that in sub-clause (*2*) of clause 61 of the Bill, the following be added at the end, namely:—

"or at the option of the assessee any of the areas where the agricultural land is situated."

(The amendment was negatived.)

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I beg to move: That in sub-clause (*3*) of clause 61 of the Bill, for the words "the agent or the principal officer of such assessee resides" in lines 4 and 5, the words "the principal officer or any agent, *naib* or *gomostha* of such assessee resides" be substituted.

Now, this sub-clause fixes the place of assessment, irrespective of the question as to whether an assessee resides in a particular place or not. If the assessee is living outside the province we would fall back upon the principal officer or his agent. That, I think, would be a source of constant dispute between the assessee and the authorities, because whether a person is or is not an agent cannot be determined unless there is a power of attorney registered or authenticated properly. Therefore, I want to widen the scope by including the *naib* or *gomostha* or any agent. Now, one of these persons must stay there. Therefore, the addition of these words would certainly improve the clause as it stands at present and would avoid all possible disputes and quarrels between the assessing authorities and the assessees. I hope the Hon'ble the Finance Minister would see his way to accept this amendment for the benefit of easy assessment.

Mr. DEPUTY PRESIDENT: Order, order. Amendment moved: that in sub-clause (*3*) of clause 61 of the Bill, for the words "the agent or the principal officer of such assessee resides" in lines 4 and 5, the words "the principal officer or any agent, *naib* or *gomostha* of such assessee resides" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to support the amendment which has been moved by my honourable friend Mr. Moholanabish. Now, I was surprised to find, Sir, when the Hon'ble the Finance Minister was opposing the previous amendment and he said that it was not made clear as to what advantage the assessee would have if he had the advantage of being assessee in any place where his agricultural land is situated. The advantage to the assessee was obvious and it ought to have been so to the Hon'ble the Finance Minister because the assessee might choose to get assessed in any one of the placed where his land is situated. Now, so far as the present amendment is concerned I hope the Hon'ble the Finance Minister will be a little more careful and consider and see that the amendment is accepted. The wordings as they stand at present in the Bill "the

agent or the principal officer of such assessee.....". Now, the word "agent" has not been defined in the definition clause 2, but the principal officer is defined. The principal officer is defined in clause 2(*12*), and therefore if honourable members will refer to the clause itself, I mean sub-clause (*12*) of clause 2, they will find the following definition of the principal officer: "(*12*) 'principal officer' used with reference to an Indian State, a company or any other association means—

(*a*) (*i*) the manager or agent in Bengal of the Ruler or the Indian State, or

(*ii*) the secretary, treasurer, manager or agent of the company or association; or

(*b*) any individual connected with the Indian State, company or association upon whom an Agricultural Income-tax Officer has served a notice of his intention of treating him as the principal officer thereof."

Therefore, so far as the principal officer is concerned which is defined in the Act it refers to certain classes of assessees. I hope the Hon'ble the Finance Minister will realise that that definition does not exhaust all the assessees which are included within the operation of the Agricultural Income-tax Act. We know that *naibs* and *gomasthas* the well-known officers under zemindars, and I hope the Hon'ble the Finance Minister knows it very well because he himself is one of the landed aristocracies in Bengal, and therefore when dealing with Agricultural Income-tax officers one should have brought of these *naibs* and *gomosthas* who are the officers of the landlords and upon whom notices ought to be served for the purpose of enforcing attendance or serving processes under the Act. Therefore I think that the amendment really supplies an omission which may have been accidental but an omission which cannot be ignored and ought to be supplied. I therefore submit that the amendment should be accepted. With these few words I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, it is not correct to say that the word "agent" has not been defined in this Bill. In fact, a very wide definition of the word "agent" is given in clause 20. It is a very wide definition and it would include *naibs* and *gomosthas* or officers of that kind by whatever name you call them. Therefore, I do not think there is any necessity of mentioning *naibs* and *gomosthas* who have been specifically defined in this Bill.

Mr. DEPUTY PRESIDENT: The question before the House is that in sub-clause (*3*) of clause 61 of the Bill, for the words "the agent or the principal officer of such assessee resides" in lines 4 and 5, the words "the principal officer or any agent, *Naib* or *Gomostha* of such assessee resides" be substituted.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is that clause 61 stand part of the Bill.

(The motion was agreed to.)

Clause 62.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in clause 62 of the Bill, for the words "retaining or paying" in line 1, the words and comma "deducting, retaining or paying" be substituted.

Sir, the amendment has the effect of introducing another word "deducting". In fact, there are three words which are necessary in the context of this clause. In the Bill-clause only two words, namely, "retaining or paying" are to be found. The expression "deducting," is a necessary expression to give completeness of meaning to it. As an authority for the soundness of my argument I can refer the Honourable Minister to the previous

amendment of which notice was given by a very able member of this House, Mr. Nur Ahmed. He did not move that amendment but that amendment of which he gave notice had the same effect. I do not wish to read it but I would simply refer to the fact that that amendment aimed at the same effect. For the purpose of supporting my argument I may say that I live in the extreme westernmost district of the Province and Mr. Nur Ahmed in the extreme easternmost part of the province and when two such honourable members from entirely opposite directions agree upon the introduction of the same word, there must be something in the merits of the expression which should be accepted. I may assure the House that there was no conspiracy between us and both agreed to the introduction of the word "deduction", simply because both of them felt in their humble way that that word was necessary. My honourable friend Khan Sahib Wahiduzzaman suggests that great men think alike but I would not go so far. We are two humble men who thought that the necessity for the word was very great, and this necessity has made us united. With these words, I move that the amendment should be accepted.

Mr. DEPUTY PRESIDENT: Amendment moved: that in clause 62 of the Bill, for the words "retaining or paying" in line 1, the words and comma "deducting, retaining or paying" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I do not think this amendment is necessary. The word "retaining" covers the entire purpose the honourable mover has in mind. I therefore oppose the amendment.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is that clause 62 stand part of the Bill.

(The motion was agreed to.)

Clause 63.

Mr. DEPUTY PRESIDENT: Clause 63 stand part of the Bill.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in sub-clause (*4*) of clause 63 of the Bill, for the words "the Court" in line 3, the words "the High Court" be substituted.

Sir, although a painstaking man might interfere with the expression "High Court", I think in the interest of better draftsmanship it is better to be very particular. Legal enactments are very particular in this respect. I hope this amendment will be accepted.

Mr. DEPUTY PRESIDENT: Amendment moved that in sub-clause (*4*) of clause 63 of the Bill, for the words "the Court" in line 3, the words "the High Court" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, this amendment is unnecessary. I oppose it.

Mr. DEPUTY PRESIDENT: The question before the House is that in sub-clause (*4*) of clause 63 of the Bill, for the words "the Court" in line 3, the words "the High Court" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in sub-clause (*6*) of clause 63 of the Bill, for words "the Court" occurring at the end, the words "that Court" be substituted.

Sir, there is some difference between "the Court" and "that Court". "That" is more particular and more accurate in the context. That is why I am suggesting this amendment.

Mr. DEPUTY PRESIDENT: Amendment moved that in sub-clause (6) of clause 63 of the Bill, for the words "the Court" occurring at the end, the words "that Court" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I do not think the amendment is necessary. Therefore I oppose it.

Mr. DEPUTY PRESIDENT: The question before the House is that in sub-clause (6) of clause 63 of the Bill, for the words "the Court" occurring at the end, the words "that Court" be substituted.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is that clause 63 stand part of the Bill.

(The motion was agreed to.)

Clause 64.

Mr. DEPUTY PRESIDENT: The question before the House is that clause 64 stand part of the Bill.

(The motion was agreed to.)

Mr. DEPUTY PRESIDENT: I believe that by this time the honourable members have received a circular letter signed by the Hon'ble Speaker of the Legislative Assembly intimating certain printing mistakes in respect of clause 65. So if any honourable member wants to give notice of any amendment under the new circumstances, I am prepared to give him time up to 2 p.m. on Thursday next. In that view of the matter, I want to pass over all the amendments in respect of clause 65. Now I want to take up amendment No. 415. Clause 65 would be taken up later.

Khan Bahadur NAZIRUDDIN AHMAD: I simply like to know that after passing through certain amendments whether this is the proper time to receive such a circular letter. In fact, we have got a Bill from the other House and we cannot proceed behind that Bill and go into the proceedings of another place. The question might lead to some constitutional difficulty. If that question is reserved for consideration till that time, I do not want to raise it now.

Mr. DEPUTY PRESIDENT: As we have not yet reached clause 65, I think that this change can be made. There will be no irregularity in that matter.

Mr. NAGENDRA NATH MOHOLANABISH: I rise on a point of privilege, Sir. This communication has only been received——

Mr. DEPUTY PRESIDENT: This is not a question of privilege. You cannot ask the reason for my decision.

Mr. NAGENDRA NATH MOHOLANABISH: I then rise on a point of information, Sir. This communication has been sent to us only a few minutes before. It is really not authorised by any law or rule.

Mr. DEPUTY PRESIDENT: This is a different matter. That question was raised by Khan Bahadur and I have given a reply.

Mr. NAGENDRA NATH MOHOLANABISH: I do not understand——

Mr. DEPUTY PRESIDENT: Please resume your seat. I have already informed you that this office has received a letter from the Hon'ble the Speaker of the Assembly. He has intimated that there is a certain printing mistake in respect of clause 65 and that matter has been made known to you by a circular letter. So I want to pass over all amendments in respect of clause 65.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, you have stated certain facts which are already known to us. The Hon'ble Speaker of the Assembly has sent a communication to us. This fact is known to us. That is neither any order nor a decision. What I want to know is: whether in the circumstances there can be any communication of this nature.

Mr. DEPUTY PRESIDENT: My answer is in the affirmative. I have already stated that.

Mr. LALIT CHANDRA DAS: Sir, may I rise on a point of order? I don't think you can skip over section 65.

Mr. DEPUTY PRESIDENT: I think I can.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, we refuse to consider the other clauses before clause 65 is finished.

Mr. DEPUTY PRESIDENT: Khan Bahadur, you can move your amendment No. 415.

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in the Schedule of the Bill, in paragraph A(*1*) after the word "every individual" in line 1, the following be inserted, namely:—

"whether he is a member of an undivided Hindu family governed by the *Dayabhaga* school or of an undivided Muslim family".

Sir, the Bill has given certain advantageous position to an undivided Hindu family which unfortunately has been defined to be undivided Hindu family belonging to *Mitakhshara* school. That is because the expression has been used in the Indian Income-tax Act in that way. It is very unfortunate that the expression has been blindly inserted in this Bill without considering what tremendous difference it would make. So far as the all-India question is concerned, a preponderating number is being governed by the *Mitakshara* school. *Dayabhaga* system only obtains in Bengal. So it seems to us that the advantage to the undivided Hindu family would be confined to those undivided Hindu family of *Mitakshara* schools. It would be the undivided Hindu family belonging to the *Dayabhaga* school which would not be able to participate in the benefit. In fact, I believe that the definition of undivided Hindu family has been blindly accepted from the Indian Income-tax Act. But whatever may be the consideration that induced the draftsman to extend the benefit to the *Mitakshara* school, there is no earthly reason why the same advantage should not be given to undivided Hindu family belonging to the *Dayabhaga* system.

There is another point. In Bengal there are many Muslim families which are undivided. It does not matter whether a family belongs to the Muslim community or Hindu community: the test is whether the family is divided or undivided. In the circumstances, I beg to suggest that the expression undivided Hindu family governed by the *Dayabhaga* school should also be included to enable them to participate in the benefits. That is the effect of this amendment. In fact, a very wholesome provision has been made and this should be extended to all, Hindus and Muhammadans. If it is not possible for the Hon'ble the Finance Minister to accept this amendment readily, I would ask him to consider the matter afterwards when he takes up an amending Bill. With these words, Sir, I move my amendment.

Schedule.

Mr. DEPUTY PRESIDENT: Order, order. Amendment moved that in the Schedule of the Bill, in paragraph A(*1*) after the words "every individual" in line 1, the following be inserted, namely:—

"whether he is a member of an undivided Hindu family governed by the *Dayabhaga* school or of an undivided Muslim family."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I would lik to point out that persons governed by the *Dayabhaga* school and person governed by Muslim law have their shares determined unlike the member of families governed by *Mitakshara* law. Therefore, this particular amend ment is not necessary in their case. It is for that reason that Hind undivided family has been defined as Hindu undivided family belonging t the *Mitakshara* school. In practice, there must be justice done in the cas of members of the *Mitakshara* family.

Mr. DEPUTY PRESIDENT: The question before the House is that i the Schedule of the Bill, in paragraph A(*1*) after the words "every ind vidual" in line 1, the following be inserted, namely:—

"whether he is a member of an undivided Hindu family governed b the *Dayabhaga* school or of an undivided Muslim family."

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that i the Schedule of the Bill, in paragraph A(*1*) for the words "Hindu undivide family" in line 1, the words "or a Hindu undivided family governed b the *Mitakshara* school" be substituted.

Sir, this is merely consequential.

Mr. DEPUTY PRESIDENT: Amendment moved that in the Schedul of the Bill, in paragraph A(*1*) for the words "Hindu undivided family" i line 1, the words "or a Hindu undivided family governed by the *Mitakshar* school" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, after what have said, I do not think I need repeat myself. I think I made my positio quite clear.

Mr. DEPUTY PRESIDENT: Order, order. The question before th House is that in the Schedule of the Bill, in paragraph A(*1*) for the word "Hindu undivided family" in line 1, the words "or a Hindu undivide family governed by the *Mitakshara* school" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in th Schedule of the Bill, in paragraph A(*1*) for the words "consisting brothers only" in line 2, the words "consisting only of brothers or the representatives" be substituted.

Sir, this is a little more than a drafting amendment. In this case th Bill clause provides for a family consisting of brothers. If we go down t the definition of brother, we find a paradoxical situation. The House wi be pleased to consider the definition of "brother" at the bottom of th Schedule paragraph (*i*) under the heading Explanation. There, strangel enough, "brother" is supposed to include the son and the son of a son of brother and last of all the widow of a brother. This should appear strang to any one not accustomed to the ways of legislative methods. In fact, ho can a brother in the ordinary language be meant to include the son of brother and the son's son of a brother and what is more obnoxious, the wido of a brother? A certain gentleman wanted to find a suitable bridegroom f his daughter. He found one and interviewed him to ascertain his qualific tions. He asked him how many brothers you are তোমরা ক' ভাই? The answe was: three: তিন ভাই; Then the would-be father-in-law asked him who a they? কে কে? The reply was আমি কাকীকাকা ভগী পিসী। In this ca this is what exactly the Bill says. This I found in one of the classic dramas of Bengal and little did the author of the drama think at the tim that a day would come when this fiction would be realised in fact in his ow

country! Here, also, speaking of a brother, when one asks who is a brother, the answer is the son and the son of a son of a brother and the widow of a brother. This is exactly what the definition implies. I submit that definitions are used for the purpose of using shorter expressions and the choice of words to represent them should be made with some amount of care. The words which are used to express a large number of cases should be so selected as to really imply the thing designed to express: there should be no contradiction in terms, or any sex perversion in the text of a definition, which is too horrible for any man of the ordinary type to understand. If we did so, we should be blamed for agreeing to a definition which perpetuated such an absurdity or oddity. In these circumstances, I have suggested another amendment which may be taken into consideration just now, namely "consisting only of brothers or their representatives". This idea is again taken from the *Mitakshara* illustration. The son or widow of a brother is no doubt the representative of a brother. In fact, if we used this alternative, then the horrible contradiction in terms would not be perpetuated and it would remove the linguistic anomaly and also the sex perversion that I have suggested. This is only a fraction of the picture. I have tabled another amendment in order to make the picture complete and this amendment is to the effect that the expression "consisting of brothers only" in line 2, should be changed to "consisting only of brothers or their representatives". The representatives of a brother has been according to another amendment attempted to be defined as a brother, brother's son, brother's son's son and his widow. They are certainly representatives of a brother. In these circumstances, in the interest of good sense and decency, I think this amendment should be accepted. Towards the close of our debate at least one amendment should be accepted and I believe nothing will be lost but much good sense will be exhibited if this amendment is accepted. I leave it to the good sense of the Honourable Minister in charge of the Bill who must himself be very much surprised and shocked by the definition which has been suffered to be placed in this Bill.

Mr. DEPUTY PRESIDENT: Amendment moved: that in the Schedule of the Bill, in paragraph A(*1*) for the words "consisting of brothers only" in line 2, the words "consisting only of brothers or their representatives" be substituted.

Mr. BANKIM CHANDRA MUKHERJEE: I rise to support the amendment which has been moved by my honourable friend Khan Bahadur Nazir-uddin Ahmad.

But I support the amendment on a ground not exactly similar to the ground on which the mover has done so. Sir, I beg to support the amendment which has been moved by Khan Bahadur Naziruddin Ahmad. I would support the amendment on a ground not exactly similar to the ground on which the honourable mover wanted to support it. Now, Sir, if we look to the clause itself we find that the clause runs as follows: "In the case of every Hindu undivided family which consists of brothers only." Hindu undivided family has been defined as joint family governed by *Mitakshara* Hindu law. In the explanation to the sub-clause there is a definition. It is not exactly a definition but it purports to explain the word "brothers" in sub-clause (*2*) as follows: "For the purpose of this Schedule, 'brother' includes the son and the son of a son of a brother and the widow of a brother". Now, brother's son's son's son is not included. Therefore if a brother has left a great grandson who is also a member of a family, that family altogether goes out from the definition clause and does not get any benefit of sub-clause (*2*) of clause A of the Sededule.

There is another aspect of the matter and that is this. The widow of a brother is not a member of the Hindu undivided *Mitakshara* family. If the Hon'ble Finance Minister will look up the law of *Mitakshara* joint family he will find that a widow is not a co-partner in a *Mitakshara* joint family.

A widow gets a share under the Deshmukh Act but that Deshmukh Act does not apply to agricultural land and therefore in the present instance when we are going to tax agricultural property a widow does not get any share with regard to agricultural lands at all. I find the Hon'ble Minister is going to take lessons. I think he will have to go to some other quarter for this purpose. He will kindly consult the authority. In a case the Federal Court held that agricultural lands are outside the scope of the Central Legislature and therefore the widow of a brother does not become a co-partner and therefore so far as the definition itself is concerned that is not quite in accordance with the present law on the subject. I therefore submit that there is considerable legal difficulty in the clause as framed and if the amendment is accepted it would only remove all these difficulties. I submit that the Hon'ble Finance Minister before opposing this amendment will consider seriously whether he should or should not accept this amendment. With these few words I support the amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The definition seems to be clear enough. Brother represents a legal category and that category has been explained according to relation. I am afraid there is no question of changing this definition. We have followed the *Mitakshara* law meticulously. I, therefore, cannot accept the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that in the Schedule of the Bill, in paragraph A(*1*) for the words "consisting of brothers only" in line 2, the words "consisting only of brothers or their representatives" be substituted.

(The amendment was negatived.)

Mr. HARIDAS MAZUMDAR: Sir, I beg to move that in the Schedule of the Bill, in paragraph A(*1*), for the clauses (*a*) to (*f*), the following clauses be substituted, namely:—

"(*a*) when the total agricultural income exceeds Rs. 5,000 but does not exceed Rs. 10,000—six pies in the rupee.

(*b*) when the total agricultural income exceeds Rs. 10,000 but does not exceed Rs. 15,000—seven pies in the rupee.

(*c*) when the total agricultural income exceeds Rs. 15,000 but does not exceed Rs. 20,000—eight pies in the rupee.

(*d*) when the total agricultural income exceeds Rs. 20,0000 but does not exceed Rs. 30,000—ten pies in the rupee.

(*e*) when the total agricultural income exceeds Rs. 30,000 but does not exceed Rs. 40,000—twelve pies in the rupee.'

(*f*) when the total agricultural income exceeds Rs. 40,000 but does not exceed Rs. 75,000—fifteen pies in the rupee.

(*g*) when the total agricultural income exceeds Rs. 75,000 but does not exceed Rs. 1,00,000—eighteen pies in the rupee.

(*h*) when the total agricultural income exceeds Rs. 1,00,000 but does not exceed Rs. 1,50,000—twenty-two pies in the rupee.

(*i*) when the total agricultural income exceeds Rs. 1,50,000 but does not exceed Rs. 2,50,000—twenty-four pies in the rupee.

(*j*) when the total agricultural income exceeds Rs. 2,50,000 but does not exceed Rs. 5,00,000—twenty-six pies in the rupee.

(*k*) when the total agricultural income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000—twenty-eight pies in the rupee.

(*l*) when the total agricultural income exceeds Rs. 10,00,000 but does not exceed Rs. 15,00,000—twenty-nine pies in the rupee.

(*m*) when the total agricultural income exceeds Rs. 15,00,000—thirty pies in the rupee."

Mr. DEPUTY PRESIDENT: Amendment moved: That in the Schedule of the Bill, in paragraph A(*1*), for the clause (*a*) to (*f*), the following clauses be substituted, namely:—

"(*a*) when the total agricultural income exceeds Rs. 5,000 but does not exceed Rs. 10,000—six pies in the rupee.

(*b*) when the total agricultural income exceeds Rs. 10,000 but does not exceed Rs. 15,000—seven pies in the rupee.

(*c*) when the total agricultural income exceeds Rs. 15,000 but does not exceed Rs. 20,000—eight pies in the rupee.

(*d*) when the total agricultural income exceeds Rs. 20,000 but does not exceed Rs. 30,000—ten pies in the rupee.

(*e*) when the total agricultural income exceeds Rs. 30,000 but does not exceed Rs. 40,000—twelve pies in the rupee.

(*f*) when the total agricultural income exceeds Rs. 40,000 but does not exceed Rs. 75,000—fifteen pies in the rupee.

(*g*) when the total agricultural income exceeds Rs. 75,000 but does not exceed Rs. 1,00,000—eighteen pies in the rupee.

(*h*) when the total agricultural income exceeds Rs. 1,00,000 but does not exceed Rs. 1,50,000—twenty-two pies in the rupee.

(*i*) when the total agricultural income exceeds Rs. 1,50,000 but does not exceed Rs. 2,50,000—twenty-four pies in the rupee.

(*j*) when the total agricultural income exceeds Rs. 2,50,000 but does not exceed Rs. 5,00,000—twenty-six pies in the rupee.

(*k*) when the total agricultural income exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000—twenty-eight pies in the rupee.

(*l*) when the total agricultural income exceeds Rs. 10,00,000 but does not exceed Rs. 15,00,000—twenty-nine pies in the rupee.

(*m*) when the total agricultural income exceeds Rs. 15,00,000—thirty pies in the rupee."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I am not at all surprised that the mover of the amendment did not tell us why he proposed this amendment. Of course, I know the reason why he could not, for he copied this amendment from the Bihar Agricultural Income-tax Act or perhaps from one of the rejected amendments in another place. I wanted to know from the honourable mover what profit would be derived from this amendment. Now, Sir, I made it plain at one stage of the debate of this Bill that we have followed the *slab system* and there is no reason why we should go back to the old *step system*. Sir, the time at my disposal just now will not permit me to explain the difference between the *slab system* and *step system;* but I may say a few words regarding the *slab system*. Through the *slab system*, the distribution of the tax is much more effective and the net result is that more money accrues to the Treasury. That is the reason why we have adopted the *slab system* and rejected the old *step system*.

I oppose the amendment.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The House stands adjourned till 2 p.m. tomorrow.

Adjournment:

The Council then adjourned till 2 p.m., on Thursday, the 12th October, 1944.

Members absent.

The following members were absent from the meeting held on the 11th October, 1944:—

(1) Mr. Moazzamali Chowdhury.
(2) Mr. H. Huq Chowdhury.
(3) Mr. H. R. Chowdhury.
(4) Mr. Mohd. H. Chowdhury.
(5) Mr. B. C. Datta.
(6) Mr. M. Hossain.
(7) Mr. N. N. Mookerjee.
(8) Mr. R. S. Purssell.
(9) Khan Bahadur Mukleswar Rahman.
(10) Dr. K. S. Ray.
(11) Mr. S. N. Sanyal.

BGP-44/5-9548A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 86.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Thursday, the 12th October, 1944, at 2 p.m., being the eighty-sixth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. Deputy President (Khan Bahadur ABDUL HAMID CHOWDHURY, J.P.) was in the Chair.

Adjournment Motions.

Mr. KAMINI KUMAR DUTTA: Sir, I find that there are no questions today; so I think the discussion of the Agricultural Income-tax Bill will be taken up straightway.

Mr. DEPUTY PRESIDENT: Before I take up the Bill, I have to take up some of the adjournment motions.

Mr. KAMINI KUMAR DUTTA: After that I have to make a statement before the debate on the Income-tax Bill starts.

Mr. DEPUTY PRESIDENT: There is a motion for adjournment of the business of the House tabled by Mr. Lalit Chandra Das which runs as follows:—

> That this Council do adjourn its business to discuss a definite matter of urgent public importance and of recent occurrence, namely, the failure of the Government to give due protection to the Hindus in celebrating the *Durga Pujah* at Sandwip in the district of Noakhali which was broken up after *udbhudhan* (*Bhudan Pujah*) on the 23rd September last and was not allowed to proceed owing to Muslim interference.

Mr. LALIT CHANDRA DAS: Sir, I want to know whether the Government is prepared to make a statement on this matter before I actually move my adjournment motion.

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSAIN: I am not in a position to say anything about it, because we are not really prepared to make any statement today. We thought that the motion would first be admitted and then we would prepare a statement or a reply.

Mr. LALIT CHANDRA DAS: Will you take time to make a statement?

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSAIN: Don't you want to move it?

Mr. LALIT CHANDRA DAS: I don't move it if you make a statement.

Mr. DEPUTY PRESIDENT: Does the Government undertake to make a statement?

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSAIN: Sir, this matter does not relate to my department, and so I do not know whether the Hon'ble Minister concerned will be able to get the necessary information within a short time and make a statement. I think, however,, he will be prepared to make a statement.

Mr. LALIT CHANDRA DAS: In the hope, Sir, that Government will make a statement on this matter, I will not move it.

Mr. DEPUTY PRESIDENT: But the Hon'ble the Leader of the House does not make a definite promise that Government will make a statement.

The next adjournment motion stands in the name of Mr. Bankim Chandra Mukherjee which runs as follows:—

That this Council do adjourn its business to discuss a definite matter of urgnt public importance, namely, the situation that has arisen out of the action of the District Magistrate, Murshidabad, prohibiting the municipality of Berhampur from seizing or destroying unwholesome food under the provisions of the Bengal Municipal Act.

Mr. DEPUTY PRESIDENT: I think you are not going to press the motion, Mr. Mukherjee?

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir, I do press.

Mr. DEPUTY PRESIDENT: But I think a motion to that effect had previously been moved.

Mr. BANKIM CHANDRA MUKHERJEE: We know that a similar motion was moved and a statement was made from the Treasury Bench, but it was not quite accurate. Therefore, I have again given notice of this motion after having secured an exact copy of the Magistrate's order.

Mr. DEPUTY PRESIDENT: But there is still another motion of the same nature.

Mr. BANKIM CHANDRA MUKHERJEE: That deals with the general question and you should allow me to move this motion instead of that motion, that being of a limited nature. The full copy of the order was not available at the time and now I have got a full copy of the order which has been forwarded to me by the Chairman of the Municipality. I, therefore, hope you will allow me to move my motion.

Mr. DEPUTY PRESIDENT: Is it not a fact that a similar adjournment motion was tabled by Mr. Nagendranath Mahalanobish on a former occasion?

Mr. BANKIM CHANDRA MUKHERJEE: Not exactly in this form or on these facts. As I have already informed you, I have now got a full text of the order of the District Magistrate of Murshidabad forwarded to me by the Chairman of the Municipality and upon that I am tabling this motion. At that time the order of the District Magistrate which was served upon the Chairman of the Municipality was not with us.

Mr. DEPUTY PRESIDENT: In that case, I would like to examine the matter more closely and I would require some more time. I cannot decide the matter at short notice.

Mr. BANKIM CHANDRA MUKHERJEE: As a matter of fact, this motion has been admitted by the Hon'ble President—not exactly admitted, but it has been kept ready for consideration of admissibility.

Mr. DEPUTY PRESIDENT: As I have told you, I should like to examine the question of admissibility and this will take some time; I cannot do so at short notice.

Mr. BANKIM CHANDRA MUKHERJEE: If it is held over now, may I not be allowed to move it the next day?

Mr. DEPUTY PRESIDENT: I can assure you that I shall waive the question of urgency, and admit it if it is found to be otherwise in order.

Then comes another motion of Mr. Bankim Chandra Mukherjee which is to the effect: that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen out of the action of the Government of Bengal in preventing the officers of the Corporation of Calcutta from taking samples of food-stuff from the ration shops under the provisions of the Calcutta Municipal Act and dealing with the samples under the provisions of the said Act.

Do you want to move it, Mr. Mukherjee?

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir.

Mr. DEPUTY PRESIDENT: Well, so far as the form of the motion is concerned, I think it is in order. Has the honourable member got the leave of the House to move it?

Mr. MESBAHUDDIN AHMAD: No, Sir. I object.

Mr. DEPUTY PRESIDENT: As there is objection, will honourable members who are in favour of leave being granted kindly rise in their places? (After a pause.) As 13 honourable members have risen in their seats, the motion is admitted. Now I have got to fix a time for the discussion of the motion. What time will suit you?

Mr. MESBAHUDDIN AHMED: 2-30 p.m. tomorrow.

Mr. HARIDAS MAJUMDAR: But tomorrow is a non-official day.

Mr. MESBAHUDDIN AHMAD: But this also is non-official business! Why not take it up at the earliest opportunity?

Mr. HUMAYUN KABIR: I quite agree with the Chief Whip that the matter should be taken up at the earliest opportunity. Then why not take it up at 2-15 p.m. today? I am very glad that the Chief Whip agrees that it should be taken up at the earliest opportunity.

Mr. DEPUTY PRESIDENT: What does the Honourable the Leader of the House say? Have you got any objection to take it up just now?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Yes, the usual practice is that after a motion is admitted, it is fixed for discussion on the next day. Besides, we are not at all ready for this motion. If, however, tomorrow does not suit the honourable members of the Opposition, it will have to be fixed for the next official day.

Mr. DEPUTY PRESIDENT: All right; on the next official day.

Statement by Leader of the Opposition.

Mr. KAMINI KUMAR DUTTA: Sir, I wish to make a statement in respect of a notice which was circulated to us yesterday in the Chamber regarding some alteration in clause 65 of the Bengal Agricultural Income-Tax Bill. I wish to explain the position of the Opposition in respect of this matter——

Mr. DEPUTY PRESIDENT: It would be better if you raise that question when that clause is taken up.

Mr. KAMINI KUMAR DUTTA: We are bound to make the statement before the time fixed for the amendment. As amendments are to be made by 4 p.m. to-morrow, it is necessary that we should make the statement now.

Mr. DEPUTY PRESIDENT: I do not see how your case will be prejudiced if you raise the same question at the time clause 65 is taken up.

Mr. KAMINI KUMAR DUTTA: I can assure the Chair that we have already given our anxious thought over this matter and it would really

affect our position if the statement is made later. Sir, the statement is a very important one and we hope it will be of much help to the House and also to the Chair. I am making the statement on behalf of the Opposition as a whole.

Mr. DEPUTY PRESIDENT: I can allow you to make the statement on one condition. You cannot discuss the ruling which was given yesterday. You cannot reopen any matter which was disposed of yesterday. You can simply explain your position and in doing so I hope you will not make any observation against the ruling of the Chair already given.

Mr. KAMINI KUMAR DUTTA: If in the course of my statement the Chair finds that I have violated any rule or procedure, I may be stopped.

Sir, what I intend to say is this. This notice was circulated together with a certain annexure said to be signed by the Speaker of the Legislative Assembly, dated the 6th October, 1944, stating that a certain mistake had crept in the printing of the Agricultural Income-Tax Bill which was transmitted to the Council. I will place before the House the relevant rules and the law in order to explain our position and our attitude in this respect.

Mr. DEPUTY PRESIDENT: You can simply explain your attitude. As one holding the very responsible position of the Leader of the Opposition, I hope you will not criticise the ruling of the Chair.

Mr. KAMINI KUMAR DUTTA: Sir, I will be very careful in that respect but at the same time I will not spare the other party for the manoeuvring that has been adopted. No doubt, the Government of India Act, 1935, has laid down that a Bill passed in the Assembly shall be transmitted to the Council. Apparently, taking the cue from that section there has been forwarded the letter of the Speaker of the Lower House pointing out certain mistake which is alleged to have crept in the Bill, as printed and transmitted to this House. My Party thinks that so far as this House is concerned, it has no access to the proceedings of the Assembly and this House has no right to know even what the proceedings in the Assembly were. According to our Procedure Rules, in respect of the Bills which originate in the Assembly and which are to be sent to the Council for concurrence or for amendment has been laid in sections beginning from 59. The rule 65 runs thus:

> "When a Bill is passed by the Council, the Secretary shall, if necessary, renumber the clauses, revise and complete the marginal notes thereof and make such purely formal consequential amendments therein as may be required and two copies of the Bill shall be submitted to the President and shall be signed by him."

And here we have a letter of the Speaker himself saying that as a matter of fact, as required by this Rule 65, the copies were placed before him and were sent by him. So far this House is concerned, there is rule 76 which says:

> "When a Bill originating in the Assembly has been passed by the Assembly and is sent to the Council, copies of the Bill shall be laid on the Table and made available for the use of members at the next following meeting of the Council or as soon as possible thereafter."

So this is the only source of our knowledge of the shape of the Bill, its contents, its terms and provisions. The only source of information for this House is the copy of the Bill sent along with the message of the Speaker and nothing else. This House is not to look at what actually happened in the Assembly at all and it is said in the letter of the Speaker himself that the copy of the Bill which was sent with this message for the consideration of the House was without that expression "no" in the text of clause 65.

As required by our rules, this Bill is to be sponsored in the House either by a Minister for the Government or by a member. As a matter of fact, it was sponsored under rule 77 by the Hon'ble Minister in charge of Finance. From that moment this House was in *seisin* of the Bill as presented by the Hon'ble the Finance Minister for its consideration. That Bill was signed and authenticated by the Speaker and sent to this House for its consideration. No doubt, the Speaker subsequently on the 6th October writes to say that there was a mistake in the Bill which he sent to us. That Bill, Sir, is before us from the month of June last. Since that time this Bill is in *seisin* of this House and the Speaker is now *functus officio* so far as this Bill is concerned. That being so, the letter which the Speaker has now sent to the Council is unauthorised of which no cognisance can be taken by this House and my Party refuses to take any cognisance of a letter like this. The Speaker has now no connection with the Bill after he has signed it and transmitted it to the Upper House. This Bill has been transmitted to this House for consideration, and we are engaged in the consideration of the provisions of this Bill. We say it is an interference with the powers of this House: it is an insult to the House, it is encroaching upon the powers of the Legislature. The Speaker had no right to say what correction or what alteration ought to be made. He has already ceased to function so far as this Bill is concerned. Up till now the Hon'ble the Finance Minister has not presented any other Bill. If the Finance Minister now says that he would present a Bill in this altered form, our attitude would be that there can be but one presentation of one Bill at a time. Piecemeal rectification, piecemeal presentation of Bill is not contemplated by any of the rules. There is one Bill, and there can be one transmission only. There cannot be any piecemeal rectification. We are competent to consider only the Bill that was transmitted to this House by the Speaker with his Message and which was moved for consideration by the Hon'ble Minister in charge. We can, of course, consider alterations in the clauses of this Bill only when the alteration comes in the shape of an amendment. With all respect for the Chair, I say that my Party thinks that this matter is outside the domain of the President's ruling. Because, that will be a transgression of the rights of the House. It is not a matter for the President to rule. Rulings are confind only to questions of procedure. Rights and privileges of the House cannot be the subject-matter of President's rulings. My party thinks that this move represents an attempt to come through the back door after failing to come through the front door and is meant to curtail the rights of the House. To take it out of our jurisdiction and to take it to the domain of the ruling of the President is certainly curtailing the privileges of the House. So my party contends that only that Bill which was moved by the Finance Minister for being taken into consideration is now before us. Alteration can be made by way of amendment and, indeed, it would appear from the rulings of the previous President of this House——

Mr. DEPUTY PRESIDENT: Mr. Datta, that does not apply here.

Mr. KAMINI KUMAR DUTTA: But, Sir, the Secretary could not rectify that mistake. Evidently this letter of the Hon'ble Speaker was obtained with a view to by-pass that ruling that the Secretary cannot make any alteration. I have already said that my Party thinks that even the Speaker has no right, after the matter has gone out of his hand and after the Bill has been transmitted to this House, to say that there was a mistake. He is *functus officio*. He is no longer in *seisin* of the matter. The only House that is competent and that is in *seisin* of the matter is this House and this House alone; the Speaker of the Assembly has no right to impose himself upon this House and to say that there was a mistake. He is no longer the Speaker who is in *seisin* of the matter. There may be printing mistakes but printing mistakes can be remedied. It is not a malady which cannot be remedied at all. It can be remedied by means of amendments and indeed I find that there is an amendment which exactly wants to make

this alteration. Why is the other party afraid of accepting this amendment? There is surely an ulterior motive behind this. I would appeal to the House and I would say on behalf of my Party that this sort of manoeuvre ought not to be allowed in a responsible House like this, ignoring the cardinal principle that the rights of the House cannot be transgressed——

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Is it permissible to cast aspersions on the Speaker of the Assembly? (Voices from the Opposition Benches: It is no aspersion at all.)

Mr. DEPUTY PRESIDENT: I have already given him sufficient warning not to criticise the ruling of the Chair.

Mr. KAMINI KUMAR DUTTA: I am not criticising the ruling of the Chair. When there is ar appeal from a lower court to a higher court, we always say that the lower court has been wrong and that its judgment is perverse. This is always allowed. Accordingly, we are entitled to say that the service of the Speaker was requisitioned in order to by-pass the rules of this House.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: It is absolutely untrue.

Mr. KAMINI KUMAR DUTTA: You may say so. But the procedure adopted by the Government gives rise to suspicion. Why do you fight shy of accepting an amendment of this House? Why have you adopted this back door tactics?

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Who has adopted it?

Mr. KAMINI KUMAR DUTTA: You have adopted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: That's a lie.

Khan Sahib Maulvi WAHIDUZZAMAN: Sir, the Hon'ble Minister has said that it is a lie. He must withdraw it, for he cannot call an honourable member a liar.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I did not mean that. It is a gross untruth.

Mr. DEPUTY PRESIDENT: The fact is that the office of the Council has received a communication from the Hon'ble the Speaker and on that action has been taken. So I think no aspersion can be cast upon anybody.

Khan Sahib WAHIDUZZAMAN: But what about the language used by the Hon'ble Finance Minister?

Mr. DEPUTY PRESIDENT: Order, order.

Mr. KAMINI KUMAR DUTTA: Actually the attitude taken up by the Hon'ble the Finance Minister would remind us only of Hitler's "Mein Kampf" that by repeating a thing any number of times it may be made to appear as true. This lictum is only followed in Nazidom. So what our attitude will be is that so far as the Opposition is concerned, we shall consider only the Bill which had been placed before the House and moved for consideration by the Hon'ble the Finance Minister; but even that is now repudiated by the Minister in charge. He now disowns his parentage for it. So we should ignore his illegitimate child and the only Bill which should be placed before the House for consideration from the Chair would be the Bill which was transmitted and it is on the amendments tabled in connection with that Bill that voting will take place. So far as the request that has been made by the Secretary to the Council for putting in amendments to the altered clause 65 is concerned, our Party's decision is that we refuse to take cognisance of this illegitimate child at all. We shall not put in any amendment to this changed clause 65, and we shall not allow this question

to be put in this House. We shall maintain that the real Bill is that which was signed and transmitted by the Speaker of the Assembly and which was moved for being taken into consideration by this House. Lastly, Sir, I should make one point clear to the House. We do not invite any ruling from the Chair and my contention is that it is a matter beyond the domain of any ruling. It is a matter which concerns the fundamental right of the House and not a matter of ruling.

The Hon'ble Khwaja Sir NAZIMUDDIN: If you will only permit me to speak for a few minutes, I would make the position absolutely clear in regard to the question that has been raised, namely, why the amendment that has been tabled already in connection with clause 65, should not be accepted. Apart from the fact that the correction has come from the Hon'ble Speaker on his own initiative and without our knowledge—of course, it was discussed with us,—but the question was taken up by him on his own initiative and without our knowledge. The fact remains that if this House were to pass an amendment inserting the word "No", then the Bill would have to go to the Assembly with that amendment, because any amendment made by this House would have to go to the Assembly for their concurrence.

Mr. HARIDAS MAZUMDAR: What is the harm?

The Hon'ble Khwaja Sir NAZIMUDDIN: I will point out what is the harm. The Assembly may well say that we do not take this change as an amendment, because that thing was there and it had not been changed at all. In the old Bill, that is, the Bill that was passed by the Lower House, the word "No" was there.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, on a point of order; nothing that has happened in the Lower House can come in here. We are only concerned with the copy of the Bill that has been supplied to us.

Mr. DEPUTY PRESIDENT: I am in possesion of a copy of the Bill as introduced in the other House and I find that there is a "No".

Mr. BANKIM CHANDRA MUKHERJEE: That may be so, Sir, but we are only concerned with the Bill as presented to this House by the Finance Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am referring to the communication sent by the Hon'ble Speaker and in that communication it was made clear that "No" was there. So it is a printing mistake.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, the Hon'ble Minister cannot refer to that and if he does so, we are not bound to take notice of that.

Mr. DEPUTY PRESIDENT: Please do not interrupt the Hon'ble Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not like the members of the Opposition to question the *bona fides* of anybody; but I would ask the House to remember that this is a matter of legislation and a serious matter and so the practicability of the whole thing has got to be taken into consideration. Even for argument's sake, if the suggestion of the Opposition is accepted by the House, I am trying to point out to you, Sir, and I would again appeal to the members of this House who constitute a very responsible body, not to do anything which is going to make them a laughing stock of the people. I am trying to point out that if this House passes an amendment adding the word "No" and if that thing goes to the Assembly, then the Assembly would be pointing out that we cannot regard this as an amendment——

Mr. NAGENDRA NATH MOHOLANABISH: We cannot listen to what the Assembly will say. That is no concern of ours.

Mr. HARIDAS MAZUMDAR: There is an amendment tabled by us. The question of its going to the other House does not arise at all.

The Hon'ble Khwaja Sir NAZIMUDDIN: I would at least expect Mr. Dutta to appreciate what I am saying, though Mr. Mazumdar may not understand it. The point is: that if this amendment, as suggested by Mr. Dutta, is accepted by this House and the Bill goes to the Lower House, then the Lower House will say that they cannot read this as an amendment, because there cannot be an amendment to a thing which was already there.

Mr. LALIT CHANDRA DAS: But you will point out the printing mistake and that will be the end of the matter.

The Hon'ble Khwaja Sir NAZIMUDDIN: The mere fact is that if there is a printing mistake then that mistake has been pointed out by the Speaker but it cannot be created by means of an amendment because the Lower House will say that we have not changed anything. This thing will place the Government in an impossible position.

Mr. LALIT CHANDRA DAS: You will explain that it was a printing mistake.

The Hon'ble Khwaja Sir NAZIMUDDIN: The Assembly will point out that they cannot accept the amendment and the Council would say that we have passed this as an amendment and therefore the whole thing would be a deadlock; whereas the procedure that has been suggested will remove the deadlock. It does not in any way prejudice the merits of this question. It does not place the Opposition, who want to express their opinion on this question, in a disadvantageous position. On the other hand, if the suggestion of the members of the Opposition is accepted, it will create a deadlock. Therefore, unless the honourable members claim that they want to create a deadlock then certainly the procedure suggested by the Chair can be accepted. But if they want this question to be dealt with in a proper and legal manner, there is no way but to accept the ruling of the Chair.

Mr. DEPUTY PRESIDENT: We have heard enough and I do not want to allow further discussion.

Mr. HUMAYUN KABIR: This is a point which is very important especially in view of what the Hon'ble Chief Minister has said.

Mr. DEPUTY PRESIDENT: I am afraid, I cannot allow any such discussion. I shall only allow discussion on the matter in the agenda. The House will now take up the consideration of the Agricultural Income-Tax Bill.

The Bengal Agricultural Income-tax Bill.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that in the Schedule of the Bill, in paragraph A (*1*), in clause (*a*), for the figure "1,500" the figure "5,000" be substituted.

Sir, I do not propose to make any speech in this connection. I move my amendment without any speech.

Mr. DEPUTY PRESIDENT: Amendment moved: That in the Schedule of the Bill, in paragraph A (*1*), in clause (*a*), for the figure "1,500" the figure "5,000" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I oppose this amendment. I think there is some disillusionment in the mind of the honourable the mover of the amendment. He wants to substitute the figure "5,000" for "1,500". The figure "1,500" in this case is the slab and therefore the amendment should not come here.

Mr. DEPUTY PRESIDENT: The question before the House is that in ıe Schedule of the Bill, in paragraph A (*1*), in clause (*a*), for the figure 1,500" the figure "5,000" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in the chedule of the Bill, in clause (*a*) of paragraph A (*1*), for the figure 1,500" the figure "3,500" be substituted.

Sir, the scheme of the Schedule seems to be a little unintelligible to ıe. In paragraph A, sub-paragraph (*1*), for the first Rs. 1,500 there is o tax. For the next Rs. 3,500 there is a tax but in the proviso (*i*) it is rovided that there would be no tax unless the income is Rs. 3,500. So, he slab which has been referred to by the Hon'ble the Finance Minister s the slab of Rs. 1,500 and this slab becomes absolutely innocuous and eedless. The first slab should be Rs. 3,500 because that is the slab of ncome which is taxable. There is no point in providing a slab of Rs. 1,500 ·ith no tax and then another slab of Rs. 3,500 with a tax of 9 pies to the upee and again saying that for the first Rs. 3,500 there will be no tax. 'his is needlessly inserted. The first slab should be Rs. 3,500 and this hould be more simpler and more logical. If the first two slabs are added t will be Rs. 5,000. The first part of the slab Rs. 1,500 is not taxable nd again about Rs. 1,000 of the next slab is not taxable. Therefore the ıon-taxable portion should be Rs. 3,500, leaving a balance of Rs. 1,500 ·herefrom the tax will begin.

With these few words, I move my amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: That in the Schedule f the Bill, in clause (*a*) of paragraph A (*1*), for the figure "1,500" the gure "3,500" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, again there is misapprehension. If the honourable members analyse the thing more arefully, they would find that the slabs have been defined as scientifically s possible.

Mr. DEPUTY PRESIDENT: The question before the House is: That a the Schedule of the Bill, in clause (*a*) of paragraph A (*1*), for the figure 1,500" the figure "3,500" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move: That in he Schedule of the Bill, in paragraph A (*1*) in clause (*b*) for the figure 3,500" the figure "1,500" be substituted.

Sir, I have already submitted that the real taxable slab begins with this ts. 1,500. So far as the reply of the Hon'ble the Finance Minister is oncerned, possibly he was right but unfortunately we could not hear him, ut the question is one for elucidation. If I am wrong, I will be the first o withdraw the amendment, but the point I submitted was that the first lab would be that portion of the income which is absolutely immune from axation. It is not good saying that for the first 1,500 there is no tax, for he next 3,500 there is tax. It is simply making things complicated. I hink this should be simplified and I also think the Hon'ble Finance Minister hould do us a service by explaining the reason for dividing non-taxable lab into two and mark the second portion of non-taxable slab into taxable lab and then introducing a proviso to make the first 5,000 rupees of income ree from tax. That is a thing which requires a little explanation.

Mr. DEPUTY PRESIDENT: Order, order. Amendment moved that a the Schedule of the Bill, in paragraph A (*1*) in clause (*b*), for the figure 3,500" the figure "1,500" be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I submit that this is a simple method and does not require any explanation. It provides that income below Rs. 3,500 shall be free from taxation but here we have indicated slabs by which progressive taxation will be imposed on the assessee and it is quite clear from the slabs how the tax is going to be levied.

Mr. DEPUTY PRESIDENT: The question before the House is that in the Schedule of the Bill, in paragraph A (*1*) in clause (*b*), for the figure "3,500" the figure "1,500" be substituted.

(The amendment was negatived.)

Mr. BIRENDRA KISHORE ROY CHOUDHURY: Sir, I beg to move that in the Schedule of the Bill, in paragraph A (*1*), for the words and figures "on the next Rs. 5,000 of the total agricultural income" in clause (*c*) the words "on the balance of the total agricultural income" be substituted.

Sir, the object of this amendment is to reduce the amount of tax on the higher agricultural income from 2 annas 6 pies in the rupee to 2 annas. I find that in framing the Schedule the Government of Bengal have followed the example of Bihar and Assam and it is quite forgotten by the Government that the zemindars of Bengal are already overburdened with a new cess called the Education Cess. With these words, I move my amendment.

Mr. DEPUTY PRESIDENT: Amendment moved that in the Schedule of the Bill, in paragraph A (*1*), for the words and figures "on the next Rs. 5,000 of the total agricultural income" in clause (*c*) the words "on the balance of the total agricultural income" be substituted.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to oppose this amendment. So far as the whole civilized world is concerned it has accepted the slab system as the basis of taxation, namely, for the first slab there will be no tax, for the next slab there will be the minimum tax and for the next slab there will be a higher tax and so on. The principle is to regulate the tax to the income. The higher the income the greater is the resisting power of the tax-payer. So taxation should be adjusted to meet the resisting powers of the tax-payer. In these days, I beg to submit, an important principle will have to be given away if this amendment is accepted. My opposition to this amendment is on a question of principle only. Of course, the landlords will be hit but so will be hit other persons who pay other kinds of taxes. The fact that tax is graded to the income, the principle of the tax rising higher and higher as the income rises higher and higher is a very equitable principle. In these circumstances, with some amount of regret I oppose this amendment.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: My honourable friend Khan Bahadur Naziruddin Ahmad has explained the position so clearly that I need not say anything except to say that I oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that in the Schedule of the Bill, in paragraph A (*1*), for the words and figures "on the next Rs. 5,000 of the total agricultural income" in clause (*c*) the words "on the balance of the total agricultural income" be substituted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move: that in the Schedule of the Bill, in paragraph A (*2*) for the words "consists of brothers only", in lines 1 and 2, the words "consisting only of brothers or their representatives" be substituted.

I think I tried to explain my position yesterday without being able to illuminate the position so far as the Hon'ble Finance Minister is concerned. I do not attempt to justify it any more. I simply keep it on record that this amendment was moved.

Mr. DEPUTY PRESIDENT: Amendment moved: that in the Schedule of the Bill, in paragraph A (*2*), for the words "consists of brothers only" in lines 1 and 2, the words "consisting only of brothers or their representatives' be substituted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I formally oppose the amendment and give the mover my thanks so that they too may be put on the record.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in the Schedu- of the Bill, in paragraph A, after sub-paragraph (*2*), the following new sublo paragraph be inserted, namely :—

	Rate.
(*a*) If the share of the member is Rs. 3,500 or less	Four pies in the rupee.
(*b*) If the share of the member exceeds Rs. 3,500	The average rate applicable to the share of such member if he were assessed as an individual.

I have attempted to explain the principle of this amendment and of other amendments. I want to include in this Bill principles applicable to the Hindu joint family but unfortunately on account of the borrowed definition taken from the Indian Income-tax Act the undivided Hindu family means undivided Hindu family belonging to the *Mitakhara* school; that is no undivided Hindu family for Bengal. Undivided Hindu family in this Bill would mean no undivided Hindu family in Bengal. In these circumstances the principle should be adapted to the real needs of the province. There are undivided Hindu families which belong to the *Dayabhaga* school and they are also by habits and association many Muslim families which are also undivided families on principle. They are dependant upon the school of religion or the school of law which that community follow. It really should be dependant upon the economic structure of the family. If there is a joint family it should be treated as such without distinction whether it is a Hindu family or a Muslim family. The principle should apply to all. This principle should be introduced within the structure of the Bill.

Mr. DEPUTY PRESIDENT: Amendment moved that in the schedule of the Bill, in paragraph A, after sub-paragraph (*2*), the following new sub-paragraph be inserted, namely:—

	Rate.
(*a*) If the share of the member is Rs. 3,500 or less	Four pies in the rupee.
(*b*) If the share of the member exceeds Rs. 3,500	The average rate applicable to the share of such member if he were assessed as an individual.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I think the honourable mover of this amendment is under some misapprehension. I explained this point on a recent occasion, perhaps day before yesterday when he had a similar amendment. There is no confusion. It is true, as I have said that the Muslim family may have to pay a higher rate of tax. That would not be helpful. I oppose the amendment.

Mr. DEPUTY PRESIDENT: The question before the House is that in the schedule of the Bill, in paragraph A, after sub-paragraph (2), the following new sub-paragraph be inserted, namely:—

	Rate.
(*a*) If the share of the member is Rs. 3,500 or less	Four pies in the rupee.
(*b*) If the share of the member exceeds Rs. 3,500	The average rate applicable to the share of such member if he were assessed as an individual.

The motion being put, a division was challenged and taken with the following result:—

AYES—15.

Khan Bahadur N. Ahmad.	Rai Bahadur B. M. Maitra.
Rai Bahadur K. C. Banerji.	Mr. H. D. Majumdar.
Mr. S. C. Chakraverti.	Mr. N. N. Moholanabish.
Mr. K. A. Chowdhury.	Mr. B. C. Mukherji.
Mr. L. C. Das.	Mr. Biren Roy.
Mr. K. K. Dutt.	Mr. B. K. Roy Chowdhury.
Alhadj Khan Bahadur Sk. Mohd. Jan.	Khan Sahib Maulvi Wahiduzzaman.
Mr. H. Kabir.	

NOES—24.

Mr. M. Ahmed.	The Hon'ble Khan Bahadur S. M. Hosain.
Mr. N. Ahmed.	Mr. L. Hossain.
Mr. S. Ahmed.	Maulana Mohd. Akrum Khan.
Khan Sahib N. Amin.	Mr. W. B. G. Laidlaw.
Khan Sahib A. Aziz.	Mr. A. Latiff.
Mr. D. L. Barua.	Khan Sahib Subidali Mollah.
Mr. C. E. Clarke.	Rai Bahadur M. A. Momin.
Mr. D. J. Cohen.	Rai Bahadur R. B. Roy.
Mrs. K. D'Rozario.	Mr. K. C. Roy Chowdhury.
Mr. R. W. N. Ferguson.	Mr. Yakub H. S. Sattar.
Mr. J. S. Graham.	Khan Bahadur M. Shamsuzzoha.
Khan Bahadur A. Gofran.	Dr. K. Talukdar.

Mr. DEPUTY PRESIDENT: Order, order. The House has divided The "Ayes" being 15, and the "Noes" 24, the amendment is negatived.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in the Schedule of the Bill, clause (*i*) of the proviso to paragraph A be deleted.

Sir, this is an amendment consequential upon the other amendment which I have already moved and which has been refused by the House. So, in these circumstances; this amendment is no longer necessary, but I move it simply to keep it on record that these consequential amendments were thought of. That being my purpose, I would ask leave of the House to withdraw my amendment.

Mr. DEPUTY PRESIDENT: Is it the pleasure of the House to grant leave to Khan Bahadur Naziruddin Ahmad to withdraw his amendment?

(Cries of "Yes, yes".)

(The amendment was, by leave of the House withdrawn.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in the Schedule of the Bill, in clause (*ii*) of the proviso to paragraph A, after the words "undivided family" in line 1, the words "or an association of individuals", be inserted.

Sir, this is an alternative amendment to the amendment in which I propose to include *Dayabhaga* Hindu joint family and Muslim joint family within the scope of the Bill. A series of amendments have been changed. It is an alternative amendment. The House will remember that a reference has been made in the definition of a firm to the definition of the same in the Indian Partnership Act, and there are certain association of individuals

which do not constitute a firm in the technical sense of the word, that is, in the sense in which it is defined in the Partnership Act, but there is such a thing as an association of individuals and that is also recognised in the Indian Partnership Act. So if we give any status to joint Hindu family belonging to the *Dayabhaga* school or joint Muhammadan family living in Bengal and if we do not give them a status as such, there are at least association of individuals within the meaning of the Indian Partnership Act. A joint Hindu family or a joint Muhammadan family has one management and many conveniences. In these circumstances, I submit that a provision of including an association of individuals to be recognised as a firm at least should be accepted. A firm is an agreement between several persons to conduct a joint business and an association of individuals does not rest content with agreement to make a profit. A joint family, Hindu or Muhammadan, is an association of individuals. So that is a status that has been recognised by the Indian Partnership Act and should also be recognised in the Bengal Agricultural Income-Tax Bill. So if a firm has got to be taxed on the basis, an association of individuals should be given a definite status. With these words I beg to submit my amendment for the consideration of the House.

Mr. DEPUTY PRESIDENT: Amendment moved that in the Schedule of the Bill, in clause (*ii*) of the proviso to paragraph A, after the words "undivided family" in line 1, the words "or an association of individuals", be inserted.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: I oppose the amendment. I think this is a consequential amendment which the mover only wants to put on record.

Mr. DEPUTY PRESIDENT: The question before the House is that in the Schedule of the Bill, in clause (*ii*) of the proviso to paragraph A, after the words "undivided family" in line 1, the words "or an association of individuals", be inserted.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I beg to move that in the Schedule of the Bill, after clause (*ii*) of the proviso to paragraph A, the following be inserted, namely:—

"*Exception*—This proviso shall not apply to the agricultural income of any land where tea is grown."

Sir, this is an exception which is logical having treated tea on a different basis altogether. This should be specifically accepted. The Schedule would seem to include land where tea is grown for the purpose of taxation. So to make it logical I should move it to except it from the operation of the ordinary tax.

Mr. DEPUTY PRESIDENT: Amendment moved that in the Schedule of the Bill, after clause (*ii*) of the proviso to paragraph A, the following be inserted, namely:—

"*Exception*—This proviso shall not apply to the agricultural income of any land where tea is grown."

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: This amendment has been moved perhaps to put on the record the mover's satisfaction at having moved it, for I do not think the mover really expected that the amendment would be carried. I therefore oppose the amendment.

(The amendment was negatived.)

Khan Bahadur NAZIRUDDIN AHMAD: I beg to move that in the schedule of the Bill, for clause (*i*) of the explanation in paragraph A, the following be substituted, namely:—

"(*i*) 'brothers or their representatives' means and includes a brother, or brothers, a brother's son or sons, a brother's son's son or a brother's son's sons or a brother's widow or any two or more of them".

I want to remove the sex perversion perpetuated in this Bill and I want to make it more decent in the eyes of people who are not merely legal but a little decent also. In these circumstances this amendment should be accepted. A brother according to the Bill includes also the brother's widow, which is an absurdity. Therefore if this amendment is accepted the anomaly will be removed. After all, if we select words to imply a large number of ideas we should make clear those ideas; if you want to include words then you must use or coin words which would be comprehensive to mean all that you want them to mean, so that they may comprehend what is intended to be meant by them. This amendment would remove all anomalies and at the same time mean what is meant to be meant. I agree with the principle of the Bill so far as the provisions are concerned, my only difference is in respect of the phraseology. In these circumstances I move the amendment.

Mr. DEPUTY PRESIDENT: Amendment moved: that in the schedule of the Bill, for clause (*i*) of the explanation in paragraph A, the following be substituted, namely:—

"(*i*) 'brothers or their representatives' means and includes a brother or brothers, a brother's son or sons, a brother's son's son or a brother's son's sons or a brother's widow or any two or more of them".

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: In this amendment the explanation is sought to be replaced in a peculiar form. I regret I cannot accept the amendment because it becomes meaningless. I, therefore, oppose the amendment.

(The amendment was negatived.)

Mr. DEPUTY PRESIDENT: The question before the House is that clause 66 stand part of the Bill.

(The motion was agreed to.)

Mr. DEPUTY PRESIDENT: The question before the House is that the Schedule stand part of the Bill.

(The motion was agreed to.)

Mr. DEPUTY PRESIDENT: The House stands adjourned till 2-30 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2-30 p.m. on Friday, the 13th October, 1944.

Members Absent.

The following members were absent from the meeting held on the 12th October, 1944:—

(1) Mr. Kader Baksh.
(2) Mr. H. Huq Chowdhury.
(3) Mr. H. R. Chowdhury.
(4) Mr. Mohd. H. Chowdhury.
(5) Mr. B. C. Datta.
(6) Mr. M. Hossain.
(7) Mr. N. N. Mookerji.
(8) Mr. R. S. Purssell.
(9) Khan Bahadur M. Rahman.
(10) Dr. K. S. Ray.
(11) Mr. S. N. Sanyal.

BGP-44/5-9622A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944– No. 87.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Friday, the 13th October, 1944, at 2-30 p.m. being the eighty-seventh day of the First Session of 1944, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PROSAD SINGH ROY, K.C.I.E.) was in the Chair.

Points of Information.

Mr. PRESIDENT: As there is no question, the House will take up motions under rule 112 of the Bengal Legislative Council Procedure Rules. Mr. Nur Ahmed.

Mr. HARIDAS MAZUMDAR: Sir, before the motions are taken up, I want to draw the attention of——

Mr. PRESIDENT: It has been taken up already. You better wait.

Mr. HUMAYUN KABIR: Are there no questions today also?

Mr. PRESIDENT: No.

Mr. HUMAYUN KABIR: For the last few days no questions have been answered. Some questions are outstanding for a very long time. Only the other day your office circulated a list of questions outstanding and if the answers are delayed in this way, very often the purpose of the question is altogether defeated.

Mr. HARIDAS MAZUMDAR: Sir, in response to the request of the Home Minister, I sent in a short-notice question regarding the Howrah Municipality and it was agreed that that matter would come up today. The Hon'ble the Leader of the House promised a statement today, but I do not know what has happened to that.

Mr. PRESIDENT: I can only request the Government to expedite the answers, so that the questions outstanding may be replied to before the present session of the Council is prorogued.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: The statement would be made on the 23rd October.

Mr. LALIT CHANDRA DAS: The Hon'ble the Home Minister is here now but he may be away again. He gave an undertaking to this House that the notification banning all public meetings will not be applied to the Dacca district except the city of Dacca. It will be applicable to the city of Dacca, Calcutta and Midnapore. But the Press-note already issued covers the whole of the Dacca district also. How is it? Will the Hon'ble Minister explain?

The Hon'ble Khwaja Sir NAZIMUDDIN: I protest against this method of eliciting information. Information can only be elicited by questions and short-notice questions. I do not propose to give any answer to this sort of quetions.

Mr. PRESIDENT: I know that it is not the recognised method, but there is such a thing as amicable and informal arrangement. I think it only helps Government in clearing misunderstanding by supplying information

on small matters, because if short-notice questions are put on every matter and the President has to admit any number of short-notice questions, then probably short-notice questions will lose their significance.

Mr. HUMAYUN KABIR: Sir, may I also point out that both your predecessor in office and yourself have tried to build up a convention in this House that whenever there is an urgent matter, we might "call for papers". You have also encouraged the practice that in such cases Government should make short statements. The Hon'ble the Home Minister stated a moment ago that there was no procedure for asking for information except by questions and short-notice questions. But, Sir, there is a procedure for calling for papers which is in vogue in this House. It is a recognised constitutional method.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think the honourable member has asked for this information without reading the Government notification carefully——

Mr. LALIT CHANDRA DAS: I protest against this remark of the Hon'ble Minister that I did not read the notification carefully. I say I read it very carefully——

Mr. PRESIDENT: Mr. Das, I cannot allow you to discuss this point.

Motions under rule 112 of the Bengal Legislative Council Procedure Rules.

Safeguarding the rights of Indians in re-conquered Burma.

Mr. NUR AHMED: Sir, I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make an immediate representation to the Government of India on behalf of the people of Bengal who are vitally interested in the future of the re-conquered Burma, to safeguard the rights of the Indians in the re-conquered Burma in all reasonable ways, including the rights of free entry on the part of the Indians in future in Burma whether as Burma evacuees or not, restoration of all lost properties to the Indians on their return with proper compensation and also to secure for the Indians the same rights and privileges as would be enjoyed by the subjects of the United Kingdom in Burma.

Sir, in commending this motion to the acceptance of the House, I think I owe an explanation to the honourable members as to why I have tabled this motion at this time when nine-tenths of Burma still remain to be re-conquered. I find that a sub-committee under the caption "Emigration Sub-Committee" has already been appointed by the Government of India to go into the question of the rights and privileges of Indians in re-conquered Burma. This sub-committee has been negotiating with the Government of Burma as regards the future status of Indians in Burma. So I think it is the appropriate time when we should ventilate our grievances as regards Indians in Burma and we should lay our grievances on the table, so that in the coming Agreement when it is concluded their rights may be safeguarded. Sir, there is a long history of this relation of India with Burma. Before 1937 Burma was part and parcel of the Indian Empire and a limb of India so to speak. It was Indian money and Indian capital, Indian labour, Indian skill, Indian industry and Indian co-operation which built up the prosperity and development of Burma before it was occupied by the barbarous Japanese. The Indians went to Burma not of their own accord. They were invited by the Burmese Government to settle in and develop their country. As far back as 1869 all on a sudden there was a great demand for Burma rice in the world and as a result thereof the price of Burma rice all on a sudden rose three-fold. From Rs. 50 for 100 baskets it rose to Rs. 150 for 100 baskets, and that gave stimulus to the cultivation of paddy and a vigorous drive was then made by the Government of Burma to bring vast tracts of land in south Burma under the paddy cultivation.

In 1872 an experiment was made in this direction by importing Burmese labour from north Burma, but that experiment proved a failure. Then Indians were invited to settle and establish zemindaries in Burma to cultivate these vast tracts of land in south Burma but this experiment also did not succeed very much. Then a third experiment was made and Indian labour was now induced to go to Burma to bring under cultivation these vast tracts of land. Even shipping companies were given subsidies to bring Indian labour from India to Burma, and the result was wonderful. In 1872 there were 10 lakhs acres of cultivated land in lower Burma. But with the help of this Indian labour the acreage of land under cultivation increased to one crore acres within at least 20 years. It is a known fact that Burma is the rice granary of Asia and that reputation to a large extent is due to Indian labour. As regards the development of industry in Burma Indian capital has done much. According to the estimated calculation about 58 per cent. of foreign capital belongs to Indians. Then as regards the transport industry, it is also developed by Indians. Sir, this was the state of things when a section of Burmans raised the cry: "Burma for the Burmans". The Imperial Government joined with this section of Burmans with the result that a strong anti-Indian feeling was created in the mind of the Burmans culminating in the riots of 1930 and 1938 in which thousands of Indian lives were lost and properties worth many lakhs were damaged. Burma Government appointed a committee which went under a name of the Braund Committee to go into the cause of the disturbances. It was found that in the field of cultivation the percentage of Indians was 4 per cent., in industry only 16 per cent., in trade only 17 per cent. and in transport 36 per cent. This transport business was confined to the people from Chittagong and Mymensingh. In a population of one crore and 70 lakhs, only 7½ per cent were Indians. According to the census of 1911, the percentage of Indian population in Burma was 7½ per cent. According to the census of 1931, the total number of Indian population was only 10 lakhs and according to the census of 1941 their estimated increase was only from 10 to 14 lakhs. As a result of riots some of the Indians migrated to India leaving their vast property. When Burma was separated, an agreement was all on a sudden entered into by the Hon'ble Sir Girija Sankar Bajpai. Sir, as the Indo-Burma Agreement known as the Bajpai Agreement has already expired, I will not enter into the details of that. I moved a resolution about the terms of that humiliating agreement in this House in 1941. Sir, what we apprehend is that if a similar agreement is again entered into, we Indians will be prejudiced, especially the Bengalees who have larger interests in Burma. Sir, after that Braund Committee another committee was appointed which is known as the Baxter Committee. That Committee also found that the allegations of infiltration of Indians into Burma and ousting of Burmans from economic field altogether correct: it found that the Burmans were so much obsessed with this idea that no amount of propaganda would eliminate this anti-Indian feeling from their minds. They also found that in a big town such as Rangoon, where Indian population predominates, the population of Indians was 55 per cent. and all the big ships belonged to Indians; similar accounts held good in regard to some other big towns. They suggested some remedy and as a result the Bajpai Agreement was concluded and that Agreement laid down very humiliating terms so far as the Indian settlers were concerned. Sir, the question of the re-conquering of Burma is looming large before our eyes. It is time that we should lay open all our demands before the Government of India and through the Government of India to His Majesty's Government, so that our rights may be safeguarded in re-conquered Burma. It is said that Burma owes everything to India. Sir, let those sons of India who have made Burma their home be not treated differently. They should enjoy the same rights that the Burmans enjoy but the Bajpai Agreement sacrified valuable rights and it is apprehended that their rights may be sacrificed this time also. In my motion I have clearly laid down the conditions that should be embodied in the future Indo-Burma Agreement.

Sir, there is another aspect of this question. There is a trade relationship between India and Burma. Sir, Burma has been benefited largely by her trade with India. It is a known fact that Burma has a monopoly for teak wood and Burma holds surplus rice. Sixty per cent. of Burman's foreign trade is dependent upon Indian markets whereas only 7 per cent. of Indian foreign trade goes to Burma.

So, you will see that Burma owes its prosperity to Indian trade. Burma has got oil and India has to depend on that oil. But Burma has to depend on Indian iron and steel, textiles and other manufactured articles. Therefore, it is desirable that both the countries should be allowed to co-operate in such a way that the future prosperity of Indians in Burma may be ensured.

Apart from these considerations, the defence of India and Burma is co-related. This matter must be apparent to the honourable members of this House.

With these words, Sir, I move my motion for the acceptance of the House.

Mr. PRESIDENT: Motion moved: That an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make an immediate representation to the Government of India on behalf of the people of Bengal who are vitally interested in the future of the re-conquered Burma in all reasonable ways, including the rights of free entry on the part of the Indians in future in Burma whether as Burma evacuees or not, restoration of all lost properties to the Indians on their return with proper compensation and also to secure for the Indians the same rights and privileges as would be enjoyed by the subjects of the United Kingdom in Burma.

Mr. W. B. C. LAIDLAW: Mr. President, Sir, we have no hesitation in supporting Mr. Nur Ahmed's motion. Our policy generally is to support the aspirations of Indians overseas and we have not the slightest doubt that Indian labour and mercantile activities will play an important part in the restoration of Burma to her former prosperity. In regard to the wording of the motion, however, there are one or two minor points which the House may wish to consider. In regard to the wording "free entry", I think we have to bear in mind that for immigrants, unless there is some system of control, a Government has not got those records which are essential and which it would have automatically in the case of its own nationals. I think also that it is necessary for the Burma Government to direct immigration into the proper channels and I think myself that it is equally in India's interest that there should be some form of control over emigration from this country and immigration into Burma. It is, therefore, a matter for satisfaction to see that the India and Burma Governments are already discussing the matter, and we hope that in the resulting Agreement there will be none of those terms which some of us regarded as somewhat humiliating in the previous Agreement, and we hope that the Agreement will be such as will not put unnecessary obstacles in the way of free immigation. I noticed in the newspaper *Capital* on the 31st August last an article relating to the position of the large body of Indian labour which is already in Burma assisting in the re-conquering of Burma making air fields and so forth, and I noticed that according to *Capital* the Burma Government had already asked the India Government to see that the labour assisting the military operations be not immediately withdrawn after Burma is re-conquered. According to this article, I understand, the view of the Government of India is that. Of course, they have no power to insist that Indian nationals will remain in Burma after their work in connection with the making of air fields, roads and so on is complete; but in regard to those who choose to stay, this article made

a statement that the Government of India should insist on the Burma Government giving these people all possible facilities for attaining full rights which go with Burma citizenship. In regard to compensation which is also mentioned by Mr. Nur Ahmed in his motion, there was published in 1942 in *Capital* a statement which I think had appeared in a Company Report—a statement made by or on behalf of His Majesty's Government. I shall read it out because it is very interesting. It is from *Capital*, dated 1st October, 1942: "The general aim of His Majesty's Government after the war is that with a view to an well-being of the people and the resumption of productive activity property and goods destroyed or damaged in Burma should be replaced or repaired to such an extent and over such a period of time as resources permit. If the resources in Burma are insufficient to enable this purpose to be achieved His Majesty's Government would be ready to give all the assistance they can in conjunction with such common fund or organisation as may be established for post-war reconstruction."

Now, in order to give Mr. Nur Ahmed's motion full value, I think he would agree with me that the key-note should be the well-being of the people and the resumption of productive activity; and it is with that in view that we give his motion our full support.

Khan Bahadur M. A. MOMIN: Sir, I rise to give my full support to the motion which has been moved by Mr. Nur Ahmed. About the manner in which the Indians were ousted from Burma, there can be no question that the Indians have got a real grievance. Modern Burma was made mainly, if not entirely, by the efforts of Indians. It was the Indians from Chittagong who cultivated the lands in Burma. It was the Indian traders from Madras and the rest of India who established large Houses of Commerce and Industry and the trade that thrived between Burma, India and other places was entirely built up by the Indians from western and southern parts, except, of course, that portion of commerce which was in the hands of the Europeans. We always understood Burma to be a part of India and we treated and were treated as if we formed an integral part of Burma. We, particularly Bengalees, are very much interested in the future of Burma. Indians did not stint themselves in any way to assist the Burmans during this war and they are still fighting for them. Indeed, it will be with the help of Indians mainly that Burma will be re-conquered. Therefore, if after this consummation is reached, the Indians are again thrown out of Burma, it will be a great calamity. We, Bengalees, have large properties in Burma. Everybody knows how lands cultivated by them were taken away from them: how their properties were burnt and destroyed and how Indians had to leave Burma in utter destitution. These we do not mind, because they were acts of war. But surely we shall mind it very much if when Burma is restored to the British flag, Indians do not get the same position as they enjoyed before. Mr. Laidlaw has stressed the point that it is necessary for the good of the Burmans themselves that Indians should have free trade with Burma and that they should be treated as they were treated before. I entirely agree with him. There is another point in favour of the motion. The Burmans by nature are rather an indolent people except the womenfolk, who are very industrious, and this is known to everybody. It is, therefore, not the fault of the Bengalees that they infiltrated into Burma, if I may use the word, and began cultivation of lands that were available, because the Burmans themselves did not take the trouble to cultivate them themselves. Now that the Indians have been turned out, I am afraid all these lands will go to the Burmans. But even then the Burmans will not be as rich as they were. Burma will never be rich because it is impossible for her to take to cultivation if Bengalees from Chittagong do not go there to do so. Therefore, it is for the prosperity of the country itself that it is necessary that the door of Burma should be left wide open for the Indians to go to Burma and be treated just as if they were Burmans without any restriction on considerations of caste or creed or race. It is for their own

interest that Burmans should give up their anti-Indian mentality, if there is such a mentality among them, and it is for the British Government to see that when the time comes, Indians get a fair-play and get an entry into Burma not only for justice to Indians but for the good of the Burmans.

Mr. HUMAYUN KABIR: Sir, I shall be very brief in giving general support to the object of this motion; but I must confess that the wording of the motion is, to my mind, not only unhappy but astonishing. My astonishment was increased when my honourable friend on my left, the Leader of the European Party, added his words in support of the motion. We have been told that this war which is going on in Burma is for the liberation of the Burmans from the Japanese yoke; but, I am afraid, the mover of the motion and his supporter, the Leader of the European Group, think that it is for the reconquest of Burma. I think, Sir, that there is a great deal of difference between the "reconquest of Burma" and the "liberation of Burma". I do not know whether the Leader of the European Group was speaking his real mind when he spoke of reconquest. Does he speak of reconquest in the case of France or Greece? Why then this difference in the case of Burma? Is it because Frenchmen and Greek are white, while Burmans are yellow? I should have thought that my honourable friend Mr. Nur Ahmed would have more sympathy with the Burmans who are after all, the shuttlecocks of fortune, kicked from British bayonets to Japanese boots. This doctrine of reconquest of Burma comes with ill grace specially from us. We think of the reconquest of no country but are only keen to liberate our own. This, I am sure, is what every Indian aspires.

Sir, that brings me to the second point which was stated both by the honourable the mover of the motion and the Leader of the European Party. The mover of the motion stated that when Indians go back to—shall we call it liberated Burma? I leave to my honourable friend, the Leader of the European Party to find the correct term—they must enjoy the same rights as Englishmen. In other words, outsiders will decide what rights they will enjoy in the country and compel the local people to acquiesce. This is surely an imperialist version of liberation. I would prefer to call it a liberated Burma when the war is over, when the Burmans have achieved their Independence and when they are free as one of the free peoples of the world. The mover of the motion wants to dictate from outside what the status of other nationals shall be and the Leader of the European Party agrees. The mover of the motion wants that Indians should get the same rights in Burma as the subjects of the United Kingdom and again the Leader of the European Party agrees! I am sure you will agree, Sir, that this is not very happily put. The subjects of the United Kingdom had certain privileges, sometimes privileges which were unjustified. I would certainly stand as much for Indian rights as for those of the Burmans. When Burma is liberated, Indians want exactly those rights in Burma which are given to the nationals of other countries; but the Burmans must be the party who shall decide on what terms they are prepared to invite co-operation from outside. They should be the people with the final say in the matter.

Sir, I am not prepared to admit that Indians should have less rights and privileges than the people of any other country, whether it be the United Kingdom or the United States of America. But neither must Indians nor Englishmen nor Americans seek to exploit and oppress the native people of the land. It somewhat mars the harmony of the talks about international brotherhood, freedom and democracy, when imperialists or their satellites talk of imposing upon Burma a thousand conditions under which the subjects of the United Kingdom or Indians will go back. I would also ask my honourable friend the mover of the motion to remember one fact. Have Indians the rights of a free people in their own land? Why talk of Indian rights in Burma when these rights are not recognised in India herself? To achieve rights in Burma, we must first achieve our own independence.

Indian indentured labour played an important part in the development of South Africa and the Crown Colonies; but we find that after they have contributed to the prosperity of the land they are not in the picture there at all. They have been repatriated and expropriated—they have been treated as worse than human beings. When, therefore, the motion is put in the form in which the honourable mover puts it, I must confess that I do not feel happy. How shall I be assured that even if Indians are promised all manner of rights today, those rights will not be taken back tomorrow? A strong and independent India can alone protect the rights of her nationals and so the right move to secure Indian rights in Burma is to work for the achievement of Indian freedom.

I must also make a passing reference to one remark of the Leader of the Coalition Party in this House. I am very glad to find that he believes in the indissoluble identity of Burma and India. It is rather surprising to hear this from a person who does not believe even in the unity of India,—a person who believes that India should be carved out into two, three or four separate "sthans". I am very glad to find, Sir, that my honourable friend, the Leader of the Coalition Party, has transcended the limitations of the political party to which he belongs. Even though I do not agree with the imperialistic part of his speech, I certainly agree with what he says of Indian unity. He goes further and speaks of identities of interest between Burma and India. Such sentiments should be more widespread. There are great identities of interest between Burma and India.

My honourable friend also spoke of the Burmans being indolent. Without the help of Indians, he said, the Burmans cannot run the affairs of their own country. Sir, I thought I was listening to an Englishman speaking about conditions in India. The Englishman also tells us that he is here because we, Indians, are indolent and that without his help we cannot manage our own affairs. We have heard much about the White Man's burden. We have felt it to our cost. The world today is getting tired of the White Man's burden which he transfers to the shoulders of the nearest Black Man. Today in this House, I think, it was for the first time suggested that there is also a blackman's burden and that burden shall be imposed upon the poor nationals of yellow Burma.

Now, Sir, I would sum up the position thus. We want Burma to be liberated. We want that the Burmans shall have the main say in determining what shall be the conditions in that country. They shall be the people who will decide the conditions for others who want to come and trade with them or settle in their land. There should be no discrimination and Indians shall not be behind any other race or people. The Indians must have the same rights as the people of other free countries. All these can be achieved and guaranteed if only India herself is free. If she is to depend on the good offices of others to secure for Indians rights that shall be granted to them in Burma, I am afraid, all the good resolutions of my honourable friend Mr. Nur Ahmed and the benedictions of my honourable friend the Leader of the European Party will be in vain.

Rai Bahadur KESHAB CHANDRA BANERJEE: Sir, I rise to support the motion. Mr. Nur Ahmed, as everybody knows, is an indefatigable worker who never lets slip an opportunity to voice the popular sentiment with regard to important public matters.

Now, so far as the subject-matter of this motion is concerned, I think there cannot be two opinions that it is a very desirable one. We should request the Government to ensure the rights of the Bengalis who had to come away from Burma after the conquest of that country by the Japanese. I think we should see that as soon as Burma is liberated or freed from the shackles of foreign bondage, the Government would be in a position to restore to Indians all the properties they have lost and the privileges which they used to enjoy when they were the inhabitants of that country. Sir, I

do not know how far it will be possible for the Government to do all this in view of the Indo-Burma Agreement which was concluded shortly before the country was overrun by the Japanese. I had occasion to criticise the terms of that Agreement as it stood before the declaration of war by Japanese. That Agreement contains certain terms which are humiliating to the Indians. One of those terms was that nobody would be allowed to enter Burma without a passport and none but those domiciled in Burma would be allowed the privileges which the Burmans enjoy. I do not know whether it will be possible for the Government to consider the question of compensation, because it was due to no act.....(Mr. Mesbahuddin was going over to the European members and talking with them standing)——

Mr. PRESIDENT: Order, order, Mr. Mesbahuddin you just resume your seat.

Rai Bahadur KESHAB CHANDRA BANERJEE: That shows the interest taken by the members of the Coalition Party in the subject-matter of the motion before the House.

However, Sir, as I was saying, Sir Girija Sankar Bajpai, one of the trusted officers of the Government of India, was sent to Burma to negotiate the terms of the settlement. As I have already said, those terms were very humiliating to Indians. It is unfortunate that the Agreement was based on the treatment of the Indians as *Parihas*. In fact, the development and the improvement of Burma, as Khan Bahadur Momin has rightly pointed out, was due to the migration of Indians to that place. Before the advent of Indians there was no trade and commerce, no business in Burma and it was due to the labour of the Indians that it was possible to develop the country. I do not think I will be justified in dilating upon the matter any further and I hope that the motion will be carried without any dissentient voice.

Khan Sahib FARIDUDDIN AHMAD: Sir, I rise to give my support to the motion that has been moved by my honourable friend, Mr. Nur Ahmad. I find that a simple resolution which should have been supported unreservedly has roused some amount of adverse comment at the hands of my friend Mr. Humayun Kabir. I express wonder why Mr. Humayun Kabir should object to the word "re-conquered". (MR. HUMAYUN KABIR: France was liberated and not re-conquered.) Because, in France there was already a party which was fighting for the liberation of France. In this case also, no doubt, the Burmans are fighting for the liberation of Burma with the aid of the English from the yoke of the Japanese; but it cannot be denied that the Burmans are not putting forth that amount of effort as the French did. The question is not of freedom. The question just now is that it is the attempt of those who know how best to deal with Burma and with Japan. Howevermuch we may be sentimental, the fact remains that Burmans have not been trying for their liberation. They have thrown themselves completely at the mercy of the Japanese on account of the mistaken idea about co-prosperity that has been propagated by the Japanese.

There is another fling at the Leader of the Coalition Party, Khan Bahadur Momin by Mr. Humayun Kabir, Khan Bahadur Momin was twitted for having said that he regarded the Burmans as the flesh of his flesh and the bone of his bones. As a matter of fact, the Khan Bahadur did not say those things in so many words. Who can deny that we Indians had regarded Burmans as coming under our sphere of influence? Of course, of late, they belied that expectation of ours. In 1930 and also in 1938, these Burmans treated the Indians with an amount of tyranny and hatred which is simply revolting to any civilized people. Again at the time when the last calamity fell on Burma and when the Indians were coming back to their mother country bag and baggage, what atrocities have not been committed•

by the Burmans on the Indians? In view of all these incidents, it is certainly necessary that Indians should know beforehand what will be their status and position in Burma when the time will come for them to go to Burma again and when a new order of things will come into being there on the termination of the present war. It is time that they should think of their own security and safety in Burma where they have settled so long, and where they have spent a large amount of their energy and skill in making the land prosperous. As a matter of fact, when Khan Bahadur Momin said that Burmese males are very indolent, he was only saying what is true. It is their womenfolk who are much more active than their menfolk. It may sound funny to hear such a statement but the fact remains that all major business was practically in the hands of the Burmese women. (Rai Bahadur KESHAB CHANDRA BANERJEE: Just like the Khasi women of Assam.) There may be other people of this kind elsewhere but the males of Burma are really like that. The Burmese males do not do that amount of labour that is generally expected of males all over the world. Practically, all the arduous labour is done by Burmese women. (Mr. SHRISH CHANDRA CHAKRAVERTY: How does that matter?) Well, it matters like this: The Burmans, I mean the Burman males, do not put forth any amount of energy or skill in the development of their own country as they ought to do and they have had to depend on Indian indentured labour for this up to now. All the learned professions, trade and commerce and industry as also agriculture are mostly in the hands of Indians. It is Indian labour that practically made Burma a granary in Asia. It is Indians again who are assisting their utmost to liberate Burma from the subjection of the Japanese. This is all that we have done and are still doing for Burma and we should try to get what we deserve in that country after peace returns to the world. In view of all this and also in view of the fact that Indians have got to be fore-armed, it is absolutely necessary that a motion like this should be brought forward. We have already found to our cost that the amount of interest which ought to have been taken to safeguard the interests of the Indians in Burma is not being taken by the powers that be. This was clear from the terms of the Bajpai Agreement some of which are absolutely humiliating to the Indians. Therefore, the cry has been raised that care should be taken from beforehand to safeguard the interests of Indians in Burma. If that be the position, and if the Burmese feeling is anti-Indian and if the Government of India's Agent there does not look to the safety or interests of the Indians there, I consider that Mr. Nur Ahmed has moved his motion at a very opportune moment in order that proper and adequate attention may be focussed on this very urgent and important problem.

With these words, I commend the motion to the acceptance of the House.

Alhaj Khan Bahadur SHAIKH MUHAMMAD JAN: Sir, though I do not oppose the motion, I think the motion is premature in as much as Burma has neither been liberated nor re-conquered and India is not yet independent; therefore I do not think that it is time now to think of the rights and privileges in other countries when the rights and privileges of Indians are not safeguarded even in their own country. We Indians are said to be enjoying liberty in this country, but we are not allowed to do this thing or that without previous sanction of the British authorities. India is governed in the name of Indians but the real Power is in the hands of the Britishers and as long as India remains a subject country Indians cannot aspire to any privileges in other countries, however justified. The houses and properties of the Indians in Burma were burnt and destroyed by the Burmese because India was not independent and strong enough to protect and safeguard the interest of their nationals there. Therefore, in my opinion India must first try to be independent and strong and then ask for their rights and privileges in any other country. There was a great deal of controversy as to whether the Burmans were indolent or whether the

Burmese women worked there. We have nothing to do with that. We should see that our rights and privileges are secured first in India and then we can aspire to safeguarding our rights and privileges in other countries. I entirely agree with Mr. Kabir that it is for the Burmans to determine what rights and privileges the Indians should enjoy in their country. They should be the first to decide as to what status we would enjoy in their country, consistently with the principle of self-determination. With these words, Sir, I support the motion.

Khan Bahadur NAZIRUDDIN AHMAD: A considerable amount of light has been thrown from different directions on this simple question. It is common knowledge that while India offers hospitality to all outsiders, Indians are not granted similar treatment in other places. The well-known example of South African Indians and the example on Indians in Burma would show how Indians are treated outside India. Attention has been bestowed by several speakers who have preceded me on the wording of the motion, namely, whether it should be re-conquest of Burma or liberation of Burma. I think the intention of the mover is the same and it was a most harmless idea that prompted the wording. I am not going to quarrel with mere terminology as affecting the situation. Some time ago, Mr. Nur Ahmed who has been described as an indefatigable legislator, moved a similar motion just before Burma was going to be invaded. At that time Indians were being attacked by the Burmans and driven from Burma ruthlessly. That motion was carried and I remember to have said then that the Government of India should put some amount of pressure on the Burmans as a price to save them. Now, the oppressors and the oppressed have been treated alike by the Japanese. There is today no difference between the two peoples. Burma will be re-conquered or Burmans will get liberated; whatever it may be, the problem will remain the same with regard to the position of Indians in Burma. The question will again arise when Burma is reconquered. One of my friends has recommended the postponement of the decision of the future rights till India is independent. I think this dilatory method should not find endorsement from the members of this Council. I think independence is largely a matter for Indians themselves. I find there is an influential school of thought which believes in absolute abstinence from all sorts of activities till India gets independence. They hold the view that till we get independence we should postpone all our efforts to secure even ordinary rights. I think the position of Indians in South Africa and the position of Indians in Burma should receive immediate attention of all Indians and the matter should be agitated by all. At present the appropriate Government is run by the Government of India partly by British policy and partly by British Indians. We should not, however, wash our hands absolutely clean of this question till we get complete independence. If we do so, things would be beyond recovery. In the circumstances, I submit that the resolution of Mr. Nur Ahmed should be accepted in spite of the slight objection which his wording may have raised. With these few words, I support the motion.

Mr. LALIT CHANDRA DAS: Sir, I will not take much time of the House but it is necessary that we should give our views in this matter. I do not see eye to eye with the mover of the motion in the matter of its drafting. The wordings he used are not, in my opinion, happy. Now, Sir, I know of one fact and that is that the Premier of Burma went to England and saw Mr. Churchill and demanded from him a promise of self-government to Burma aft - the war was over. Of course, he could not return to Burma: the war broke out and the situation completely changed. The cry is demoracy, freedom and the general cry is that colonies should be liberated. That is the cry everywhere now. Look at the situation in the West. In Algiers, the French Liberation Committee came into being although France was completely under the grip of Germans. As soon as the Second Front was opened, France was liberated. The truth is that it

is the American and the British blood which really liberated France but the Liberation Committee of the French in Algiers is now carrying on the civil administration in France. So it is in the case of Poland. There is a Liberation Committee set up in Lublin and as much part of Poland as has been liberated, has been put into the possession of that Liberation Committee and that Committee is ruling that portion. So is the case with Bulgaria, Rumania and Czechoslovakia. Here, however, we find the mentality is one of the conqueror and the subjugated.

Our view is that Burma is to be liberated. Now, if the Japanese go and the Britishers enter there, it should be a case of liberation. Burma is for Burmans and as soon as it is liberated, it will be the Burmans who will decide their own fate and form their own government. And we do hope that as they are our neighbours, they also would expect to enjoy some rights and privileges in India and reciprocity will be a question. So, all that we do say is that the great fight that is going on now is being fought by the British and Indian soldiers and there are some American soldiers among them and the fight is for the liberation of Burma. We hope and trust that the Burmans will rule Burma.

With these words, I give our view on the question. I neither support the resolution nor oppose it.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I am sorry that a good deal of misapprehension is running in the minds of the honourable members with regard to the subject-matter of the motion that we are discussing this afternoon. I submit, Sir, that the motion states that after the reconquest of Burma the Government of India should be requested to restore the rights of Indians in Burma. Now, with regard to this matter, I would like to know what is the point of view which we hold regarding this war. I am now addressing my Indian colleagues. Whether we want that Burma should be independent after the Japanese have been driven out from that country or whether we want that Burma would be under the British Government as it was before the conquest by the Japanese. If Burmans are to be independent after the Japanese are driven out from Burma, if they are not to be dependent any more, then I think this resolution is misplaced and should not have been moved at all. Because then the question would be Indians' rights as against Burmans' rights. If we have to depend upon the British Government for restoring our rights in Burma, I may assure my honourable friend Mr. Nur Ahmed, that he may have to wait till Doomsday. Because we know what has happened in the case of the South Africans and people of other Colonies and Dominions. It is not a properly worded motion. With these few words, I think, as Mr. Das has said, it is not possible for us to support the motion in the form in which it has been moved.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, as regards the resolution of my honourable friend Mr. Nur Ahmed, my party have got the same objection as regards its wording. We have got sympathy with the object underlying the resolution inasmuch as it wants to get back the rights and privileges which were being enjoyed by the Indians who were in Burma and who helped in the development of Burma to its present position. But his idea of seeing Burma back to its original position as the vassal of the British Imperialism of course is not what we desire or anybody desires in the context of the present world situation. I think I should refer my honourable friend the mover to a recent book written by an Englishman Mr. G. D. H. Cole. The book is entitled: "Position of Britain in the Post-war World". In that book he has discussed the position of Britain after the war and he has categorically stated that Burma, Malaya and other places which have gone out of the British possession will never come back to them again.

He has also made mention about India. If any Indian had written a book like that, probably his book would have been proscribed and he would

have been a guest of my honourable friend the Home Minister over there. But as the book has been written by an Englishman, it is in our library and nobody takes any objection to it. So I think although that pious hope of our friend may not be fulfilled, we desire that the Burmans will have the right of self-determination as any other nations of the world. Therefore, I think that this motion ought to be re-worded or changed and then it will have the approval of the whole House.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, as usual in the case of motions of this nature, Government will forward the proceedings of the House to the proper authorities.

Mr. NUR AHMED: Sir, honourable members who have supported my motion have considered the word "re-conquered" which occurs in the resolution as being unhappy and some members opposite have even taken objection to the word. I used the word in the sense of reconquering from the Japanese hands, but whether it is re-conquered by the British forces or by Burmans themselves I have not mentioned it. As regards the future form of Government, I have not mentioned anything in my motion. Sir, it was far from my mind to suggest that Burma should be subjected again and it is the desire of all patriotic persons that Burma should enjoy independence and that the rights of Indians should be safeguarded. I can assure my friends on the other side that I never meant that Burma should be re-conquered for subjection or for domineering by any power in the world.

Mr. DEPUTY PRESIDENT: Order, order. The question before the House is that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council requesting His Excellency to make an immediate representation to the Government of India on behalf of the people of Bengal who are vitally interested in the future of the re-conquered Burma, to safeguard the rights of the Indians in the re-conquered Burma in all reasonable ways, including the rights of free entry on the part of the Indians in in future in Burma whether as Burma evacuees or not, restoration of all lost properties to the Indians on their return with proper compensation and also to secure for the Indians the same rights and privileges as would be enjoyed by the subjects of the United Kingdom in Burma.

(The motion was agreed to.)

Promulgation of two Ordinances during the pendency of the Council Session.

Mr. HUMAYUN KABIR: I beg to move that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council, drawing His Excellency's attention to the fact that the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1944, and the Bengal Alienation of Agricultural Ordinance, 1944, and the Bengal Alienation of Agricultural Land Land (Temporary Provisions) Ordinance, 1944, were promulgated while the Bengal Legislative Council was in session.

Mr. NAGENDRANATH MOHOLANOBISH: Sir, I rise on a point of order.

You will please notice that there is an adjournment motion tabled by me exactly on this subject and it is now under consideration by the Hon'ble President. Therefore, I ask whether under these circumstances my friend can anticipate the motion and bring in this Address Motion covering the same ground. I do not exactly like to oppose this motion, but I want to draw attention to the fact as to whether it is in order.

Mr. HUMAYUN KABIR: (After a pause): Is there any point of order, Sir?

Mr. DEPUTY PRESIDENT: Order, order. The rule to which Mr. Moholanabish refers is applicable to the case of adjournment motions only and not to the case of motions under section 112. So I rule that the motion of Mr. Kabir is perfectly in order.

Mr. NAGENDRANATH MOHOLANABISH: Then I beg to move an amendment——.

Mr. DEPUTY PRESIDENT: Let Mr. Kabir finish: then you can move it, if it is allowed.

Mr. HUMAYUN KABIR: Mr. Deputy President, Sir, I believe that a very grave constitutional impropriety has been committed by the promulgation of these two Ordinances at this time. I am not quite clear in my mind as to whether it is not more than a constitutional impropriety. It may even be that these Ordinances, as they are in contravention of certain sections of the Government of India Act, are perhaps no Ordinances at all. In fact, it may even be that these Ordinances are *ultra vires* and void in fact. These are rather grave issues which are sought to be raised by means of this motion. I will not go into the merits of these Ordinances at all. Nobody in this House will have any quarrel so far as the contents of those Ordinances are concerned. But the point we have to consider is that Ordinances are a very special power allotted to the Governor. His Excellency can exercise this power only under certain specific circumstances. The two sections of the Government of India Act which lay down the provisions for Ordinances are very clear on the point. There is first of all, section 88 according to which Ordinances can be made by the Governor when the Legislature of the Province is not in session. Under section 80 of the Government of India Act, the Legislature of the Province is also defined. The Legislature of a Province means two Houses so far as Bengal is concerned; there is no possibility of doubt in this matter. Therefore, if any one of the two Houses is in session, it cannot be said that the Legislature is not in session. It may at most be argued that the full Legislature is not in session. At the time when these two Ordinances were issued, the Bengal Legislative Council had been adjourned for a period of about 5 or 6 weeks. That adjournment does not in any way break the continuity of the session. If it did, then any Bill which had commenced at the beginning of the session would no longer continue after the adjournment. This however has never been the case. As a matter of fact, we adjourn from day to day It is quite immaterial from the point of view of law whether an adjournment is for 20 hours or 20 days. The first point which I want to make is that the Legislature was in session at the time when this Ordinance was promulgated. Under section 88, sub-section (*1*) it is clearly laid down that the Governor cannot promulgate an Ordinance when the Legislature is in session. Section 89 gives the Governor the power to promulgate an Ordinance even when the Legislature is in session. But it will be clear that Ordinances under section 89 are of a very special nature and attract the special responsibility of the Governor or deal with matters in which the Governor has to act at his discretion or in his individual judgment. Now, Sir, it cannot be contended for a moment that the subject-matter of these two Ordinances which have been promulgated come under section 89. Sub-section (*1*) of section 89 reads as follows: "If at any time the Governor of a Province is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion, or to exercise his individual judgment, he may promulgate such Ordinances as in his opinion the circumstances of the case require." Therefore, section 89 deals only with those

Ordinances, for which under this Act he is required to act in his discretion or to exercise his individual judgment. I think he will be a very bold constitutional lawyer who would dare to suggest that either of these two Ordinances in any way attracts any of his special responsibilities or is a subject-matter in which he has to exercise his individual judgment or he has to act in his discretion.

There is one other point to which I want you to draw the attention of His Excellency. Even in the case of Ordinances which are the subject-matter of his special responsibilities, the Government of India Act lays down that he cannot act entirely arbitrarily. In fact, this is the intention of the Government of India Act that whenever any law is passed or any Ordinance is passed which has the force of law, such law or such Ordinance shall be subject to popular scrutiny. I shall take, first of all, the case of section 89. Under section 89, there is no provision by which the Legislature can terminate the life of an Ordinance. But nevertheless, the action of the Governor is subject to scrutiny. I would like to draw attention to the fact that wherever the Governor acts in his discretion or exercises his individual judgment, he can do so only subject to the control of the Governor-General. Section 54 reads as follows: "In so far as the Governor of a Province is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by the Governor-General in his discretion, but the validity of anything done by a Governor shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section." But this is not all, Sir. The Governor when he acts in his discretion or exercises his individual judgment, is subject to the general control of the Governor-General and the Governor-General in his turn is under section 14 is subject to the control of the Houses of Parliament. Section 14 lays down: "In so far as the Governor-General is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by the Secretary of State.....". Now, it is quite evident that the Secretary of State is subject to the control of Parliament. Therefore, Sir, my contention is that even in the case of Ordinances under section 89 there is provision for ultimate legislative scrutiny; only the legislative scrutiny is somewhat remote, for the scrutiny is by the Parliament.

Mr. DEPUTY PRESIDENT: Why do you refer to section 89 when it is clear that the Ordinances were promulgated under section 88?

Mr. HUMAYUN KABIR: That makes my case even stronger. My contention is that even in the case of Ordinances under section 89, the Governor is ultimately subject to the scrutiny of the Legislature. So far as section 88 is concerned, it is clearly laid down that it is only when the Legislature is not in session that Ordinances can be promulgated. When such Ordinances have been promulgated, they shall have to be laid on the table of the Legislature on the very first day that the Legislature meets. In order to strengthen that point, I made a reference to section 89. So far as section 88 is concerned, in sub-section (*1*) it is laid down that the Ordinance shall be presented to the Legislature on the first day when it meets. A definite procedure is laid down by which the Legislature may express its opinion upon a particular Ordinance. It is laid down that if a motion is moved in the Legislative Assembly disapproving the Ordinance and thereafter if the Legislative Council agrees with the motion of the Legislative Assembly, the Ordinance shall cease to have any force. In case there is no such motion, the Ordinance will even then cease to be in force six weeks after the Legislature is summoned. My contention is that the way

in which the present Ordinances have been promulgated is an offence against section 88, because they were promulgated while the Legislature was in session, and so far as I remember, we have not had them on the table of the Legislature. They have not been presented to the Legislature yet. The reason for this is obvious. If the Hon'ble Minister tried to present it, a point of order would have been raised that the Legislature was not meeting on that day. The Legislature was in session and therefore in order to circumvent that point, the Ordinances were not presented to this House at all. But what is the result of that? The result is that even if this Council disapproves of the provisions of this Ordinance, it cannot express any opinion on that. Under section 88, sub-rule (2), the initiative must come from the Legislative Assembly. It lays down: "An Ordinance promulgated under this section shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such Ordinance——

> (a) shall be laid before the Provincial Legislature and shall cease to operate at the expiration of six weeks from the re-assembly of the Legislature, or if a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council....."

The position is that since the Assembly is not in session, the motion disapproving the Ordinance cannot be moved there. If there was anything in this Ordinance to which we have any objection, we would have no remedy. The power which is given to the Legislature to disapprove of an Ordinance by a motion moved first in the Legislative Assembly and later on concurred to by the Legislative Council—that power is sought to be curtailed by promulgating an Ordinance in a manner where no action can be taken by us. In the present circumstances, we cannot take any step whatsoever in regard to the Ordinance.

I know that some honourable members opposite or some Hon'ble Ministers will say: that this Ordinance is on the same line as the Bill which was passed in this House. That Bill could not be carried through in another place, and thereafter receive the assent of the Governor and become law. That is the reason why the Ordinance has been promulgated.

If that be the argument advanced by the Government, I would through you, Sir, like to convey to His Excellency that this is making an improper use of the provision for an Ordinance. The provision for legislation is clearly laid down that legislation can be initiated in either of the two Houses. Legislation initiated and accepted by one House, will be sent to the other House as a Bill passed by that House. The other House will then consider the Bill and if it agrees, it will thereafter be sent to the Governor for his assent. It will then become an Act. It is a salutary method where the representatives of the people have an opportunity of discussing all the provisions of a Bill clause by clause. In the Ordinances under review, this salutary method is sought to be defeated and defeated in an underhand manner. When the Legislative Assembly was prorogued, one of the arguments advanced was that there was no further legislative business to be transacted. Now these two Ordinances prove that that statement was not correct. Since the Legislature is summoned or prorogued at the initiation of His Excellency the Governor under section 62 of the Government of India Act, the action of the Ministry made the Governor responsible for saying something or doing something which is not correct. It has made the Governor make a statement or commit an action which is neither a statement of fact nor can be defended in any way under the existing law. Therefore, there can be no doubt that the action of the Ministry in advising the Governor to promulgate this Ordinance has been most ill-advised and most unfortunate. Sir, my submission to you is that you will point out to His Excellency when these proceedings are forwarded, that by agreeing to the

promulgation of such an Ordinance after the Legislative Assembly had been prorogued on the ground that there was no further legislative business, His Excellency has been made a party in the political struggles of the different parties in this House. His Excellency is sought to be dragged in the arena of legislative struggles. It is an improper action on the part of the Ministry to advise His Excellency in such a way. I think, Sir, that His Excellency has been most ill-advised by His Council of Ministers as well as by the Secretarial staff which advises him. They have gone against the law, and committed an outrage on the Constitution, because they have advised His Excellency to act in a way which is *ultra vires* of the Act. There have resulted two Ordinances which are void in fact and law. It can even be contended that it has put His Excellency in a position where he can be regarded as a partisan in the struggle of political parties.

The Ministers were becoming nervous about their parliamentary position. Continuation of the session was bound to throw them out of office. On any plea, they wanted an end of the session. They represented to the Governor that there was no further business before the Assembly. His Excellency prorogued the Assembly but in fact there was business which was pending and urgent. The Ministers advised the promulgation of Ordinances even though the Council was in session. Two Ordinances were promulgated and belied the former announcements that there was no further legislative business. I ask, Sir, if this is not attempting to drag the Governor into party strife and trying to use his authority for party purposes.

Now this is most unfortunate, and therefore, Sir, I have through this Address wanted to draw the attention of His Excellency to the fact that the way in which section 88 has been abused is not only unjustifiable in law, but is liable to be construed as if he is a party to all these illegal acts and as if he is sheltering a Ministry which is otherwise afraid of facing the Legislature. That is a most unhappy impression to be created in the public mind. Therefore, Sir, I have moved this motion under Rule 112. I trust that when the attention of His Excellency is drawn to the irregularity and illegality and one might almost say, the dishonesty involved in promulgating these two Ordinances, the Ordinances would be forthwith cancelled. The Legislature may then be summoned so that the normal procedure can be followed and these two Ordinances, instead of being Ordinances, can become Acts of the Legislature.

Mr. DEPUTY PRESIDENT: Motion moved: that an Address be presented to His Excellency the Governor of Bengal through the Hon'ble the President of the Bengal Legislative Council, drawing His Excellency's attention to the fact that the Bengal Destitute Persons (Repatriation and Relief) Ordinance, 1944, and the Bengal Alienation of Agricultural Land (Temporary Provisions) Ordinance, 1944, were promulgated while the Bengal Legislative Council was in session.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I want to move an amendment——

Mr. DEPUTY PRESIDENT: But where is the notice of your amendment?

Mr. NAGENDRA NATH MOHOLANABISH: Sir, this is a special motion of which we have got notice about noon yesterday, and there is no provision in the rules——

Mr. DEPUTY PRESIDENT: But you have not even supplied the Chair with a copy of your amendment.

Mr. NAGENDRA NATH MOHOLANABISH: I am very sorry, Sir. But there are only 9 or 10 words which I propose to add at the end of the motion. I propose to add the following words at the end of this motion: "and as such are *ultra vires* and void in law". These are the few words that I propose to add as an amendment to this motion.

Mr. DEPUTY PRESIDENT: According to the convention of this House, I cannot accept any short-notice amendment unless it is agreed unanimously by this House——

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I have not seen any such convention in any of the published reports of the proceedings, nor have I seen any rules to this effect——

Mr. DEPUTY PRESIDENT: Order, order. Please take your seat. I disallow your amendment.

Mr. NAGENDRA NATH MOHOLANOBISH: You are perfectly welcome to do that, Sir. But I want to speak on this motion.

Mr. DEPUTY PRESIDENT: Yes, you can do so.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, this motion wants to draw the attention of His Excellency the Governor to the fact that the Ordinances referred to had been issued or promulgated at a time when the Legislature was in session. The obvious object of this is to point out that these Ordinances are illegal and *ultra vires*. I would like to show that these two Ordinances are illegal and *ultra vires* on two main grounds. The first ground that I want to make out is that the Governor's power to issue or promulgate an Ordinance is limited by section 88 of the Government of India Act, under which both these Ordinances have been promulgated by one governing factor, namely, that the Legislature of the Province should be in session at the time. Since at the time when these Ordinances were issued or promulgated the Legislature was in session, obviously it was beyond the jurisdiction of the Governor to promulgate these Ordinances. The question is whether the Legislature was then really in session. As a matter of fact, at the time when these two Ordinances were promulgated—I think it was on the 7th or 8th of September—we were not actually meeting in this Hall but we were actually in session because this House was called to meet and actually met on the 7th February and has been meeting from that date up to this day without any break; there have been occasional adjournments it is true, but that does not affect the continuity of the session. If you will kindly refer to sub-clause (*8*) of rule 1 of the Bengal Legislative Council Procedure Rules made under sub-section (*1*) of section 84 of the Government of India Act, which has the force of law, you will find that a session means the whole period from the time when the Council meets to the time when it is prorogued. Now it may be said that this is a definition given in the rules and not in the Act. In the Government of India Act itself there is no definition of "session" but the reasons are obvious—that it is so well-known a term in Parliamentary language that it does not require any definition. But if anything is necessary to enlighten us on the meaning of a term which we find in the statutory terms of an Act, I may refer to the fact that it is a settled law and upheld by the highest courts of law that if we do not find the meaning of a term in the Act itself we can find a meaning of that term if it is defined in the rules made under that Act. And it may therefore be taken for granted—in view of the definition given in the Procedure Rules—that that was the meaning which this House wanted to put on that particular expression. Therefore, there is absolutely no doubt that a session means the period from the date of the first meeting of

the House till it is prorogued. As from the 7th of February up till now this House has not been prorogued, the Legislature must be deemed to be in session on the 7th September when these two Ordinances were issued. Therefore, it follows that the Governor had absolutely no jurisdiction to issue any Ordinance at the time. The question that has been raised by my honourable friend Mr. Humayun Kabir about the motive of Government, because the Assembly is not in session and because of the two Acts covering the same ground having been passed by this House, I submit, is entirely relevant. We must look to the Statute and to the Statute alone and if under the Statute it is clear that the jurisdiction that has been invoked does not exist, I submit, that is the end of the affair. The next point for consideration is that the Ordinances under section 88 are Ordinances which were issued not by the Governor in his discretion and not by the Governor with a view to perform such acts as he is required by law to perform under the provisions of the Government of India Act; but it is under clause (*1*). These two Ordinances were issued under the advice of the Ministers. The distinction between Ordinances under sections 88 and 89 is well-known and clear. An Ordinance under clause (*1*) of section 88 is issued under the advice of Minister; that is not Governor's action in his discretion. But Ordinances under section 89 are issued by the Governor at his discretion. These two Ordinances were issued not under section 89 but under section 88. It may be said that there is nothing in section 88 to indicate that it has to be issued on the advice of the Ministers. Now, if you will kindly refer to section 89, you will find——

Mr. DEPUTY PRESIDENT: Will you please refer to that part of the section on which you base your arguments—that the Ordinances have been promulgated on the advice of the Ministers.

Mr. NAGENDRA NATH MOHOLANABISH: I am trying to develop that point by a comparison between sections 88 and 89. In section 89 you will find it stated that if the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion, or to exercise his individual judgment, he may promulgate such Ordinances as in his opinion the circumstances of the case require. Therefore, section 89 clearly covers the cases where the Governor is required to act in his discretion or to exercise his individual judgment, and if any other authority is required, I would refer the honourable members to the Parliamentary debates on this section 88—volume 299, I am sorry I cannot give the page number, but this point was discussed during the Parliamentary debates and it was clearly and specifically stated on that occasion that whereas Ordinances under section 89 are issued by the Governor in the exercise of his own individual judgment, Ordinances under section 88 are entirely issued on the advice of the Ministers. Now that being the position, Sir, I do not see how the Hon'ble Ministers could possibly advise His Excellency to promulgate Ordinance under section 88 when this Bengal Council was in session and we are surprised to find the wording has been in the notification promulgating the Ordinances, namely, "whereas the Bengal Provincial Legislature is not in session"——

Mr. HARIDAS MAZUMDAR: Sir, before the House is adjourned, I would like to mentio one thing. I was directed by the Hon'ble the President to mention it at the end of the meeting.

Mr. DEPUTY PRESIDENT: I cannot allow this.

Mr. HARIDAS MAZUMDAR: I am tabling a short-notice question on this matter and I want Government to reply to this on the opening

day. The matter relates to a telegram from Mr. Kuber Chandra Halder as follows: "Myself Scheduled Caste Commissioner duly elected Chairman Jangipore Municipality. S. D. O. interfering with assumption of office siding with defeated Muhammadan candidate. Has removed minutes of election meeting illegally. Highhandedness pray immediate relief."

Mr. DEPUTY PRESIDENT: Before I adjourn the House, I have got to inform the House that the adjournment motion tabled by Mr. Bankim Chandra Mukherjee will be taken up at 2 p.m. on the 23rd instant. The House stands adjourned till 2 p.m. on the 23rd instant.

Adjournment.

The Council then adjourned till 2 p.m. on Monday, the 23rd October, 1944.

Members Absent.

The following members were absent from the meeting held on the 13th October, 1944:—

(1) Mr. K. Baksh.
(2) Mr. Moazzemali Chowdhury.
(3) Mr. H. Huq Chowdhury.
(4) Mr. H. R. Chowdhury.
(5) Mr. Mohd. H. Chowdhury.
(6) Mr. B. C. Datta.
(7) Mr. K. K. Dutta.
(8) Mr. Mohamed Hossain.
(9) Mr. H. Kabir.
(10) Maulana Mohd. Akram Khan.
(11) Mr. N. N. Mookerjee.
(12) Mr. R. S. Purssell.
(13) Khan Bahadur M. Rahman.
(14) Dr. K. S. Ray.
(15) Mr. S. N. Sanyal.
(16) Khan Bahadur M. Shamsuzzoha.

BGP-44/5-9623A-700

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 88.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Monday, the 23rd October, 1944, at 2 p.m., being the eighty-eighth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.), was in the Chair.

Condolence on the Hon'ble President's bereavement.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: Sir, before we proceed with the business of the House, I should like to express on behalf of myself and on behalf of the other honourable members our deepest sorrow at the most unexpected and most sudden death of your dear daughter, which melancholy event occurred yesterday at about 1 p.m. We understand the feelings of a father on such a calamity, especially when it occurs so suddenly for which we are not at all prepared. We can only pray to the Almighty to give you strength of mind to bear up the loss and like to convey through you the sympathy of this House to Lady Singh Roy and other members of your family.

Mr. PRESIDENT: I am deeply grateful to the Hon'ble the Leader of the House and to the honourable members for their kind sympathy in my great loss. I am really overwhelmed by the generous expression of your sentiments. It was a bolt from the blue to me as it was least expected. Weak and helpless as we are, we must bow down to the dispensation of the Providence and bear everything in patience. I thank you heartily.

Mr. HARIDAS MAZUMDAR: Sir, there was a promise on the part of the Leader of the House that my short-notice question with regard to the Howrah Municipality will be answered today.

Mr. PRESIDENT: Let the adjournment motion be taken up first.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, the Chief Minister is prepared to answer that question tomorrow. He is unfortunately away today; but he has asked me to convey to the House that he would be very glad to answer the question tomorrow.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance——

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I beg to submit that there can be no discussion on this motion. The adjournment motion raises the question whether Government have any right to prevent the Calcutta Corporation from taking food-grains from ration shops for the purpose of inspection——

Mr. HARIDAS MAZUMDAR: On a point of order, Sir,——

Mr. PRESIDENT: Let us hear the Hon'ble Mr. Suhrawardy first, Mr. Mazumdar.

The Hon'ble Mr. H. S. SUHRAWARDY: It so happens, Sir, that this matter is being tried in a court of law. The Inspectors of the Calcutta Corporation went to the Government Stores in the College Street Market and purchased or attempted to purchase food-grains from that store. The

Managers refused to supply them the food-grains and they are now being prosecuted before the Municipal Magistrate by the Calcutta Corporation. It has been filed before the Municipal Magistrate by the Calcutta Corporation, I understand, as a test case. Therefore, I submit that the matter is *sub judice*.

Mr. PRESIDENT: But objection should have been taken before the motion was admitted——

The Hon'ble Mr. H. S. SUHRAWARDY: I am sorry that at that time this information was not available. As a matter of fact, the prosecution has been launched only this week——

Mr. SHRISH CHANDRA CHAKRAVERTI: Has summons been issued?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, summons has been issued and served——

Mr. PRESIDENT: But is it going to affect the subject-matter of this motion?

The Hon'ble Mr. H. S. SUHRAWARDY: Absolutely, Sir. The only issue they raise is that Government officers have refused to supply food-grains to the Inspecting officers of the Calcutta Corporation and some Government officers are now being prosecuted——

Mr. HARIDAS MAZUMDAR: On a point of order, Sir. At this stage when the motion has been admitted, can the Hon'ble the Civil Supplies Minister re-open the matter and ask for your orders to stop the discussion of the motion?

Mr. PRESIDENT: That is possible, though it is not done ordinarily. Suppose a motion is admitted and after that the matter is taken to the court, then certainly the matter becomes *sub judice*, and it cannot be discussed here.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, according to the statement of the Hon'ble Minister, certain officers of the Government have been prosecuted long before this motion was admitted. Therefore, this motion cannot affect this question——

Mr. PRESIDENT: Quite so. But if the matter is *sub judice*, we cannot discuss it here.

Mr. BANKIM CHANDRA MUKHERJEE: But the question is: whether that can affect the present motion which I have moved. They may be prosecuted on some other grounds.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I submit that at any time even in the course of the debate, if it is brought to your notice that the matter is *sub judice*, it will be not only within your rights and privileges but quite appropriate for you to stop the proceedings.

Mr. PRESIDENT: In view of the statement made by the Hon'ble Minister, I do not think the matter can be discussed; but objection should have been taken before the motion was admitted.

Mr. BANKIM CHANDRA MUKHERJEE: But, Sir, we have not got anything beyond the statement of the Hon'ble Civil Supplies Minister before us to show that the matter is *sub judice*. What is the matter that is *sub judice*? We want to have all this information.

Mr. HARIDAS MAZUMDAR: We would like to have a disclosure of all the facts and figures in this case.

The Hon'ble Mr. H. S. SUHRAWARDY: My point is: that these honourable gentlemen who must have read the newspapers very carefully, must be aware of the fact that some officers of Government Stores are being prosecuted in the municipal courts. This matter has received wide publicity. All these have appeared in the newspapers and——

Mr. BANKIM CHANDRA MUKHERJEE: When we are discussing a matter with regard to which a motion has already been admitted under the rules——

Mr. PRESIDENT: The motion has been admitted, that is true; but——

Mr. BANKIM CHANDRA MUKHERJEE: Kindly allow me to finish before you stop me. What I say is: that the Hon'ble Civil Supplies Minister is not entitled to say that the news relating to this prosecution appeared in the papers; my answer to that is that Government was also similarly aware and all the honourable members of this House were similarly aware and therefore this objection should have been taken by Government at the stage when the motion was admitted. What has happened since the admission of this motion to make it out of order?

Mr. PRESIDENT: That does not matter, because I think that the moment it is brought to the notice of the Chair that a matter is *sub judice*, the Chair is bound to take the fact into consideration.

Mr. NAGENDRA NATH MOHOLANABISH: The point is: on what grounds has this prosecution been launched against the managers of Government stores or ration shops—perhaps it may be under the Defence of India Rules.

Mr. PRESIDENT: But the Hon'ble Minister has assured the House that it is on the same issue as that which the adjournment motion seeks to discuss.

Mr. NAGENDRA NATH MOHOLANABISH: That may not be correct, after all. And the question is: whether the prosecution of these officers is not due to some acts which may have nothing to do with the purpose of the adjournment motion. We do not know anything about the subject-matter of the prosecution referred to by the Hon'ble Mr. Suhrawardy.

Mr. HARIDAS MAZUMDAR: The Hon'ble Minister ought to have come prepared with full facts.

Mr. BANKIM CHANDRA MUKHERJEE: The whole question is: whether under the rules of this House this motion can be ruled out of order merely on the statement of the Hon'ble Minister——

Mr. PRESIDENT: Order, order. We should not disbelieve the statement of an Hon'ble Minister. The adjournment motion runs thus: "That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen out of the action of the Government of Bengal in preventing the officers of the Corporation of Calcutta from taking samples of food-stuffs from the ration shops under the provisions of the Calcutta Municipal Act and dealing with the samples under the provisions of the said Act.

I hope the Hon'ble Minister makes the statement fully realising his responsibility in the matter. If the same issues are going to be raised in this case, then this motion cannot obviously be discussed.

Mr. NAGENDRA NATH MOHOLANABISH: Then we insist on all the relevant papers being produced before the House.

Mr. BANKIM CHANDRA MUKHERJEE: What I submit for your consideration is this. The motion stands as follows:—

> .....in preventing the officers of the Corporation of Calcutta from taking samples of foodstuffs from the ration shops under the provisions of the Calcutta Municipal Act——

This is nothing illegal and I do not understand how anybody can be prosecuted for acting in accordance with the provisions of the Act. So the prosecution has nothing to do with the matter and if I may refer you, Sir, to the various provisions of the Calcutta Municipal Act, you will find that various procedures have been prescribed for the drawing out of samples in order that the Health Officer of the Calcutta Corporation and the Sanitary Officers of the Corporation whose duty it is to see that the people of Calcutta are not supplied with unwholesome food——

Mr. PRESIDENT: All these provisions are known to us, Mr. Mukherjee. What is your reply to the Hon'ble Mr. Suhrawardy's point?

Mr. BANKIM CHANDRA MUKHERJEE: I am coming to that; but you have stopped me, before I could finish. What I say is this: Two members of the Corporation are being prosecuted by Government.....(Cries of "No, no", quite the reverse): (The Hon'ble Mr. H. S. SUHRAWARDY: The fact is that some managers of Government Ration Shops or Government Stores are being prosecuted by the Corporation.)

Mr. PRESIDENT: Order, order. In view of the clear statement of the Hon'ble Minister and in view of the fact that he speaks on full information and takes full responsibility for his statement, I hold that this motion cannot be discussed.

Mr. SHRISH CHANDRA CHAKRAVERTY: May I know whether the Hon'ble Minister for Civil Supplies has passed an order on the Government Store-keepers not to supply to the Calcutta Corporation with any sample of the foodgrains which they have stocked?

The Hon'ble Mr. H. S. SUHRAWARDY: That is the matter which is *sub judice.*

Mr. SHRISH CHANDRA CHAKRAVERTY: I want to know whether Government has passed any such order not to supply to the officers of the Calcutta Corporation with the samples of foodgrains in their stock?

The Hon'ble Mr. H. S. SUHRAWARDY: Government passed an order and that is the matter which is now *sub judice.*

Mr. NAGENDRA NATH MOHOLANABISH: Sir, on a previous occasion on a similar motion the statement of the Hon'ble Mr. Suhrawardy was not found to be correct; and so without the production of actual papers showing the actual points involved, we are not going to accept this statement in this way. Having regard to this previous experience, Sir, we hope you will certainly ask for better particulars.

Mr. PRESIDENT: I think that is a rather unprecedented attitude for you to take. When the Hon'ble Minister makes his statement—and I have stressed the point—I hope he does it by taking full responsibility. He is very sure about his facts.

Mr. NAGENDRA NATH MOHOLANABISH: On the last occasion I insisted on the 'tex' being produced by the Hon'ble Minister. It was stated that his facts were correct but subsequently it was found that they were not correct.

Mr. PRESIDENT: I hope that there should be no more discussion about it.

Mr. BANKIM CHANDRA MUKHERJEE: Before disallowing my adjournment motion, will you please consider one fact?

Mr. PRESIDENT: I have already said that this cannot be considered.

Mr. BANKIM CHANDRA MUKHERJEE: If you have already ruled that out, I am requesting you to reconsider that.

Mr. PRESIDENT: Please do not pursue that point any more.

Mr. BANKIM CHANDRA MUKHERJEE: With regard to your ruling, Sir, I am not going to say anything; but what I am suggesting is this. I am entitled to say——

Mr. PRESIDENT: If you have got any further submission to make, I shall be very glad to meet you in my chamber where we can discuss that matter. The Hon'ble Minister takes full responsibility for his statement. So I accept it.

Mr. BANKIM CHANDRA MUKHERJEE: I am not concerned with regard to the responsibility of the Hon'ble Civil Supplies Minister and I think that my talk with you in your chamber will not improve the situation.

Mr. HARIDAS MAZUMDAR: On a point of privilege, Sir. Today I have received a letter from the Assistant Secretary of the Bengal Legislative Council with regard to a short-notice question telling me that if I can make myself responsible for the facts stated therein, this may be accepted. My point is that whenever a member puts a question——

Mr. PRESIDENT: Mr. Mazumdar, this is not a point of privilege. Please resume your seat. You gave notice of a short-notice question: has that been disallowed?

Mr. HARIDAS MAZUMDAR: I am reading that letter, Sir. "I am directed to inform you that you have not made yourself responsible for the accuracy of the statement made in your question No. 331 of the current session (copy enclosed) and, as such, it cannot be considered for admission. I am to enquire therefore if you accept the responsibility for these statements." As soon as I put a question, I take the responsibility, otherwise a member does not table any question and waste his valuable time.

Mr. PRESIDENT: In that connection, I will refer you to the rules which distinctly lay down that "if it contains a statement, the member asking it must make himself responsible for the accuracy of the statement".

Mr. HARIDAS MAZUMDAR: As soon as I put a question, I take the entire responsibility.

Mr. PRESIDENT: This is a matter which should not be discussed in this House. The time of the House is valuable.

Mr. HARIDAS MAZUMDAR: My time is also no less valuable.

Mr. BANKIM CHANDRA MUKHERJEE: May I rise on a point of privilege, Sir? I understand that under rule 76 of the Bengal Legislative Council Procedure Rules a copy of the Agricultural Income-tax Bill, as passed by the Assembly, shall be laid on the table. I like to see the original Bill. The Secretary possibly has objection and he cannot allow me to see that. That, Sir, is a serious question of privilege.

Mr. PRESIDENT: The Bill was laid on the Table. Members are not entitled to look at the files of the Department.

Mr. BANKIM CHANDRA MUKHERJEE: Not at the file, Sir; but we want to look at the original Bill from which the printing was made. The rule says that when a Bill originating in the Assembly has been passed by the Assembly and is sent to the Council, copies of the Bill shall be laid

on the Table and made available for the use of members at the next following meeting of the Council or as soon as possible thereafter. Copies of the Bill as passed by the Assembly are sent to this House which are now under consideration. I want to see those things because it is stated that there is a printing mistake.

Mr. PRESIDENT: If you want to see that particular copy, I am sure, Secretary will be glad to show it to you.

Mr. BANKIM CHANDRA MUKHERJEE: I want to see it just now.

Mr. PRESIDENT: Please come here and see.

Mr. LALIT CHANDRA DAS: On a point of privilege, Sir. I addressed a letter to the Speaker of the Legislative Assembly through you, enquiring about a certain matter. I wanted to know from him, Sir, whether the word "guardian" was actually passed by the Assembly or not.

Mr. PRESIDENT: Mr. Das, the point is this that the Chair cannot agree to act as a channel of communication between the individual members of this House and the Speaker of the other House. It has never been the practice.

Mr. LALIT CHANDRA DAS: That is exactly the point of privilege: there should be a channel through which the Chair can send a requisition or a request to the Speaker and that channel, Sir, should be the President of the Council.

Mr. PRESIDENT: Mr. Das, the members of this House have no privilege to address Mr. Speaker of the other House.

Mr. LALIT CHANDRA DAS: Not even when an occasion arises? However, Sir, my purpose would be served if you would allow me to see the Bill.

The Bengal Agricultural Income-tax Bill.

Clause 65.

Mr. PRESIDENT: Clause 65 stand part of the Bill. Mr. Amulyadhone Roy.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I see clause 65 does not contain any correction——

Mr. PRESIDENT: Order, order. I have already called upon Mr. Amulyadhone Roy to move his amendment.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I say that without discussing whether the question of allowing correction is admissible or not, how can we proceed with the discussion on this clause?

Mr. PRESIDENT: Mr. Mukherjee, I understand that point has already been disposed of by the Deputy President.

Mr. BANKIM CHANDRA MUKHERJEE: But, Sir, I find that the Bill which is required to be laid on the Table under rule 76, and which has been circulated has not been corrected. We are concerned only with the Bill as laid on the Table. So, I say that unless the Bill is corrected, we cannot proceed with the discussion of this clause.

Mr. PRESIDENT: The correction has not been made by us. The correction has already been made by the Hon'ble Mr. Speaker. I understand that he corrected it and merely communicated the fact to us. So, we have got to proceed on the basis of the corrected Bill.

Mr. LALIT CHANDRA DAS: On a point of privilege, Sir. The Speaker cannot correct anything in the copies of the Bill which have already been circulated to the members and upon which amendments have been tabled.

Mr. PRESIDENT: Mr. Das, I understand that that point was raised and was disposed of by the Deputy President.

Mr. HARIDAS MAZUMDAR: No, Sir.

Mr. PRESIDENT: Yes, it has been disposed of. Mr. Nagendra Nath Moholanabish said on that occasion "Sir, you have stated certain facts which are already known to us. The Hon'ble the Speaker of the Assembly has sent a communication to us. This fact is known to us. That is neither any order nor a decision. What I want to know is whether in the circumstances there can be any communication of this nature." And the Deputy President said, "My answer is in the affirmative. I have already stated that."

Mr. LALIT CHANDRA DAS: But, Sir, where is the decision?

Mr. NAGENDRA NATH MOHOLANABISH: Sir, the Deputy President did not give any ruling as on that occasion this question did not arise. It has arisen now. I want to know what is the effect of that communication on the Bill and on the amendments to clause 65. Certainly, we are entitled to speak on this matter now.

Mr. PRESIDENT: I repeat that point has already been disposed of by the Deputy President.

Mr. LALIT CHANDRA DAS: Is it your reading of the circumstances that the Deputy President has disposed of the matter? I think the point is to decide whether that communication has any effect on the originally authenticated Bill which was sent to this House and a certified copy of which was circulated to the members. That is a different point. That was not decided. The only thing was that a communication was made. But what that communication meant was not clear——

Mr. PRESIDENT: That communication means that the correction has already been made.

Mr. SHRISH CHANDRA CHAKRAVERTI: So far as we are concerned, the Speaker of the Assembly is a stranger——

Mr. PRESIDENT: Mr. Chakraverti, all these points have already been disposed of by the Deputy President.

Mr. HARIDAS MAZUMDAR: The only point that has been disposed of by the Deputy President is that a communication was made——

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, it concerns not only the Opposition but the whole House and it concerns you primarily. Please look at the text of the communication. It is absolutely clear there that Mr. Ali Afzal sent the communication as a sort of order of the Speaker. What does Mr. Ali Afzal mean by sending such a communication? It was, as if the Speaker was passing an order upon you to do certain things, and our Secretary sent a copy thereof to us. What right the Secretary has to send a circular letter like that? It is clearly a breach of the rules.

Mr. PRESIDENT: Mr. Chakraverti, all these points were disposed of by the Deputy President. I find that he held that such a communication could be sent by the Hon'ble Mr. Speaker, and the Deputy President definitely stated that on that basis he assumed that the Bill had already been corrected and he allowed time to honourable members to put in fresh amendments. So in that view of the matter, I do not think it is open to me any more to re-open the matter.

Mr. SHRISH CHANDRA CHAKRAVERTI: Sir, I again tell you that the Deputy President did not give any decision, and nor did we ask for any such decision. This is wholly illegal. The communication sent by the Hon'ble Speaker has no *locus standi* so far as this Bill is concerned. This point you have got to consider.

Mr. PRESIDENT: I am afraid, we have fully considered the point. I find that all these points were raised in the statement made by the Hon'ble the Leader of the Opposition on the following day. The Deputy President disposed of all the points. He said that the Speaker was perfectly entitled to send such a communication: he accepted it and on that basis he asked for fresh amendments. There is nothing left for me to do.

Mr. SHRISH CHANDRA CHAKRAVERTI: The Deputy President was inclined to give such a decision, although we did not ask from him any ruling. He could not give any ruling. After the Leader of the Opposition made his statement we said that we were not asking for any ruling whatsoever, because it was not a matter for ruling. In this House we cannot even refer to the proceedings of the other House, and no member of the other House can even be present here except the Ministers under the special provisions of the Government of India Act. So, how can the Hon'ble Speaker of the other House have anything to say in the matter after he has once sent the Bill to this House—that is the matter for your consideration.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think, Sir, we cannot go behind the decision of this House.

Mr. NAGENDRA NATH MOHOLANABISH: But no decision has yet been taken or any ruling given.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: One word, Sir. The Leader of the Opposition made a statement and Hon'ble the Chief Minister gave a reply and both these were heard in this House. The decision of the Deputy President who was in the Chair that day was that the circulation of the communication received from the other House was all right. If any honourable member wanted to put in any new amendment, he could do so. That was the decision taken after hearing both the parties.

Mr. LALIT CHANDRA DAS: No, the decision does not relate to that.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I do not think the question can be re-opened.

Mr. SHRISH CHANDRA CHAKRAVERTI: After hearing all sides, the Deputy President gave no decision whatever.

Mr. HARIDAS MAZUMDAR: May I enquire if the Bill has now been actually corrected by the insertion of the word "No"? I submit that physical and actual correction is necessary, and if so, who has made that correction? Mere pious wish will not do; actual correction has got to be shown.

Mr. LALIT CHANDRA DAS: Sir, you have read out Khan Bahadur Naziruddin Ahmad's remark and over and above that you have also read out the remark of the Deputy President who was then in the Chair. The remark of the Deputy President was to the effect: "the answer is in the affiramative"; that is to say, that the Hon'ble Speaker could send a communication like that. But our contention is as to what effect that communication has had upon the printed copies of the Bill which were circulated to us under the provisions of rule 76 and upon which we sent in our notices of amendments. That is the only point which is to be decided now by you, namely, as to what effect that communication from the Speaker has had

upon the printed copies of the Bill which was originally circulated to us. No decision was given by the Deputy President on that point. The words are there and you are not to curtail and take away the rights of the House. The words are there and there is nothing in them upon which you can take away the just rights of the members of this House. The clear meaning of those words is that one honourable member was making an enquiry and the Deputy President's answer was in the affirmative. The enquiry now being made by us is: what effect that communication has had upon the printed copies of the Bill. Nowhere in that day's proceedings has it been stated that that communication has supplanted copies of the Bill that were circulated to us——

The Hon'ble Mr. H. S. SUHRAWARDY: I understand that the corrected clause has been circulated to honourable members and amendments have been invited.

Mr. LALIT CHANDRA DAS: That may be, but we have refused to take cognisance of that correction.

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: You had protested that you did not want to take cognisance of that; but the decision of the Deputy President was that in spite of your objections he would proceed with the clause as corrected.

Mr. PRESIDENT: This point was raised by Khan Bahadur Naziruddin Ahmad.

Mr. LALIT CHANDRA DAS: Now the whole thing is before you and the question is: whether you are prepared to take away the rights and privileges of the House to put in amendments on the printed copies of the Bill as it was circulated to us under the provisions of rule 76; and what effect the communication received from the Secretary to the other House has on those printed copies. This is a point which is very serious; for that means whether you are prepared to curtail the rights and privileges of this House simply because like a Rip Van Winkle some gentleman belonging to Government benches was sleeping and just at the nick of time he rose up to have the discussion stopped——

Mr. PRESIDENT: Mr. Das, I have tried to follow your argument and have also read as carefully as I could the statement made by various members on this point and subsequently by the Hon'ble the Leader of the Opposition on the following day. I find that this matter was really considered and disposed of.

Mr. LALIT CHANDRA DAS: On which line of the statements do you rely, Sir, for this interpretation? Before you take away our just rights, will you kindly say on which line you rely for this decision? I may read out to you——

Mr. PRESIDENT: Will you take your seat please, Mr. Das?

Mr. PRESIDENT: Let me read some portion of that day's proceedings. Khan Bahadur Naziruddin Ahmad said: "That after passing through certain amendments whether this is the proper time to receive such a circular letter. In fact, we have got a Bill and we cannot proceed behind that Bill and we cannot go into the proceedings of another place. The question might lead to some constitutional difficulty. If that question is reserved for consideration till that time, I do not want to raise it now". In reply to that Mr. Deputy President said "As we have not yet reached clause 65, I think this can be done. There will be no irregularity in the matter."

Mr. LALIT CHANDRA DAS: Sir, it is a simple thing. It means that this matter will be considered when section 65 will be considered. Kindly read that again, Sir. It means that he has left it open.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, before the Hon'ble Finance Minister speaks, I want to say that so far as the Bill that is there, there is no correction as suggested, and under rule 76 we are to consider the Bill as it is on the Table.

Mr. PRESIDENT: That point was considered.

Mr. BANKIM CHANDRA MUKHERJEE: How can that be, Sir? It was not known that this Bill had then been corrected. The present point that I have raised is that there is no correction up-till-now in the Bill which is laid on the Table. This may be recorded.

The Hon'ble Mr. H. S. SUHRAWARDY: I understand that it is a copy of the Bill which is laid on the Table and the original Bill has been corrected.

Mr. BANKIM CHANDRA MUKHERJEE: We are not concerned with what Bill is lying with the Speaker nor with the corrections therein. We are concerned under rule 76 with the Bill that is laid on the Table.

Mr. PRESIDENT: All these points were mentioned in the statement made by the Leader of the Opposition.

Mr. BANKIM CHANDRA MUKHERJEE: There was no such mention.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: The Hon'ble Speaker of the Assembly is bound to transmit to this House the Bill as it was passed by the Assembly. If at a subsequent stage the Speaker finds that there is a slight mistake in the printed copy of the Bill as passed by the Assembly, it was his clear duty to communicate the fact of the printing mistake to this House. I can understand that there would have been some difficulty if we had disposed of clause 65 before the communication of the Speaker came to us, but we had not yet reached clause 65. There are precedents in the annals of the British Parliament where even at the last moment corrections have been received by one House from another, so that the proper Bill, as passed by one House, may be considered by the other House. Now, since clause 65 had not been reached in this House, it was within the power of the President to admit a correction.

Mr. LALIT CHANDRA DAS: How could the Speaker know that we have not reached clause 65?

Mr. PRESIDENT: Mr. Das, there were enough discussions about this and I think that there should be a finality now.

Mr. LALIT CHANDRA DAS: I request you, Sir, to read again the portion you have read now. It means that there was no decision with respect to that point. Mr. Deputy President said that time for it will come when you reach section 65. Therefore, Sir, I request you again to read carefully what you have already stated.

Mr. PRESIDENT: I have understood your point but there is another statement of the Deputy President where he said "my answer is in the affirmative. I have already stated that."

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I want to say——

Mr. PRESIDENT: I have already heard you.

Mr. NAGENDRA NATH MOHOLANABISH: Sir, I was not allowed to develop my argument that day. You have heard the argument of the Hon'ble Minister but you have not heard our arguments.

Mr. PRESIDENT: I do not think that is correct. I have been hearing the Opposition for the last half an hour.

Mr. NAGENDRA NATH MOHOLANABISH: The point is: whether that message has the effect of correcting this Bill? What is the legal position and what is the power of the Speaker on that point? You have not allowed us to argue these points.

Mr. PRESIDENT: The point is this. This point which was raised by Khan Bahadur Naziruddin Ahmad was finally disposed of by the Deputy President in my absence. In answer to the question that "that is neither any order nor a decision. What I want to know is whether in the circumstances there can be any communication of this nature", the Deputy President said "my answer is in the affirmative. I have already stated that."

Mr. LALIT CHANDRA DAS: It is neither a decision nor anything of the sort. What effect has that communication left upon the copies of the Bill already circulated?

Mr. PRESIDENT: I cannot go on discussing it. I find very clearly that the matter was considered by the Deputy President and he disposed of that point.

Mr. LALIT CHANDRA DAS: How can he dispose of clause 65 before it was reached? Certain discussions took place between the Deputy President and the members of this House. Sir, don't you realise the point that the matter has not been decided at all? Now is the time to decide what would be the effect of that communication.

Mr. PRESIDENT: The Deputy President said that such communication could be received; and the communication that was received stated that the mistake has been corrected by the Hon'ble Mr. Speaker. Now, if you receive that communication you certainly have to go by the corrected Bill.

Mr. LALIT CHANDRA DAS: Sir, before clause 65 is taken up, there cannot be any decision. Now, that clause has been taken up, it is your bounden duty to give the decision on this point.

Mr. PRESIDENT: Mr. Das, the Leader of the Opposition discussed this question very thoroughly in his statement. He did not wait for the reaching of clause 65. So, the matter was considered.

Mr. LALIT CHANDRA DAS: Sir, the Leader of the Opposition was emphatic in his statement that the Speaker had no right to issue a communication like that. The Leader of the Opposition did not rise on a point of order that it would require any ruling from the Chair.

Mr. HAMIDUL HUQ CHOWDHURY: Sir, may we suggest that as the decision has already been given, the amendments may be taken up one by one.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, may I make a submission?

Mr. PRESIDENT: I have read the proceedings of that date and I think the matter has been decided. I will now take up the amendments.

Mr. NAGENDRA NATH MOHOLANABISH: Why, Sir?

Mr. HARIDAS MAZUMDAR: As the corrected Bill is not before the House, we cannot take part in its third reading; and as a protest against your decision, Sir, with regard to the important point raised by the Opposition, we walk out of the House.

Clause 65.

Mr. PRESIDENT: The question before the House is: that clause 65 stand part of the Bill.

(The motion was agreed to.)

Title and Preamble.

Mr. PRESIDENT: The question before the House is: that Title and Preamble stand part of the Bill.

(The motion was agreed to.)

Khan Bahadur NAZIRUDDIN AHMAD: Sir, there are amendments standing in my name.

Mr. PRESIDENT: But you did not rise.

Khan Bahadur NAZIRUDDIN AHMAD: I must be called by you first, before I rise. The practice is that you call me first. You did not call me.

The Hon'ble Mr. TULSI CHANDRA GOSWAMI: Sir, I beg to move that the Bill, as settled by the Council, be passed.

Sir, in the absence of so many members of the Opposition, I do not wish to speak at great length. It is unfortunate that the Opposition, though not as a whole but a vast majority, decided not to take part in this afternoon's proceedings. This is most unfortunate. Of course, it has given the House an opportunity to pass the Bill in peace. I do realise that in this Province taxation of agricultural income is almost a revolutionary thing; but it is not so very revolutionary. After all, it is one of the recognised sources of public revenue, and whatever hardships it may inflict on a certain class of people, I think it will be generally accepted that there was a serious omission in the taxation law of this province that agricultural income had so far been exempt from taxation. I shall refer to one objection which was raised by the Opposition in the earlier stages of the discussion, on behalf principally of agricultural interests. It seemed to be the desire of certain members belonging to the Opposition that we should ear-mark the proceeds of the agricultural income-tax solely for the purpose of agricultural improvement in this province. These honourable gentlemen derived support for their proposition from the recommendation of the Floud Commission. I wish to tell the House or rather to remind the House that when the Floud Commission wrote out their report, agriculture was a starving department in this province. Since then, greater attention has been paid to agriculture and this year's expenses on account of the improvement of agriculture will be many times more than anything that we may expect from Agricultural Income-tax when this Bill is passed. The Hon'ble the Leader of the House who is also the Minister for Agriculture has told the honourable members times without number how many projects he has in hand. These projects will take a long time to mature and for years to come the Government of Bengal will be spending enormous sums of money on agricultural improvement. I do not wish to repeat that it would not be right to ear-mark the proceeds of any tax for any particular purpose. I have spoken at some length on the subject at an earlier stage of the discussion on this Bill. I would now request the honourable members to be good enough to pass the Bill as it has been settled in the Council.

Mr. PRESIDENT: Motion moved: That the Bengal Agricultural Income-Tax Bill, 1944, as settled in the Council, be passed.

Khan Bahadur NAZIRUDDIN AHMAD: Sir, I rise most unexpectedly to support this motion for the passing of the Bill. The attitude which I have taken in regard to this Bill should be clearly appreciated. I have on more than one occasion in the course of discussion on this Bill and also on previous occasions spoken in support of the principle of an agricultural income-tax. It was first recommended by the Indian Taxation Enquiry Committee. It has also been recommended by text-book writers like Dr. Radha Kumud Mookerjee in his book "Land problems of Bengal" and also by the Floud Commission. The amendments which I had the misfortune of moving in this House were mostly of a drafting character. They

were calculated and intended solely to improve the text of the Bill except in one case, namely, in the case of clause 49, in respect of which I had a fundamental objection. The Bill on the whole is calculated to serve useful purpose. The agricultural income was never subjected to any tax except for a brief period during the early sixties of the last century, when an attempt to tax all the agricultural income or rather the zemindari income was opposed by the zemindars on the ground that such tax would be against the principles of the Permanent Settlement. There was some amount of controversy and Government, not only gave away for the time being the right to tax zemindari income but all agricultural incomes. The matter was again raised before the Privy Council in the year 1934. There the point was discussed and it was held that zemindari income was liable to be taxed. Then came the Government of India Act which actually provided that agricultural income may be taxed and power was given to the provinces. Now, Sir, the principle underlying this tax may be justified from another point of view. We find that all incomes of the world, including even the illegal incomes, are liable to be taxed. There is no conceivable income which can escape taxation; and the fact that so long agricultural income was not subject to any tax was an anomaly. Now, Sir, agricultural income should be taxed like all other incomes. If income-tax is a good thing, it is good also for agricultural income. If agricultural income-tax is a bad thing then the Agricultural Income-Tax Act itself would be bad also. But I submit that all incomes should be subjected to tax. So every person having a decent income should volunteer or rather be compelled to volunteer and should contribute a part of his income. In the circumstances, the principle is well established.

Certain objections which I have raised with regard to the context of the Bill may be broadly considered. I have also suggested certain amendments regarding concessions. They are, I believe, mostly of a necessary character and may perhaps be relevant in the interpretation of the Act.

As regards punctuation, I may say where it has been introduced formally in the Bill it is better to regard it as necessary and my submission to the Hon'ble Minister would be to approach the Secretary of the Assembly who has the power to make minor changes in punctuation, for considering certain amendments regarding punctuation; if he thinks they may be accepted without the necessity of calling the other House to consider them, he should be asked to do the needful.

Then coming to clause 49, my objection was of a fundamental character. That objection was not based on racial or class distinction. It is dependent upon the fundamental question. Bengal has no right to tax income in England but England has the right to tax income received in Bengal. There is no reciprocity between Bengal and the Provinces, between Bengal and the Indian States and the Dominions, etc., with regard to tax. I have attempted to show that if Bengal is asked merely to contribute towards the tax, it would be a one-sided affair. I have also shown that if Bengal do not insert a provision like clause 49, then the United Kingdom will refund the balance left on them to the tax payer, so that the tax payers in any case would be fully relieved. I also submitted and still submit that it is a question between the two Exchequers and the tax payers should consider this matter. In the circumstances, I should ask the Hon'ble Minister in charge of the Bill to carefully consider this provision in the Bill and see whether they are not certain aspects of the amendment which should not be passed unnoticed.

The unusual delay which took place to consider the amendments in the House is due to fundamental facts. The facts are that some of the amendments are known to have been accepted by the Legislative Department. In fact, Government also tabled certain amendments through Mr. Mesbahuddin Ahmed and Mr. Biren Roy. So it was known, of course unofficially, that certain amendments would be accepted. The Hon'ble Minister spoke

very frankly that he was conscious of the fact that there were certain defects that require change in the Bill. He said that for certain reasons he was not in a position to accept them but the ostensible object for not allowing them to be moved was the prevention of delay. But unfortunately in the circumstances it has led to the only thing which was attempted to be prevented by the Hon'ble Minister. At any rate, when the Hon'ble Minister admitted that there were certain defects in the Bill which require amendments, the movers of the amendments were justified on that ground. I should therefore on this last occasion request the Hon'ble Minister to carefully consider the amendments. They are weighty amendments supported by weighty reasons. Although for certain well-known reasons the Hon'ble Minister was not in a position to accept them, he has however promised, and I believe frankly promised, to consider those amendments at a very early date. I am sure he will find some of them at least to be very useful. They have been discussed threadbare and there would be no difficulty in finding out which amendments would be good. In the circumstances, he should make a list of amendments and introduce a Bill as quickly as possible to correct the defects. There are many defects in the Bill and the Government experts know them and there will be no difficulty in submitting an amending Bill.

With these few words, I support the third reading of the Bill. My objection was generally with regard to the drafting of the Bill, and in the case of clause 49, with regard to the principle involved in it. I find the Hon'ble Minister in charge of the Bill did not make any specific reply on this point. I do not blame him. I raise certain questions which were neither raised in another place nor in the Select Committee or by any other member in this House. I believe they were absolutely new points and I admire the Hon'ble Minister for not replying to those of my constitutional questions. I can only hope that they would be considered later on and if possible might be accepted.

With these few words, Sir, I support the third reading of the Bill.

Mr. PRESIDENT: The House stands adjourned till 2 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2 p.m. on Tuesday, the 24th October, 1944.

Members Absent.

The following members were absent from the meeting held on the 23rd October, 1944:—

(1) Mr. Nur Ahmed.
(2) Mr. S. Ahmed.
(3) Rai Bahadur K. C. Banerji.
(4) Mr. H. R. Chowdhury.
(5) Mr. Mohd. H. Chowdhury.
(6) Mr. B. C. Datta.
(7) Mr. K. K. Dutta.
(8) Mr. Mohammed Hossain.
(9) Mr. H. Kabir.
(10) Khan Bahadur M. A. Momin.
(11) Mr. N. N. Mookerjea.
(12) Mr. R. S. Purssell.
(13) Dr. K. S. Ray.
(14) Mr. S. N. Sanyal.
(15) Dr. K. Talukdar.

BGP-44/5-9674A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944—No. 89.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Tuesday, the 24th October, 1944, at 2 p.m. being the eighty-ninth day of the First Session of 1944, pursuant to section 62(2) (*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Mr. LALIT CHANDRA DAS: On a matter of information, Sir. The other day when the Deputy President was in the Chair there was an adjournment motion standing in my name which related to the banning of Durga Pujah at Sandwip in the district of Noakhali. In that connection, I was given to understand by the Leader of the House that——

Mr. PRESIDENT: Will you please raise the question after the questions are over?

Mr. LALIT CHANDRA DAS: All right, Sir.

Bhatpara Municipality.

258. Mr. LATAFAT HOSSAIN (on behalf of Mr. K. C. Roy Chowdhury): Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether it is a fact that the Bhatpara Municipality was superseded for one year only in 1942;

(*b*) whether it is a fact that in response to the motions in the Bengal Legislative Assembly, the Government agreed to withdraw the supersession order in 1943;

(*c*) when the Government will order general election;

(*d*) whether it is a fact that the expenditure during the period of supersession has exceeded normal expenses;

(*e*) what new construction of public works, such as drains, roads, *bustee* improvements, has been executed by the Executive Officer since his appointment; and

(*f*) if it is a fact that the old staff of the municipality has been replaced by a new staff recruited from Bolpur and Krishnagar; if so, on what grounds?

Mr. K. C. ROY CHOWDHURY, Parliamentary Secretary (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes.

(*b*) No: my predecessor in office in the late Government gave an assurance on the 1st April, 1942, in the Bengal Legislative Assembly that elections would be held as soon as preparation of fresh electoral rolls and the rules governing elections would allow, but took no action to implement this assurance.

(*c*) As soon as conditions permit.

(*d*) Yes: on account of payments of arrear bills, dearness allowances and provision of rations and execution of A.R.P. and Civil Defence measures.

(*e*) A statement is laid on the Table.

(*f*) No: some staff became superannuated, some were dismissed fo inefficiency and others voluntarily resigned. A statement showing the hom districts of those recruited to fill the vacancies is laid on the Table. A considerable reorganisation of the staff was imperative in order to improv the administration.

Statement referred to in reply to clause (e) of question No. 258.

1. *Roads.*—(*i*) The new Chord Road diversion.

(*ii*) Kankinara Level Crossing.

(*iii*) Improvement of Tindal Road.

2. *Drains.*—Drains in *bustee* lane No. 6, Kankinara.

3. *Bustee improvement.*—(*i*) *Bustee* No. 6, Kankinara has been improved by construction of a park for ladies.

(*ii*) Re-excavatin of an insanitary tank in *bustee* lanes Nos. 19 and 20.

(*iii*) Construction of a playground.

(*iv*) Improvement of Lichu Bagan *bustee* is now in progress.

(*v*) Construction of a new sweepers' quarters on municipal land near the new Chord Road.

Statement referred to in reply to clause (f) of question No. 258.

Name.	Post.	Home district.
Tincori Ghosal	Collecting Sircar	24-Parganas.
Debidas Banerji	Ditto	Ditto.
Jagobandhu Bhattacharyya ..	Ditto	Ditto.
Surendra Mohan Mukherjee ..	Bailiff	Hooghly.
Madhu Sudan Mukherjee ..	Clerk	24-Parganas.
Saroj K. Bhattacherjee	Despatcher	Ditto.
Kshetranath Nath	Typist	Ditto.
Nerode Behari Maitro	Accountant	Pabna.
Santimoy Mukherjee	License Officer	Nadia.
Ramesh Chandra Neogy ..	Assessment Inspector	Dacca.
Sailendronath Das Gupta ..	Assistant Health Officer ..	Ditto.
Susil Kumar Sen Gupta	Overseer	Barisal.
Ramendro Sundar Mazumdar ..	Assistant Superintendent, Pumping Station.	Rajshahi.
Satya Dulal Mazumdar	Dresser	Birbhum.
Basanto K. Dey	Clerk	24-Parganas.
Subidh Ch. Dey	Health Assistant	Hooghly.
Amal Kumar Basu	Clerk	24-Parganas.
Dr. A. K. Banerjee	Assistant Medical Officer ..	Khulna.
Dr. H. Baisya	Sanitary Inspector	Dacca.
Baikunthonath Bhattacharyya ..	Health Assistant	24-Parganas.
Mrs. Labonyaprova Basu	Female Vaccinator	Calcutta.
Mrs. Sarojoo Sen	Nurse, Maternity Centre ..	Nadia.
Haradhan Halder	Dairy Clerk	24-Parganas.
Nripendra K. Bhattacharyya ..	Male Nurse	Dacca.
Kanai Lal Sarkar	Shop Keeper No. I	24-Parganas.
Dinesh Ch. Das	Shop Keeper No. II	Dacca.
Radhaprosad Roy	Lorry Driver	Arrah.
Adhar Ch. Maiti	Head Malee	Cuttack.
Anil K. Basu	C. D. Clerk	Calcutta.
Sew Balak Singh	Teacher	Monghyr.
Brajokissore Singh	Ditto	Behar.

Administration of the Howrah Municipality.

263. Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state——

(*a*) whether he has considered the question of appointing a suitable officer to enquire into the administration of the Howrah Municipality and into the allegations made against the Executive Authority of that Municipality;

(*b*) what procedure is proposed to be followed in such enquiry and if the Commissioners and the rate-payers of the Howrah Municipality would be allowed to give evidence before such enquiry;

(*c*) whether the papers of the Howrah Municipality would be made available to the Commissioners of the Howrah Municipality that might be referred to during the enquiry;

(*d*) if the witnesses to be used on behalf of any party during the enquiry would be allowed to be cross-examined by the other party; and

(*e*) whether he would consider the desirability of taking steps for recognising the Enquiring Officer so appointed as an Arbitrator under the Indian Arbitration Act?

Mr. K. C. ROY CHOWDHURY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes: order has issued; a copy of the Press-Note and the resolution of Government setting up the Committee of Enquiry are placed on the Table. This enquiry will deal with allegations against Mr. Pain personally. The general enquiry into the affairs of the Howrah Municipality will be held later.

(*b*) and (*c*) The Committee of Enquiry has been instructed to issue notice on the ex-Chairman, Vice-Chairman and Commissioners of the Municipality and to hold a full and expeditious enquiry. Any papers relevant to the enquiry will presumably be produced, if required by the Enquiring Judges.

(*d*) The procedure will be at the discretion of the Enquiring Judges.

(*e*) It is not appreciated how the Arbitration Act has any application to the enquiry in question.

Statements referred to in reply to question No. 263.

GOVERNMENT OF BENGAL.

HOME DEPARTMENT.

Appointment.

Calcutta, the 18th August, 1944.

Press-note.

1. In pursuance of the undertaking given by the Hon'ble Chief Minister in the Legislature, and at the express request of the Hon'ble Mr. B. P. Pain himself, Government have appointed Mr. K. C. Das Gupta, I.C.S., District Judge, 24-Parganas, and Mr. A. F. M. Rahman, I.C.S., First Land Acquisition Collector, Calcutta, to hold a joint enquiry into the following allegations against Mr. Pain personally when holding the office of Chairman of the Howrah Municipality:—

(1) that when Chairman of the Howrah Municipality he had absorbed about 4 bighas of Municipal land into his own land at Nandy Bagan within the jurisdiction of the Municipality and that no enquiry was made in spite of the Government Auditor's report.

(2) (*a*) that, illegally, he split up estimates with the object of placing contracts for less than Rs. 500 each;

(*b*) that for a room costructed for his use in the Munidipal building involving an expenditure of Rs. 3,000, he split up estimates for floor, roof and walls, and placed separate contracts with separate contractors for roof, floor and walls without calling for tenders and without sanction of the Commissioners;

(*c*) that a lakh of rupees was thus spent by him;

(3) that illegally he created posts and made appointments, and that in spite of Resolutions passed by the Commissioners, he ordered salaries to be paid to such persons.

2. The enquiring officers have been directed to start and conclude their work expeditiously; and to issue notice of the enquiry on the Chairman, Vice-Chairman, Commissioners and officers of the Howrah Municipality.

3. The investigation promised by the Hon'ble Chief Minister into the general administration of the Howrah Municipality, which is likely to take some time, will be the subject of a separate inquiry.

GOVERNMENT OF BENGAL.

HOME DEPARTMENT.

Appointment.

No. 4410A.

Calcutta, the 9th September, 1944.

Resolution.

In the Bengal Legislative Council debate of the 28th July, 1944, on the administration of the Howrah Municipality, the Hon'ble Chief Minister gave an undertaking that Government would have an enquiry made by a high and responsible judicial officer into the allegations that had been made against the executive authorities of the Howrah Municipality. In pursuance of that undertaking, Government have now appointed Mr. K. C. Das Gupta, I.C.S., District Judge, 24-Parganas (President), and Mr. A. F. M. Rahman, I.C.S., First Land Acquisition Collector, Calcutta (Member), to constitute a Committee of Enquiry. The terms of reference have already been published in a Press-Note. Government have directed the Committee to issue notice of the enquiry on the former Chairman, Vice-Chairman, Commissioners and Officers of the Howrah Municipality, in order that material witness may be available for the purpose of the enquiry, and to start and conclude its work expeditiously.

Order.

That a copy of the above Resolution be communicated to Mr. K. C. Das Gupta, I.C.S., and Mr. A. F. M. Rahman, I.C.S., for information.

(Sd.) A. deC. WILLIAMS,

Secretary to the Government of Bengal.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state what was the result of the enquiry?

Mr. K. C. ROY CHOWDHURY: There is another question pending on the same matter.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state if he considers the desirability of withdrawing the supersession order of the Howrah Municipality?

Mr. K. C. ROY CHOWDHURY: I want notice.

Mr. HUMAYUN KABIR: Will the honourable member be pleased to state the date when that particular answer was prepared—I mean the answer which was read out here today.

Mr. K. C. ROY CHOWDHURY: I want notice.

Mr. HUMAYUN KABIR: May I through you, Sir, enquire of the honourable member who has just now spoken whether or not he was reading from an undated and unauthenticated paper?

Mr. K. C. ROY CHOWHURY: I have not got the file with me at present. So I cannot give you the date off-hand.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state whether the Imperial Bank has refused to honour cheques of the Howrah Municipality until the supersession order is withdrawn?

Mr. K. C. ROY CHOWDHURY: I have no information.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether the enquiry committee to which reference was made has not already been appointed?

Mr. K. C. ROY CHOWDHURY: The answers indicate that the committee has been appointed.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to tell us whether the committee has already held its enquiry?

Mr. K. C. ROY CHOWDHURY: Yes.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether that committee has already submitted its report?

Mr. PRESIDENT: Mr. Kabir, if you want to put more supplementary questions on the subject, you can do so after you have heard the Chief Minister's statement on the subject.

Mr. HUMAYUN KABIR: All right, Sir.

Howrah Municipality.

264. Mr. HARIDAS MAJUMDAR: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) if it is a fact that an enquiry into the affairs of the Howrah Municipality has been promised by the Government on the 26th July, 1944, when the adjournment motion regarding the situation created by the judgment of the Hon'ble the High Court was being discussed in the Bengal Legislative Council;

(*b*) if it is a fact that the Government contemplate appointing Mr. Jnanankur De, I.C.S., as the Enquiry Officer, who was the District Judge at Howrah, for a considerable period where Mr. Pain used to practise; and

(*c*) whether in view of the strong public opinion the Government consider the desirability of issuing orders for an open judicial enquiry at an early date; if not, why not?

Mr. K. C. ROY CHOWDHURY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes. The Hon'ble Chief Minister gave

an undertaking in the Council debate of that date for an enquiry by a high judicial officer into the affairs of the municipality during the past few years, and into the allegations against its executive officers.

(*b*) No.

(*c*) Yes: order has issued; the honourable member is referred to the statements referred to in reply to question No. 263. This enquiry will deal with allegations against Mr. Pain personally. The general enquiry into the affairs of Howrah Municipality will be held later.

Arrest of Babu Ananda Prasad Chowdhury.

269. Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if it is a fact that Babu Ananda Prasad Chowdhury, B.SC., was arrested at Contai (district Midnapore);

(*b*) if so, under what provisions of the law was he arrested;

(*c*) if he had been informed of the charges against him and if he has had an opportunity of meeting those charges;

(*d*) what is the condition of his health at present;

(*e*) whether he is seriously ill, and is suffering from heart disease;

(*f*) if the Hon'ble Minister will consider the desirability of allowing a private doctor to examine him in Calcutta and bring him down here for the purpose;

(*g*) if he was taken to the Midnapore Jail and is still there; and

(*h*) if not, where he is at present and whether his relations will be allowed to see him?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes, in the Contai subdivision.

(*b*) Rule 129 of the Defence of India Rules.

(*c*) No.

(*d*) Good.

(*e*) and (*f*) Do not arise.

(*g*) and (*h*) The prisoner was not originally sent to the Midnapore Central Jail. He was in the custody of the Deputy Inspector-General of Police, Intelligence Branch, Bengal, until recently and has since been transferred to the Midnapore Central Jail. His relatives may see him as permitted by rules.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state why this prisoner has not been informed of the charges against him and why is it that he has not been given an opportunity to meet those charges?

The Hon'ble Khwaja Sir NAZIMUDDIN: Action has been taken under the Defence of India Rules and all their provisions are being complied with.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state if it is not a fact that it is now obligatory on the Government to inform the detenus of the charges against them and whether it is also not a fact that the detenu in question has not been informed of the charges against him?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that the provisions of the law have been carried out in this case.

Mr. LALIT CHANDRA DAS: Does the Hon'ble Minister then mean to say this this detenu was informed of the charges against him? I want a direct answer to this question, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have nothing further to add.

Mr. LALIT CHANDRA DAS: Is it a fact that the prisoner has not been informed of the charges against him?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already told the House that the provisions of the law have been carried out in this case.

Mr. LALIT CHANDRA DAS: Sir, I would beg of you to ask the Hon'ble the Chief Minister whether he will give a direct answer to this direct question? After the Defence of India Rules were framed, certain further rules were promulgated to the effect that detenus would be informed of the charges against them: and my question is whether under this later Ordinance of the Government of India the present detenu was informed of the charges against him and given an opportunity to meet those charges: this is my direct question. The Hon'ble Minister can reply—yes, or no.

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is in the affirmative as regards the carrying out of the rules and regulations; and action as provided under the Defence of India Rules has been taken.

Mr. LALIT CHANDRA DAS: According to the Defence of India Rules, the prisoner was arrested but subsequently a rule was issued that all detenus were to be informed of the charges against them: has that been done?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is in the affirmative in that respect.

Mr. LALIT CHANDRA DAS: Did the detenu give an answer to those charges?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister state the date when the charges were communicated to the detenu?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister state the date when the charges were communicated to the detenu?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble the Home Minister please state why in answer to (*c*) of the question he states "No" when his present statement is that the prisoner has been informed of the charges?

The Hon'ble Khwaja Sir NAZIMUDDIN: All that depends on the language used.

Mr. LALIT CHANDRA DAS: Will the Hon'ble Minister please state whether the reply that was given by the detenu to the charges against him has been considered by Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I hav already asked for notice in regard to the question as to whether any reply has been sent by him or not. But I may again state here and make it absolutely clear that if a reply has been sent, it must have certainly been considered.

Pabna Satsang.

270. Mr. HARIDAS MAJUMDAR: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if he is aware that regular and persistent acts of hooliganism are being perpetrated by unknown persons against the members of Pabna Satsang, a humanitarian and religious Association of Pabna, in course of the last few months resulting in some deaths;

(*b*) if the reply is in the affirmative, what steps the Government have taken up to date to successfully investigate into the matter so that the culprits are arrested and brought to book;

(*c*) if the Government propose to appoint efficient C. I. D. Officer or Officers to detect the criminals without further loss of time; and

(*d*) if not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) to (*d*) Do not arise.

Mr. HARIDAS MAJUMDAR: Will the Hon'ble Minister be pleased to state if they have received a long memorial in this respect from the Pabna Satsang?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Grievances of the people of Chittagong.

271. Mr. NUR AHMED: Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether it is a fact that he was pleased to receive a deputation headed by Mr. Atul Chandra Datta and Shaikh Rafiuddin Ahmed Siddique at Chittagong during his recent visit to Chittagong;

(*b*) whether it is a fact that the above deputation submitted a memorandum to him containing some pressing grievances of the people of Chittagong; and

(*c*) if so, what are those grievances and what steps have been taken by him to remedy those grievances?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Mr. Tarak Nath Mukerjea): (*a*) No formal deputation was received; but there was informal discussion with Mr. Atul Chandra Datta, Shaikh Rafiuddin Ahmed Siddique and others during my visit to Chittagong in the last week of August, 1944.

(*b*) A note was submitted covering some of the subjects discussed.

(*c*) The grievances related to problems arising out of requisitioning of immovable properties under the Defence of India Rules, and administration of relief measures. These were discussed with the local officers later on and suitable directions were given.

Mr. NUR AHMED: Will the Hon'ble Minister be pleased to state what were the specific grievances regarding the requisition of immovable properties under the Defence of India Rules?

The Hon'ble Mr. TARAK NATH MUKERJEA: Compensation has been given to those persons whose properties have been requisitioned.

Use of non-standard weights.

272. Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state what steps the Government have taken or are proposing to take in

order to stop fraudulent transaction by means of variation of bazar weights used in different markets and different shops in the whole of Bengal, and specially within the limits of the Corporation of Calcutta?

(*b*) Do Government propose to make the use of non-standard weights a cognisable offence so that matters may be reported to the police authorities and the latter may have right of arresting persons and prosecuting them as Crown cases? If not, why not?

(*c*) Are Government aware that in private markets, the public who use such markets are often cheated by the use of false bazar weights and measures, and by the use of faulty scales in such markets? Is he aware that if this is brought to the knowledge of proprietors of such markets, no steps are taken?

(*d*) Are Government aware that even when complaints are made by the public to the Market Officer or to the proprietors, no action is taken to stop such fraudulent transaction by the shops under the control of the proprietors of such markets?

(*e*) Do the Government propose to stop such fraudulent transaction from all such private markets? If not, why not?

Mr. K. C. ROY CHOWDHURY (on behalf of the Hon'ble Mr. Khwaja Shahabuddin): (*a*) and (*b*) It has been decided by Government to initiate provincial legislation with a view to giving effect to the Standards of Weight Act, 1939, enacted by the Central Government; and for this purpose an Expert Committee has been set up to advise Government on the manner of giving effect to the Central Act in Bengal. The Committee's report is expected very shortly and legislation will be undertaken in the light of its recommendations.

(*c*) and (*d*) I have no definite information.

(*e*) Covered by my reply to (*a*) and (*b*) above.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether Government will make necessary enquiries in the matter?

Mr. K. C. ROY CHOWDHURY: Any glaring case of cheating regarding false weights might be brought to the notice of the police who will act in the matter.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether it is a cognisable offence or non-cognisable offence?

Mr. K. C. ROY CHOWDHURY: The usual procedure will follow.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state when this expert committee was appointed?

Mr. K. C. ROY CHOWDHURY: I have no information.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state when the report is expected or has it already been submitted?

Mr. K. C. ROY CHOWDHURY: I have no information yet.

Appointment of Mr. Kovacs.

273. Mr. BIRENDRA KISHORE ROY CHOWDHURY: Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state—

(*a*) whether it is a fact that a gentleman of Hungarian origin, named Kovacs, has been appointed in the Department of Industries;

(*b*) if so, when he has been employed there, and in what capacity;

(*c*) what are his previous experiences;

(*d*) what is his present salary and the period of service here; and

(*e*) whether the post now filled up by him was advertised and whether any suitable Bengali candidate was available or not?

Mr. K. C. ROY CHOWDHURY (on behalf of the Hon'ble Mr. Khwaja Shahabuddin): Mr. Kovacs has hitherto been employed in the War Supplies Section under Mr. Mitter, the Director of Industries, Bengal, who was then functioning as Agent to the Central Government in the matter of war supplies and was solely responsible to that Government in this respect. The War Supplies Section has since been taken over by the Central Government under their direct control. Both in his previous appointment under the Agent of the Central Government as well as in his present appointment Mr. Kovacs is treated as an officer of the Central Government. I do not therefore feel competent to answer the question which relates to a matter of administration for which I am not responsible.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Is it a fact that Mr. Kovacs draws salary from the Bengal Government?

Mr. K. C. ROY CHOWDHURY: I want notice.

Mr. LALIT CHANDRA DAS: What is his present salary?

Mr. K. C. ROY CHOWDHURY: I want notice. The file is not with me.

Mr. HUMAYUN KABIR: Sir, he asks for notice; but you will find that in paragraph (*d*) of the question Mr. Kovacs' salary had been asked for. So, the notice was already given when the question was given notice of.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I draw your attention and the attention of the honourable member that the reply clearly states that this Government accepts no responsibility for it, because it is primarily the concern of the Government of India.

Mr. LALIT CHANDRA DAS: Mr. Kovacs might be an officer of the Government of India, but he may draw his salary from here.

Mr. PRESIDENT: If the Government of Bengal is not responsible for this, I do not think the supplementary question is relevant.

Mr. LALIT CHANDRA DAS: Mr. Kovacs might be an officer of the Central Government but it may be that the Bengal Government pays his salary.

Mr. K. C. ROY CHOWDHURY: I think the answer already given is quite clear.

Mr. LALIT CHANDRA DAS: I do not ask under which Government he is working; I only want to know his present salary.

Mr. K. C. ROY CHOWDHURY: I have nothing further to add.

Mr. HUMAYUN KABIR: The question is very specific, namely, whether he draws any salary from the Bengal Government and what is his salary.

Mr. K. C. ROY CHOWDHURY: I think the answer is quite conclusive.

Mr. PRESIDENT: It has been said in the reply that "I do not therefore feel competent to answer the question which relates to a matter of administration for which I am not reponsible". So, there cannot be any question over this.

Mr. HUMAYUN KABIR: Therefore, we ask the supplementary question as to whether he draws any salary from the Bengal Government or whether he is in any way subordinate to this Government.

Mr. PRESIDENT: If I had known that this does not concern the Bengal Government, I would not have allowed the question.

Mr. HUMAYUN KABIR: Is Mr. Kovacs solely under the Central Government or is he partially under this Government?

Mr. K. C. ROY CHOWDHURY: All these things are in the answer.

Mr. LALIT CHANDRA DAS: Sir, the Parliamentary Secretary is replying to the question in the presence of the Chief Minister and if the Parliamentary Secretary is not in possession of full facts, let the Chief Minister answer this question. You should see, Sir, that we get answer to this question.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. In view if the answer that it is not the responsibility of the Provincial Government, I think no question can arise out of it. I submit most respectfully to you that in view of the answer given, these supplementary questions cannot arise out of this question.

Mr. PRESIDENT: As I have already said, had I known that this officer is under the Government of India and not under the Government of Bengal, I would not have admitted this question.

Complaints against the Nursing Superintendent of the Campbell Medical School and Hospital.

274. Mr. KADER BAKSH: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) whether Miss Timers is the Nursing Lady Superintendent in the Campbell Medical School Hospital; if so, how long she has been in that post;

(*b*) whether she is under the control of the Superintendent of the Campbell Medical School Hospital;

(*c*) whether she assaulted Tanthri Dai on the 10th September, 1943;

(*d*) whether she was convicted by a Police Magistrate on the 15th December, 1943, under section 323 of the Indian Penal Code and fined;

(*e*) if so, whether any departmental action was taken against her; if not, why not;

(*f*) what are the causes that led to the strike by the nurses of the Campbell Medical School Hospital;

(*g*) whether the Lady Superintendent had a hand in the matter;

(*h*) whether the female nursing students were recruited in February, 1944, in the Campbell Medical School Hospital;

(*i*) if so, how many were recruited;

(*j*) whether any advertisement was given for such recruitment; if not, why not;

(*k*) whether no recruits have been taken either from the Hindu or the Moslem community;

(*l*) if so, what were the reasons for refusing to take any such nursing students from the Hindu and Moslem communities;

(*m*) whether Miss Timers, the Nursing Lady Superintendent, refused to give permission to two Moslem nurses to say their *Id* prayer;

(*n*) whether they were dismissed for going to say their prayer that day;

(*o*) whether two Hindu nurses were dismissed for going to attend their festival; and

(*p*) if so, whether any steps have been taken to allow Moslem and Hindu nurses to attend their congregational prayer?

Mr. K. C. ROY CHOWDHURY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Miss Timmins, and not Miss Timers, was the Nursing Superintendent of the Campbell Medical School and Hospital from 1st July, 1943, to 31st July, 1944.

(*b*) Yes, she was under the control of the Superintendent, Campbell Hospital, during the period of her employment.

(*c*) Such was the allegation of Tanthri Dai in her complaint before the court.

(*d*) Yes.

(*e*) No departmental action was taken on the conviction because the question of Motion against conviction on her representation was under examination by Legal Remembrancer. She was, however, discharged from service later on.

(*f*), (*g*), (*m*) and (*n*) A Memo. No. 4899-ARP, dated the 16th September, 1943, was sent from the Chief Medical Officer, A. R. P., in the office of the Surgeon-General, Bengal, to the Superintendent of the Campbell Hospital, to the effect that the duty roster of the A.R.P. nursing staff may be so arranged to allow them to enjoy two days' holiday to the Hindu nurses and two days' holiday to the Moslem nurses during the period of their religious festivals. It was later found that owing to the Campbell Hospital being very full of sick destitutes it would not be possible to give all the male nurses two days' holiday. Consequently, an Express Memo. No. 5152-ARP, dated the 29th September, 1943, was sent to the Superintendent as follows: "Please treat this office circular No. 4899-ARP, dated the 16th September, 1943, as cancelled. A.R.P. nurses in the Hospital, Hindus and Moslems, may kindly be allowed to enjoy a day's or half a day's holiday by rotation during the ensuing *Id* and *Puja* holidays." The male nurses were given a morning off to allow them to say their prayers but were put on duty during the afternoon. The Moslem male nurses, however, did not attend hospital for two days; some of them stayed away longer than two days. On the 5th or 6th October, it was learned that all the male nurses—Hindus and Moslems —had gone on strike on the following grounds:—

(1) They stated that the Lady Superintendent had curtailed their holidays which had been allowed to them by the Chief Medical Officer, A. R. P.

(2) They stated that 2 Moslem female nurses on the temporary staff of the hospital were dismissed because they had asked for two days' leave for the festival which had not been given.

(3) The male nurses complained generally of unsympathetic treatment towards them by the Lady Superintendent.

The 2 Moslem female nurses referred to had applied for two days' leave on the 1st and 2nd October to attend the *Id*, but in pursuance of the order mentioned above from the Chief Medical Officer's office, they were granted only one day's leave. They nevertheless stayed away from duty for two days and, in consequence, they were dismissed by the Lady Superintendent whose order of dismissal was confirmed by the Superintendent of the Hospital.

(*h*), (*i*) and (*k*) No female nursing students were recruited in February, 1944. Thirty students have so far been recruited, out of which 12 were recruited in January, 1944, and the rest in April, 1944, and in the subsequent months. Ffteen, 2 and 1 recruits belong to Caste Hindus, Scheduled Castes and Muslims, respectively.

(*j*) For the first 12 appointments no advertisement was issued as candidates were selected by the Lady Superintendent from among girls who had applied to her directly. The Superintendent of the Hospital, however, considered that an advertisement should be issued in respect of the remaining appointments. This was done on 21st February, 1944, and the subsequent appointments were made by the Superintendent in consultation with with Lady Superintendent.

(*l*) Does not arise.

(*o*) The 2 Hindu nurses referred to were not dismissed. One of them resigned because she had applied for leave on account of her husband's illness which it was not found possible to grant h... The second Hindu nurse resigned on the 8th August, 1943; the exact grounds of her resignation were not stated in her letter.

(*p*) Moslem and Hindu nurses are always allowed time to say their prayers and attend festival as far as this is possible, taking into consideration the amount of work which there is in the hospital at the time, the principle observed being that the first duty of nurses is to attend the sick and they can only be given leave when that primary duty can be satisfactorily arranged for.

Dearness allowance for the employees in district boards.

275. Mr. RANAJIT PAL CHOUDHURI: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether higher pay and dearness allowance and supply of cheap foodgrains have been sanctioned for employees in essential services in district boards and mufassal municipalities?

Mr. K. C. ROY CHOWDHURY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): A statement furnishing the information is laid on the Table.

Statement referred to in reply to question No. 275.

The employees of the Chittagong, Darjeeling and Khulna Municipalities and of the Bhatpara Pumping Station have so far been declared by Government to be in essential service.

Chittagong Municipality.—(1) Chittagong Emergency Allowance has been granted to all municipal employees excepting the Municipal Engineer, the Health Officer, the Waterworks Superintendent and the sweepers.

(2) The pay of the sweepers of the municipality has been enhanced at varying rates from Rs. 2 to Rs. 5 per mensem.

(3) Waterworks engine room staff, road coolies and conservancy sweepers are supplied foodgrains at a concession rate.

Darjeeling Municipality.—The municipal employees are being granted dearness allowance from 1942-43.

Khulna Muncipality.—The municipal employees are being paid dearness and grain compensation allowance with effect from 1943-44.

Bhatpara Municipality.—The municipal employees have been getting foodgrains from the municipality at cheap rates. Moreover, some of them have been given a special increment of pay at the rate of Re. 1 each per mensem with effect from the 1st August, 1942.

Government have also issued a general order granting financial assistance to all the district boards and municipalities in order to enable them to pay dearness allowance to every member of the conservancy and waterworks establishment of the municipalities and of the Health Department of the District Boards drawing pay of less than Rs. 35 per mensem and to the District Board Sanitary Inspectors drawing pay at Rs. 100 or less per mensem.

Supersession of the Bhatpara Municipality.

276. Mr. LATAFAT HOSSAIN: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state——

(*a*) when the period of supersession of the Bhatpara Municipality in the district of 24-Parganas will expire;

(*b*) whether the Government are going to revoke the supersession order early and place the municipality in the hands of the commissioners;

(*c*) if so, whether the municipality will be placed in the hands of elected or nominated commissioners;

(*d*) whether the local authorities have already sent a list of names for the purpose of nomination;

(*e*) if so, what are the names on that list;

(*f*) if any nominated board is under the contemplation of the Government; if so, what will be the number of commissioners and what will be the basis of nomination; and

(*g*) if any elected board is under contemplation; if so, when that election will be held and when the electoral roll is going to be prepared?

Mr. K. C. ROY CHOWDHURY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) On the 31st March, 1945.

(*b*) and (*d*) Yes.

(*c*) In the hands of nominated commissioners.

(*e*) I regret that the names cannot now be disclosed.

(*f*) Yes; the number of commissioners will be 19 and they will be appointed with a view to securing proper representation of each ward and of the special interests in the municipality.

(*g*) Does not arise.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state why it is proposed to hand over the municipality to nominated Commissioners without holding a general election?

Mr. BANKIM CHANDRA MUKHERJEE: Sir, the Parliamentary Secretary is finding it difficult to answer the question, and I would suggest that as he is a novice, he should be given some time for training before he is allowed to answer questions.

Mr. K. C. ROY CHOWDHURY: What is the question, please? Will the honourable member kindly repeat?

Mr. HUMAYUN KABIR: Well, my question is this: Why is it that the Government have decided to hand over this municipality to nominated Commissioners instead of holding a general election?

Mr. K. C. ROY CHOWDHURY: Because the election would not work well.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state whether this answer that election would not work well represents his personal view or it is the point of view of the Government on whose behalf he is replying?

Mr. PRESIDENT: Order, order. Any reply that a Parliamentary Secretary gives should be taken as representing the Government's view-point unless he specifically mentions that it is his personal view.

Mr. HUMAYUN KABIR: Then, will the Hon'ble the Home Minister please state whether the policy of the present Government is not to face a general election because it does not suit them?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Education of Muslims.

277. Maulvi MD. HABIBULLAH CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether he is aware that a resolution was agreed to by this House on the 6th November, 1942, urging upon the Government of Bengal to take all possible measures for rapid spread of education of all sorts amongst the Muslim population of Bengal, and the Hon'ble Khan Bahadur M. Abdul Karim, the then Education Minister, gave definite assurances to make a minute study of the recommendations of the Momen Committee and the Madrasah Committee and bring before the Government a comprehensive scheme for the improvement of the Muslim education in Bengal;

(*b*) whether the Hon'ble Khan Bahadur did actually prepare such a scheme; and

(*c*) whether the Government are considering the desirability of giving effect to the resolution of this House and redeeming the assurances given by the then Education Minister?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN (on behalf of the Minister in charge of the Education Department): Sir, I may say that the printed answer has since been revised and I should, therefore, like to read the revised answer, which is as follows:—

(*a*) Yes.

(*b*) No.

(*c*) The honourable member is referred to the statement read out by me on the 28th September, 1943. A comprehensive scheme of education calculated to benefit all classes including Mussalmans is being considered by the Post-War Education Sub-Committee and the question of Madrasah education in particular is being considered by that Sub-committee.

Dearness allowance to Teachers.

278. Rai Sahib JOGENDRA NATH RAY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if it is a fact that the Government of Bengal have prepared a scheme, estimated to cost about Rs. 50 lakhs for granting dearness allowance to the teachers of the non-Government schools in the Province?

(*b*) If so, will the Hon'ble Minister be pleased to state—

(*i*) the present position of the scheme;

(*ii*) when the scheme will come into operation; and

(*iii*) the steps hitherto taken by the Government in this regard?

The Hon'ble Khan Bahadur MUAZZAMUDDIN HOSSAIN (on behalf of the Hon'ble Mr. Tamizuddin Khan): (*a*) Yes, the estimated cost will be about Rs. 57,00,000.

(*b*) (*i*) The amount has already been placed at the disposal of the controlling authorities for distribution.

(*ii*) It is in operation.

(*iii*) All necessary action has been taken.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please state who are the controlling authorities for the purpose of distribution of this grant?

The Hon'ble Khan Bahadur SAIYED MUAZZAMUDDIN HOSAIN: I think the Director and the Inspectors of Schools.

Mr. HUMAYUN KABIR: With reference to (*b*), will the Hon'ble Minister please state if the scheme is in operation, and if so, what amounts have been already disbursed?

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSSAIN: The amount has already been placed at the disposal of the controlling authorities for distribution.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister be pleased to state whether the distribution would be made to the teachers of *tols* and *muktabs* as well?

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSSAIN: Sir, I want notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state when actually disbursements were made to the controlling authorities?

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSSAIN: I think just after the orders were passed.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state when actually disbursements were made to the teachers?

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSSAIN: That I have already answered. As regards the date, I cannot say without fresh notice.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister consider the desirability of extending this relief to teachers of *tols* and *muktabs* if they have already been excluded?

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSSAIN: Sir, I want notice.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please undertake to see that the scheme is actually concluded within this financial year?

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSSAIN: Certainly.

Rai Sahib JOGENDRA NATH RAY: Will the Hon'ble Minister be pleased to indicate the manner in which it will be distributed?

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSSAIN: The policy has already been laid down by Government and it has been published. Government have sanctioned Rs. 3 for every primary school teacher and Rs. 5 for every middle and high school teacher.

Rai Sahib JOGENDRA NATH RAY: Sir, it is stated in the answer that all necessary action has been taken. Sir, I want to know what are these necessary actions?

The Hon'ble Khan Bahadur SAIYID MUAZZAMUDDIN HOSSAIN: Funds have been placed and necessary instructions have been given.

Death from starvation in Brahmanbaria.

279. Mr. LALIT CHANDRA DAS: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether his attention has been drawn to a statement issued

by the Leader of the Lucknow Squad of the Bengal Medical Relief Co-ordination Committee, appearing in the local dailies of the 3rd June, 1944, that in Kaitolla, a village in Brahmanbaria subdivision of the district of Tipyera, 2,000 persons out of a total population of 5,500 died of starvation, smallpox, cholera and malaria?

(*b*) Is it a fact that malaria is raging in that area in an epidemic form?

(*c*) Is it a fact that there is shortage of quinine and that more quinine is urgently needed there?

(*d*) What steps have the Government taken or intend to take to meet the situation? Do the Government propose to send immediately more quinine there?

Mr. K. C. ROY CHOWDHURY (on behalf of the Hon'ble Khan Bahadur Maulvi Jalaluddin Ahmad): (*a*) Yes. The mortality figure which appeared in the newspapers is highly exaggerated. Out of a total population of 4,300 in the village 262 persons died during 1943 and 67 up to June, 1944. Two hundred and twenty-seven out of the total number of deaths was due to malaria and malnutrition in 1943 and 62 in 1944. Deaths due to starvation were not separately recorded as there is no column in the Death Register for recording such deaths

(*b*) Yes.

(*c*) and (*d*) During the period from April to July, 1944, 2,170 lbs. of quinine and cinchona, 1,265,000 mepacrine tablets and 7,320 quinine ampoules were despatched to Tippera district. Since then further supplies were made by air on the following dates as requisitioned by the Civil Surgeon, Tippera:—

Date.	Quinine and Cinchona.	Mepacrine tablets.
	lbs.	
16-8-1944	800	750,000
17-8-1944	Nil	576,000
25-8-1944	1,000	4,874,000

279. Mr. LALIT CHANDRA DAS: Sir, the Hon'ble Minister for Local Self-Government is here. He can give us the pleasure of hearing him.

Mr. PRESIDENT: If he wants to get his question answered by Parliamentary Secretary, he can do so.

Mr. LALIT CHANDRA DAS: Will the Government please state whether they will arrange a column in the Death Register for the purpose of recording deaths due to starvation?

Mr. K. C. ROY CHOWDHURY: That will be considered.

Faridpur District Food Conference.

280. Khan Sahib Maulvi WAHIDUZZAMAN: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) if he is aware that the Faridpur District Food Conference announced to be held under the Presidentship of Mr. A. K. Fazlul Huq on the 28th July, 1944, was stopped by the police under orders of the senior Deputy Magistrate;

(*b*) if he is aware that the alleged ground for the order of the said Deputy Magistrate was disturbance by a handful of persons professing to be members and supporters of the Muslim League;

(*c*) if he is aware that the number of said members and supporters of the Muslim League was less than thirty;

(*d*) if he is aware that over four thousand peasants had come to attend the Conference to listen to the speeches of Mr. Fazlul Huq and other prominent leaders;

(*e*) if he is aware that the said supporters and members of the Muslim League attempted to cause a disturbance at the very commencement of the meeting and were driven by the audience out of the meeting ground;

(*f*) if he is aware that no order for the dispersal of the meeting was made by the Deputy Magistrate, when the said supporters and members of the League were driven out;

(*g*) if he is aware that after being driven out of the meeting, the said members and supporters of the League soon after returned to the meeting with reinforcement headed by one Abdus Salam Khan, Secretary of the District Muslim League, with shouts and slogans intended to disturb and disrupt the meeting;

(*h*) why the said Abdus Salam Khan and his followers were allowed by the police to come back to the meeting shouting such slogans and threatening to break the meeting;

(*i*) if he is aware that the said Abdus Salam Khan and his followers were again driven out of the meeting by the members of the audience;

(*j*) if he is aware that on being driven out a second time, the said members and supporters of the Muslim League resorted to the throwing of brickbats and other missiles;

(*k*) if he is aware that these missiles were thrown from the road adjoining the meeting ground in spite of the presence of a large number of police; and

(*l*) what are the reasons for the failure of the police to apprehend or drive away the miscreants who were throwing brickbats and other missiles?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No ban was placed on the meeting. The Deputy Magistrate was compelled to disperse it after some time owing to uncontrollable rowdyism.

(*b*) to (*l*) As criminal cases have now been instituted by both sides, these questions are *sub-judice* and I can give no information with regard to them.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether these cases have not now been withdrawn?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I am aware, no.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please enquire into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am coming from that place and I am under the impression that they are still there.

Damodar river.

281. Mr. HARIDAS MAJUMDAR: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) if it is a fact that the Damodar river, now a canal, connecting rivers Baleswar and Kaliganga in Perozepore, a subdivision of Barisal, requires a thorough dredging and widening in the best interests of the health and better communications of the locality;

(*b*) if it is a fact that during the winter season a small country boat or a donga can hardly make its way through it when the tide is low and that steamers used to ply during all seasons of the year only forty or fifty years ago;

(*c*) if it is a fact that due to the shrinkage of this natural drainage of the locality the feeder canals and khals have also considerably dried up bringing the incidents of malaria, kala-azar and cholera this year to an alarming limit;

(*d*) if the Government propose to re-excavate the canal in question on the lines, suggested in part (*a*); and

(*e*) if not, why not?

Minister in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Mr. Barada Prosanna Pain): Information has been called for and the reply will be given as soon as it is received.

Short-notice questions.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there are two short-notice questions, one by Mr. Haridas Majumdar and the other by Rai Sahib Jogendra Nath Ray. Both are practically the same; only in case of Mr. Majumdar's question there are some additional points. So, the answers would be the same. With your permission, Sir, I am reading out the question and answer.

Report of Enquiry Committee about Howrah Municipality.

282. Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) if it is a fact that the officers of the committee for enquiry into the Howrah Municipal affairs with particular reference to the conduct of its Chairman Mr. Pain who happens to be a member of the Bengal Cabinet have submitted their report to the Government of Bengal;

(*b*) if so, when;

(*c*) if it is a fact that the Enquiry Committee have found that almost all the charges are substantially correct;

(*d*) if not, what are the findings of the committee; and

(*e*) if the reply to part (*c*) is in the affirmative, what steps, if any, the Government are taking to deal with the affairs of the said Municipality and with Mr. Pain as a member of the Bengal Cabinet?

The Hon'ble Khwaja Sir NAZIMUDDIN:

(*a*) Yes.

(*b*) 16th September, 1944.

(*c*) No.

(*d*) I would refer the honourable member to the report which will be published in the course of the week.

(*e*) Does not arise.

Mr. HAMIDUL HUQ CHOWDHURY: Is there anything in the report so far as the municipal administration itself is concerned?

The Hon'ble Khwaja Sir NAZIMUDDIN: This enquiry relates only to Mr. Pain.

Mr. HAMIDUL HUQ CHOWDHURY: It does not deal with the administration side at all?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, but the honourable member may know the full details when the report is published.

Mr. HAMIDUL HUQ CHOWDHURY: In the question (*e*) there is a reference to Mr. Pain—

The Hon'ble Khwaja Sir NAZIMUDDIN: I still maintain that it does not arise.

Mr. HARIDAS MAJUMDAR: Arising out of that part of the question where the Hon'ble Minister has said that all the charges have not been found against him.....

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would ask the honourable member to wait and see the report when it is published. At present all I can say is that he would be sadly disappointed.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state when this report will be published?

The Hon'ble Khwaja Sir NAZIMUDDIN: Within a week, I hope.

Mr. HARIDAS MAJUMDAR: In the course of the debate regarding this subject the Hon'ble the Chief Ministter promised that before the House is prorogued the report will be placed on the table of this House. Are we going to get that report before the House is prorogued?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not remember having said that the report of the committee will be placed on the table.

Mr. PRESIDENT: In any case that question does not arise.

Mr. PRESIDENT: I find that there are some other questions the answers of which have been received; but there was no time for printing them or to cyclostyle them. So will the Hon'ble Minister kindly read out the questions and answers. One question concerns the Home Department and another concerns the Commerce and Labour Department.

Arrest of Congress Leaders.

283. Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) whether it is a fact that both Mr. Kiran Sankar Roy, Leader of the Congress Parliamentary Party, and Mr.——

Mr. LALIT CHANDRA DAS: Sir, was it a short-notice question?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. PRESIDENT: Order, order, Mr. Das, you must allow the Hon'ble Minister to proceed.

(*a*) whether it is a fact that both Mr. Kiran Sankar Roy, Leader of the Congress Parliamentary Party, and Mr. Santosh Kumar Bose, ex-Minister and the Leader of the Bengal Congress Parliamentary Party, are being prosecuted under Defence of India Rules in the Presidency Magistrate's Court for alleged using of uncovered lights in public meetings, held under their respective presidentships in June last;

(*b*) in what connection were those public meetings held; and

(*c*) if the Government will consider the desirability of withdrawing those prosecutions hearing of which is fixed for the 26th August, 1944?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes, they were prosecuted.

(*b*) To protest against the Secondary Education Bill.

(*c*) The cases ended in acquittal.

Mr. LALIT CHANDRA DAS: May I enquire whether it is a fact that it was a short-notice question?

Mr. PRESIDENT: I do not exactly remember whether it was a short-notice question or not.

Mr. LALIT CHANDRA DAS: The office can at once say whether it was admitted as a short-notice question.

Mr. PRESIDENT: I do not remember it, Mr. Das. There were so many short-notice questions; but whether this particular question was admitted as a short-noice question, I cannot answer off-hand.

Mr. LALIT CHANDRA DAS: They can at once say whether it is a short-notice question or not.

Mr. PRESIDENT: That information is not immediately available. If you will kindly write to the Secretary, you will know.

There is another question which is to be answered by the Hon'ble Minister in charge of the Department of Labour, Commerce and Industries. Who is going to answer that?

Mr. K. C. ROY CHOWDHURY: I will do so, Sir. The question and answer are as follows:—

284. (*a*) Will the Hon'ble Minister in charge of the Commerce, Labour and Industries Department be pleased to state why the judgment delivered on or about the 14th September, 1944, by Mr. R. Gupta, Chief Presidency Magistrate, adjudicator, appointed in the dispute between the Calcutta Tramways Company, Limited, and the Tramway Workers' Association has not yet been published or otherwise communicated to the Tramway Workers' Association as yet?

(*b*) When will the same be published and communicated to the said Association and will the same be placed on the table of the Council Chamber?

(*c*) What are the contents of the said order?

Mr. K. C. ROY CHOWDHURY, Parliamentary Secretary (on behalf of the Hon'ble Minister for Labour, Commerce and Industries Departments):

(*a*) The decision has been published.

(*b*) Does not arise.

(*c*) A copy of the order made is laid on the Table for information.

Mr. PRESIDENT: Questions over.

Statement on Sandwip Durga Puja Affair.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I now make my statement on the Sandwip *Durga Puja* affair? This matter arises out of a short-notice question—

Mr. LALIT CHANDRA DAS: Or in response to a promise to make a statement on an adjournment motion that stood in my name which was postponed by the Deputy President.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, in this case the *Sarbojonin Durga Puja* at Kalibari at Sandwip was stopped under section 144

of the Criminal Procedure Code and the reasons for stopping it were that in the previous year there was some trouble over a *Durga Puja* procession. The District Magistrate visited the place afterwards and modified the previous decision of the then District Magistrate of Noakhali, Mr. Hamid Ali, passed sometime in 1940. Mr. Bastin, District Magistrate, last year gave certain orders in connection with the observance of the *puja* and the way, that is, the route the procession would take, and in pursuance of that the Deputy Magistrate maintained the position according to the orders of the District Magistrate and tried his utmost to bring about a compromise between the Hindus and Muslims. But as he found that no compromise was possible and as there was likely to be a breach of the peace so he had no option but to issue the order of injunction. In this connection there are certain facts which I would like to state, as certain statements have appeared in the papers which I am afraid are not correct. It is not correct that the worship of goddess Durga at Kalibari, has been taking place from time immemorial. It is not so; in actual fact it has been taking place only since last year when the communal trouble began. Secondly, it is not a fact as alleged that the order was promulgated after the *Bodhana Puja*. In fact at the time when the order was promulgated the image had not been painted and no *puja* had taken place. That is all. I may tell the House once more as I have told the House many times about the policy of Government in this matter. The policy of Government is that they are trying to observe. Sir, the local officers are expected to carry out the policy that was initiated by Government in 1926. If there is any dispute or dissatisfaction with the decision of the local officers, then they have got to appeal to the District Magistrate and if it is an appealable case, they can go to the Commissioner and again if they are dissatisfied with the decision of the Commissioner, they can approach the Local Government who is the final authority. Government would not intervene until the parties have exhausted the right of appeal before the local authority. In this connection the Commissioner has undertaken to go there in November and thus we can bring about a settlement. He could not go earlier because he has undertaken a very extensive tour in the Chittagong district. As soon as his tour is over, he will visit Sandwip during the month of November and try to settle the dispute or at least give both parties a hearing.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, with reference to that I saw the Hon'ble Chief Minister with relevant papers and in response to his wishes the gentleman who was in charge of this *puja* affair appealed to the District Magistrate. I have received a telegram in which it is stated that the order has not yet been withdrawn. Now as regards the point that the *Bodhan Puja* was not completed, I cannot agree with the Hon'ble Chief Minister because the gentleman——

Mr. PRESIDENT: Order, order. You cannot make a counter statement in reply to the Hon'ble Chief Minister.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I am putting that question to him. The facts must be placed before him.

Mr. PRESIDENT: It is never the practice to allow any counter statement in reply to a statement made by a Minister. If any point is not clear from the statement which has been made, you can certainly ask one or two questions to have it cleared.

Mr. BIREN ROY: Is the Hon'ble Minister aware that the *Bodhan Puja* begins 7 days before the actual *puja* ceremonies? Is he aware that even when the image is not painted, the *puja* ceremony may continue?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am making a statement on the authority of the District Magistrate who happens to be a Caste Hindu gentleman.

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble Minister please give us the exact time when the notice under section 144 was served on the 23rd of September?

Mr. PRESIDENT: Is the Chief Minister in a position to answer this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble the Chief Minister be pleased to send one of the Hindu Ministers to the place to enquire into the affairs, as it is a very important question from the religious point of view of the Hindus? One of the Caste Hindu Ministers may be sent to enquire whether the *Bodhan* ceremony had been completed and if completed they may be allowed to complete the whole *puja* ceremony. He admits that in previous years there were *pujas*. I hope Government would take this step to satisfy the Hindu public.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as this is concerned, I would like to stick to the old practice of approaching the local officers first and lastly the Commissioner before Government can intervene. The Commissioner is going there shortly and if after his visit the matter remains unsettled, certainly one of my colleagues would go there.

Mr. SHRISH CHANDRA CHAKRAVERTI: Who is the present Commissioner?

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Carter.

Khan Sahib FARIDUDDIN AHMED: Who is the District Magistrate? Is he a Caste Hindu?

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Sen, a caste Hindu

Mr. BANKIM CHANDRA MUKHERJEE: Will the Hon'ble the Chief Minister consider the desirability of allowing the Hindu public at Sandwip to complete the *puja* if it had not already been finished?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have got the report of the Deputy Magistrate there and I have no reason to disbelieve his statement. Therefore, this question does not arise.

Mr. BANKIM CHANDRA MUKHERJEE: Does the Hon'ble Minister consider that the Hindu public at Sandwip will be deprived for ever of their right to perform the *Durga Puja*, owing to the communal feeling there?

The Hon'ble Khwaja Sir NAZIMUDDIN: I may inform the honourable members here that many *Durga* processions have been taken out there in the past; but this is a new innovation altogether.

Mr. HARIDAS MAZUMDAR: Sir, I have a very important matter to mention——

Mr. PRESIDENT: Order, order.

Council representation on Joint Library Committee.

Under rule 2 of the Rules regarding the control and management of the Library of the Bengal Legislature, I nominate—

(1) Khan Bahadur Abdul Hamid Chowdhury,

(2) Mr. W. B. G. Laidlaw,

(3) Mr. K. S. Ray,

to represent the Bengal Legislative Council who with three members of the Bengal Legislative Assembly and one representative of the Legislative Department will form the Joint Library Committee.

Action taken by Government on Motion under rule 112.

Secretary will now read a communication from the Deputy Secretary to His Excellency the Governor regarding the summoning of the Bengal Legislative Assembly.

SECRETARY (Dr. S. K. D. Gupta): Sir, the following communication has been received from the Deputy Secretary to His Excellency the Governor of Bengal with reference to a motion which was moved in and adopted by the Council on the 6th October, 1944, under rule 112 of the Bengal Legislative Council Procedure Rules:

"No. 4044S.

GOVERNOR'S CAMP, BENGAL,
DARJEELING,
Dated the 21st October, 1944.

FROM

H. P. GOODWYN, ESQ., I.C.S.,
Deputy Secretary to His Excellency the Governor of Bengal,

To

THE SECRETARY, BENGAL LEGISLATIVE COUNCIL.

SIR,

I am directed to acknowledge the receipt of the Hon'ble President's letter No. 1493 L.C., dated the 10th October, 1944, and to say that His Excellency the Governor has summoned the Bengal Legislative Assembly to meet at 4 p.m. on Monday, the 20th November, 1944, in the Legislative Chamber, Calcutta.

I have the honour to be,
SIR,
Your most obedient servant,
(Sd.) H. P. GOODWYN,
Deputy Secretary to the Governor.

Mr. HARIDAS MAZUMDAR: Sir, I have a very important matter——

Mr. PRESIDENT: Order, order. The adjournment motion must be taken up first. I am not going to encourage the practice of allowing members to mention anything and everything on the floor of the House. If any honourable member has got anything important to mention, he might meet me in my Chamber and if I consider the matter to be important, I would allow that to be mentioned in the House.

Mr. HARIDAS MAZUMDAR: But, Sir,——

Mr. PRESIDENT: I am sorry, I cannot alow you to go on in this way. Yes, Mr. Mukherjee.

Adjournment motion regarding abrogation of the powers of the Berhampore Municipality.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I have got an adjournment motion regarding the Berhampore Municipality. On the last occasion when I mentioned this adjournment motion, the Deputy President said that as he had no time to look into my motion——

Mr. PRESIDENT: Order, order. There is some difference between the motion that was disallowed by me before the Puja Recess and this motion, because that was much wider than this one. One point which

I would like to mention in this connection is that my notice was drawn to the fact that the statement that was made by the Hon'ble Minister in charge of Civil Supplies was not correct regarding the actual orders passed by the District Magistrate of Berhampur. In fact, the Chair was misled on that point. So I would like to have a have a copy of the actual order——

Mr. BANKIM CHANDRA MUKHERJEE: I have got a copy of that order sent to me by the Chairman of the Municipality.

Mr. PRESIDENT: Will you please read it then?

Mr. BANKIM CHANDRA MUKHERJEE: Yes, Sir. I am reading it.

The order of the District Magistrate of Murshidabad which was passed under the Defence of India Rules ran as follows:—"No Chairman, Commissioner or Commissioners will seize any stock of rice, wheat, wheat products, gram, *dal* or any other foodgrain or essential commodity stored, sold or otherwise disposed of by or under orders of the District Magistrate or any of the Subdivisional Officers, Assistant Director of Civil Supplies or any of the subdivisional supply officers. This order, however, prohibit seizure of unsound and unwholesome food which may be lying at retail shops or with private wholesalers or any be offered for sale direct to consumers in bazars or in the black-markets within the municipal area. The Chairman of any municipality in which any such stock as mentioned above has been seized up-to-date will, within 24 hours of service of this order, deliver the same to the Assistant Director of Civil Supplies or his nominee for disposal according to my orders; and the Chairman, Commissioner or any officer of the municipality will not interfere in the future disposal of such released stock except with respect to such unsound and unwholesome parts as are kept for sale direct to consumers living within the municipal area. In the absence of any specific and clear direction by a Magistrate in exercise of powers conferred under chapter XIX of the Bengal Municipal Act, no seized stock can be deemed to be a property of the Commissioners and therefore no question of any payment to a municipality for making over stocks in compliance with this order can arise."

Now as I pointed out the other day, this order is directly in contravention of the various sections of the Bengal Municipal Act, and therefore I say that the adjournment motion should be allowed to be moved. It is a matter of very urgent public importance. There are other municipalities where similar things are happening. Therefore, I submit, Sir, that foodstuffs that are in the hands of Government should be liable to be seized by municipalities.

Mr. PRESIDENT: May I have the views of the Government on the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid, I am not prepared for this question.

Mr. PRESIDENT: There was some misunderstanding. Mr. Suhrawardy definitely gave me to understand that the order of the District Magistrate only referred to the Municipality of Berhampur and it only referred to that particular quantity of *atta* in the hands of Government. That was what he said, and Mr. Moholanabish's motion was much wider than that. So, on the authority of the statement made by the Hon'ble Minister for Civil Supplies, I did not give my consent to Mr. Moholanabish's motion. But the full-text of the order read out just now is something different from what I was given to understand by the Hon'ble Minister. May I have the views of the Hon'ble the Chief Minister?

The Hon'ble Khwaja Sir NAZIMUDDIN: Mr. Suhrawardy is not here and I am afraid, I am not in a position to say anything.

Mr. PRESIDENT: In that case, I am inclined to give my consent to this motion being moved. Is there any objection?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, I object.

Mr. PRESIDENT: Then, will honourable members who are in favour of leave being granted kindly rise in their places?

As more than 13 honourable members have risen in their places, leave is granted to the moving of the motion. It will be taken up tomorrow in due time. Now, I will take up the Agricultural Income-tax Bill.

Mr. HUMAYUN KABIR: Have you fixed any time for this motion, Sir? At what hour will it be taken up?

Mr. PRESIDENT: After the question hour, as usual.

The Bengal Agricultural Income-tax Bill.

Mr. PRESIDENT: The House will now proceed with the Third Reading of the Agricultural Income-tax Bill.

Mr. BIRENDRA KISHORE ROY CHOWDHURY: Mr. President, Sir, I am rising to make a few observations on the Bill which I know are rather futile at the present stage but without which I am unwilling to see this measure go out of the House.

The present Bill, Sir, was introduced at the instance of the Government of India but had, really speaking, no support of the public opinion of this Province. In fact, Sir, it was the deliberate point of view of a large section of the people of Bengal that, pending the final decision of the future of Permanent Settlement, such a measure was not only uncalled for but was definitely inequitable and unjust. Besides, in the face of the peculiarly abnormal economic condition of Bengal, this taxation Bill was singularly incongruous. Even at this late stage I think it necessary, Sir, to repeat my protest against the introduction and passing of this Bill.

In course of the discussion of the measure we pointed out on more than one occasion that if this tax was to be levied in spite of our opposition, its proceeds should be devoted specifically and exclusively to the improvement of agriculture which was really in a disorganised state in Bengal. The Floud Commission on whose recommendation this taxation measure is based was strongly of opinion that the tax "should be applied solely for the improvement of agriculture, or for projects connected with agricultural improvement". The two distinguished members of the Commission who wrote a Note of Dissent in the Report were also of the view that if the tax was levied in spite of their opposition,, "it should be earmarked as provincial revenue to be distributed in proportion to the agricultural needs of the different districts". The Hon'ble Finance Minister tried to circumvent the recommendation of the Commission in his speech at the present stage by pointing out that conditions in this Province have changed since the Commission submitted its report. He tried to show that much more was being spent on agriculture now than formerly. But, Sir, this assertion on his part does not undermine the virtue of the recommendation of the Commission. By reserving the proceeds of the present tax for agricultural development, the Government will not be spending more than is necessary in this regard. While this tax will be devoted to agriculture money from other sources might be released for other purposes. But, Sir, I should emphasise it that in spite of what Hon'ble Finance Minister has told us actually not much is being done for agricultural devel, pment in Bengal. There is in fact a clear case for earmarking this tax to this end.

With these few words, Sir, I oppose the passing of the measure by this House.

Rai Sahib JOGENDRA NATH RAY: Mr. President, Sir, while I rise to speak I should say at the outset that where the Government is bent upon

passing the Bill by the force of sheer majority, I think it unnecessary to dilate upon very many points of the Bill which required much careful thoughts and considerations of the Government and the Opposition alike in a give and take spirit. I shall make certain observations only.

It is perhaps unprecedented in the history of Provincial Legislature in India where history has been created over what is described as the slip of tongue on the part of the Chair. The matter was dragged to the Courts of Justice. I do not like to say anything about the legality or otherwise of such a procedure but to my mind it is certainly unbecoming to the dignity of a House of Legislature as also both to the Government and the Opposition. It is most unfortunate and extremely undesirable.

From the beginning when the Bill came up to this House, Government was adamant and the Minister concerned declared that the Bill will be carried through the House without any amendment, however trifling—of course in Government's opinion. This attitute of the Government to pass the Bill *in toto* was sufficient affront to the Opposition who brought as many as about 400 amendments—many of which were too important to be lightly discarded. But the Government was appearing obdurate and could not therefore be compelled to be reasonable. That the much vaunted artificial majority of the Government backed by the European Group is at the basis of such an uncompromising attitude of the Government is crystal clear and so it is all the more deplorable.

Coming to speak of the time taken for the discussion of this Bill, we find that about 7 months passed in this House but really speaking there was no progress with the Bill—it is as it was in April last—in form, language and spirit. But the Opposition did its best to persuade the Government to accept certain much needed amendments and it may be said that virtually all the discussions on the Bill came from the Opposition and the Government adopted an attitude of agressive non-violence against amendments as such. But had the Government co-operated in entertaining certain extremely necessary amendments of the Opposition, I think the trembling stability of the Government would not have shaken as dangerously as to cause apprehension of an immediate collapse. Then the Bill after the amendments could have passed the lower house and made ready for His Excellency the Governor's signature. I do not know how the Government has the right to kill the precious time of the House unnecessarily as it did in regard to this Bill.

It is admitted that the drafting of the Bill was not up to the mark and there were many mistakes of omission and commission when the Bill came to this House and unfortunately not a dot or a dash was amended. This will have the effect of ultimately creating many difficulties in the administration of the Act and lead to the delegation of such authority to the executive which executive independence will go a long way in unnecessarily tormenting and harassing the victims of this Bill.

Before I take my seat I should mention that though there was no express provision in the Bill to earmark a portion of it for agricultural development, the Government should make it a point to spend a substantial portion of it for purposes of agricultural rehabilitation of the province in the shape of better irrigation, manures, implements, marketing, rural credit facilities, education, etc.

It will be admitted by all that the time is not opportune for the imposition of a tax like agricultural income-tax upon the people who are somehow scaring the wolf out of their doors, but taxation, if there should be one, it must be of such a nature that it should not disturb and dislocate the whole economic fabric of this province which is at the present time almost on the point of breaking down due to war and resulting famine. Rural Bengal requires time and money to settle down and the Government, should utilise the proceeds of the agricultural income-tax for the purpose of restoring the economic balance of the country.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I did not intend to speak on the motion for the Third Reading of the Bill. But I find that there is a good deal of commotion among the members of this House and among the public outside as to how we could proceed with the Bill when irregularities and illegalities which were pointed out in the course of the Second Reading stage of the Bill. As a matter of fact, with regard to clause 65, the Opposition wanted to point out some misconceptions and also illegalities but that was not allowed to be pointed out on the floor of this House and therefore it is necessary to bring to the notice of the honourable members of this House through you, Sir, and also to the notice of His Excellency the Governor before he gives his assent to the Bill the procedure that we have followed in this House in considering the Agricultural Income-tax Bill.

Now, Sir, if we look to the provisions of the Bill from the beginning, we will find that there are serious discrepancies and illegalities which could have been rectified if Government had accepted some of the amendments which they admitted to be necessary. But the Hon'ble the Finance Minister was not in a mood to accept any amendment so far as the present Bill is concerned, whether there was mistake of any kind, whether there was irregularity of any kind in the clauses of the Bill. The first thing that strikes one when one looks to the provisions of the Bill is the provision regarding the assessment of the agricultural income of the Ruler of an Indian State. The point was raised by you, Sir, before the consideration commenced and was discussed and we were proceeding with the Bill on the assumption that the Bengal Legislature is entitled to tax the Ruler of an Indian State. I expressed my misgivings repeatedly in the course of my speeches on various provisions of the Bill; but now I would only like to point out the difficulties that the Hon'ble the Finance Minister might meet with in enforcing the tax against the Ruler of an Indian State. Now, so far as that matter is concerned, the Ruler of an Indian State has been first mentioned in sub-clause (*9*) of clause 2 of the Bill. There, the Ruler of an Indian State has been included among the persons liable to be taxed. What we wanted was that the Ruler of an Indian State should be separately defined. Now, I may point out that under section 86 of the Civil Procedure Code there is a method prescribed by which the Ruler of an Indian State can be sued or can be tried in any competent court, and here I would have liked to include the court of an agricultural income-tax officer in it. This provision is also supported by the Government of India Act. Section 86 runs as follows:—

"86. Any such Prince or Chief, and any ambassador or envoy of a foreign State, may, with the consent of the Crown Representative, certified by the signature of the Political Secretary, and in any other case with the consent of the Central Government, certified by the signature of a Secretary to that Government, but not without such consent, be sued in any competent court."

It is necessary that the Hon'ble the Finance Minister should take note of this section before he proceeds to deal with the Ruler of an Indian State under the provisions of the Act which is now going to be passed by this House. Although the Hon'ble the Finance Minister opposed all amendments which were tabled on this subject, there is yet time; and if the Hon'ble the Finance Minister considers these objections carefully, he will be able under the rule-making powers to find out a way which may successfully operate in compelling the Ruler of an Indian State to be taxed. I do not think that w uld be sufficient but still proceedings may be taken against the Ruler of an Indian State as far as possible in consonance with the procedure prescribed in the Civil Procedure Code and the Government of India Act. This is the first thing that I mention with regard to the question about the Ruler of an Indian State. The next thing that I want to point out to the Hon'ble the Finance Minister is the incongruity which is to be found in the definition of Agricultural Income-tax Officer in clause 2 (*2*). Under

sub-clause (2) "Agricultural Income-tax Officer" means a person appointed to be an Agricultural Income-tax Officer under section 21. Now, if we look to clause 21 of the Bill, we would find that there is no officer designated as "Agricultural Income-tax Officer". This is one of the repugnancies which was pointed out in course of the debate, and we wanted to remove the repugnancy between the two sections. The only course which the Hon'ble the Finance Minister and the Commissioner of Agricultural Income-tax who has already been appointed and who is now sitting behind the Hon'ble the Finance Minister——

Mr. PRESIDENT: Mr. Mukherjee, it is never the practice to refer to persons in the gallery.

Mr. BANKIM CHANDRA MUKHERJEE: I am very sorry. But whoever he may be, he should take note of the fact that in section 21 there is no mention of "Agricultural Income-tax Officer" although in the definition clause "Agricultural Income-tax Officer" has been mentioned. Now, in section 21, we find three classes of Agricultural Income-tax Officers, viz., (*a*) the Commissioner of Agricultural Income-tax, Bengal; (*b*) the Assistant Commissioner of Agricultural Income-tax, Bengal; (*c*) Bengal Agricultural Income-tax Officers. So far as the Bengal Agricultural Income-tax Officers are concerned, they have not been defined. Therefore, we are to proceed with the Bill and with the realisation of the taxes with the help of the two officers mentioned in clauses (*a*) and (*b*), because clause 21 (*a*) and (*b*) has no reference to the Bengal Agricultural Income-tax Officer or the Agricultural Income-tax Officer. I would submit, Sir, that we have seen advertisements in the papers inviting application for the appointment of Agricultural Income-tax Officers. Possibly, after appointing a huge staff as Agricultural Income-tax Officers for Bengal, they will find out that these officers have nothing to perform as the Agricultural Income-tax Officers. Therefore, they could not appoint any officer under the designation of either Agricultural Income-tax Officer or the Bengal Agricultural Income-tax Officer. You can avoid the repugnancy only if the clause is amended by an amending Act which I hope will come soon. The next thing that I pointed out was with regard to the definition of the Hindu undivided family governed by the *mitakshara* law. There again, you will find that the clause has been left indeterminate and an undivided Hindu family governed by the *Dayabhaga* school of Hindu law has not been included there simply because the Finance Minister thinks that under the Bengal School of Hindu law the share of each co-parcener in a joint family is divided and therefore he wants to assess individual members of a joint family without giving them the benefits which members of undivided *mitakshara* families are going to get under the provisions of the Act. Unless the members of an undivided Hindu *mitakshara* family, the moment this Bill is passed, declare themselves to be no longer members of an undivided family, possibly the administration of the Act with regard to members of undivided Hindu families will lead to several difficulties.

Then Sir, I would like to refer to Chapter I of the Bill. The first is the preliminary chapter. Here I have pointed out several instances which should be taken particular note of before acting under this Act and attempt is made to realise the tax from persons noticed therein. In Chapter I of the Bil, we have got "charge of agricultural income-tax". There again, in clause 3 you will find that "agricultural income-tax shall be charged for each financial year in accordance with and subject to the provisions of this Act at the rate or rates specified in the Schedule in respect of the total agricultural income of the previous year of every individual", etc. Now, Sir, we all know that this Act will have retrospective effect; that is to say that it will come into operation from the 1st April, 1944. Therefore, the income which the Agricultural Income-tax Officer will have to determine is the income of the last year, or the year which ended on the 31st March, 1944. I have already stated that the last year was a famine year and the prices of

produces were exceedingly high, when rice used to sell at one place at Rs. 120 and at some other places at Rs. 60, 70 and 80 per maund. But what he will do is perhaps that he will calculate the entire produce of the cultivators and calculate the prices at the rates of the last year. This will certainly amount to a figure which would be much above the Rs. 3,500 which is the prescribed minimum. Suppose, a family had 100 maunds of rice. The price in some places would be Rs. 6,000 and in some places Rs. 1,000 which would hardly suffice to meet the costs of cultivation and also the maintenance cost of the family for that year and also for the next year. As a matter of fact, it will no doubt be conceded that most of these people had to incur huge debts for the purpose of maintaining themselves and I hope the Hon'ble Finance Minister will support me in this part of my statement. The Hon'ble Minister may not be a cultivator; he may be a rich landlord but still he may consider the case of his tenants who are large cultivators holding lands more than 100 bighas and whose yield was more than 100 maunds during the last year as to whether it will be fair to calculate on the basis of the income for the year ending on 31st March, 1944, for the purpose of assessing the income for this year. Large amount of arrears have also been paid up in some of the districts and if the Agricultural Income-Tax Officers are to assess the income of the landlord on the basis of the collection of last year, then the plight of the assessee would be very much miserable and it would be very difficult for them to meet the taxes. Therefore, I submit, Sir, that under his rule-making power the Finance Minister may consider how this difficulty might be removed in the matter of assessing for the first year, the 1st of April, 1944, to 31st of March, 1945. It is clear that many cultivators were not aware that this agricultural income-tax will be placed on the anvil of the House. Majority of them have not got proper accounts of their collection and disbursement. If they are to be penalised by reason of the other sections of the Act for their failure to produce their collection books, it would inflict a great hardship on the middle classs population of Bengal. I request the Finance Minister to keep this aspect of the matter particularly in view when he gives instructions for the purpose of assessing agricultural income-tax for the first year.

Sir, in Chapter I there is another section which is important, I refer to clause 4 of that chapter. Here provision is made for exempting incomes which are spent for charitable purposes. Let me read clause 4—"any agricultural income derived from property held under trust or other legal obligation wholly for religious or charitable purposes, and in the case of property so held in part only for such purposes or in the case of Muslim trusts commonly known as *Wakf-al-al-aulads*, the income applied thereto". In this connection, I must not omit to mention that there is another clause under which no relief from taxation can be claimed unless there is a document creating religious endowment. The Opposition wanted to move amendments with reference to this clause. We know there are no documents in many cases and there are many families who have got to pay expenses in connection with religious ceremonies as compulsory payment. They consider these payments as compulsory for the purpose of religious and charitable institutions and if these incomes are not given deduction, possibly these charitable and religious institutions will die out. The officers assessing income under the Agricultural Income-tax Act should be told that where they find payment of a compulsory nature from the income of the person, they ought to be given relief under the provisions of clause 4. I may remind the Hon'ble the Finance Minister that so far as this part of the case is concerned, under the Hindu law a Hindu is not compelled to execute a deed of dedication for the purpose of religious endowment in respect of his properties. It is not essential and this has been held by the highest judicial tribunal. It is only *sankalpa* (intention) that is sufficient. He is only to say that his properties are only for meeting the expenses connected with religious ceremonies of the deity he has established. Therefore, even though there is no amendment to clear up the provision in the clause itself, yet it can be done by the Government under the rule-making power so that

charitable institutions started by Hindus and Muhammadans may be given allowances even though there may not be any document for the purpose.

As regards Chapter 2, where computation of agricultural income-tax has been dealt with.....Sir, I do not find the Hon'ble the Finance Minister in the House. I do not know whether he has left the Chamber for good for he is again coming back. So far as the Parliamentary Secretary is concerned, I do not think he is competent enough to take notes of the speeches made here for the Hon'ble Minister. I think he has got to pass the period of probation before he is quite competent to take note of these things——

Mr. PRESIDENT: Order, order. Mr. Mukherjee, I think that is a personal reflection.

Mr. BANKIM CHANDRA MUKHERJEE: It is not a personal reflection, Sir——

Mr. PRESIDENT: It is.

Mr. BANKIM CHANDRA MUKHERJEE: What I said is this. He ought to be under a period of training to make himself competent for the post he has managed to secure. I can give you one instance. I can tell you, Sir, that even Sir Rash Behary Ghose, under whom I worked as a junior, after 50 years of practice, said that he had yet many things to learn and did not even hesitate to take suggestions from me. Therefore, it is not a disparagement to say that Mr. K. C. Roy Chowdhury should pass a period of probation.

Mr. PRESIDENT: If you do not mean anything, that is all right.

Mr. K. C. ROY CHOWDHURY: I am not a novice here. I have been in the Council from 1921.

Mr. BANKIM CHANDRA MUKHERJEE: However, Sir, as I was saying, in Chapter 2 in clause 6 (7) provision has been made for allowing 15 per cent. of the expenses incurred and in cases where audited accounts and certified accounts are kept allowances may be allowed up to 20 per cent. With regard to this matter, I would like to tell the Hon'ble Minister that there are a number of estates which are managed by the Court of Wards, a department of the Government of Bengal, and if the officers of the Court of Wards do not allow more than 20 per cent. of the expenses, the poor landlords will be deprived of the allowances which are provided under the Act itself. They will be compelled to pay taxes on income which he has to spend for collecting the income, and there is no question here of an audited or certificated accounts because so far as the Court of Wards are concerned, accounts are all audited and certificated. Therefore, I submit that the Hon'ble the Finance Minister may make a note that in assessing landlords whose estates are under the charge of Court of Wards and in assessing the landlords who have got audited and certificated accounts their expenditure should be liberally allowed by the Commissioner of Agricultural Income-tax.

Now I leave Chapter 2 on which there are many other points which could have been stated but as this is practically the principal one which can be rectified by the rule-making power. I refer to this only and not to any other matter in this connection. Now, I pass over to clause 8 which is the most controversial clause and which was discussed in this House. Clause 8 deals with computation of tax on mixed incomes. Now, so far as clause 8 is concerned, I would refer to it only for the purpose of showing that a provision is made there for computation of tax on mixed incomes on certain fixed principles and in this clause itself it is provided that in determining the income-tax to be charged on certain class of assessees the return which the assessee furnished to the authorities under the Indian Income-tax Act, 1922, ought to be deemed as conclusive. Sub-clause (*3*) of clause 8 says: "For the purpose of the assessment of agricultural income-tax under this

section or any rule made thereunder a certified copy of an order of an assessment under the Indian Income-tax Act, 1922, or a certified copy of an order of any appellate or revising authority or of the High Court or of His Majesty in Council altering or amending such order of assessment under the provisions of that Act shall be conclusive evidence of the contents of such order."

Now, Sir, if we look to clause 25 we find that there is a repugnant clause, and I only refer to this for the information of the Hon'ble the Finance Minister so that he may try to reconcile the two repugnancies by the rule-making power which he still possesses. I would like to indicate the manner in which it can be reconciled. Under sub-clause (*3*) of clause 8 the provision is that "for the purpose of the assessment of agricultural income-tax under this section or any rule made thereunder a certified copy of an order of an assessment under the Indian Income-tax Act, 1922, or a certified copy of an order of any appellate or revising authority or of the High Court or of His Majesty in Council altering or amending such order of assessment under the provisions of that Act shall be conclusive evidence of the contents of such order". But in clause 25 the provision is that "if the Agricultural Income-tax Officer is satisfied without requiring the presence of the assessee or the production by him of any evidence that a return made under section 24 is correct and complete, he shall assess the total agricultural income of the assessee, and shall determine the sum payable by him on the basis of such return." I think the particular clause which deals with the matter I am referring to is sub-clause (*4*). Sub-clause (*1*) deals with assessment and sub-clause (*2*) deals with the assessment of persons who did not submit their accounts in consonance with the notice served upon them by the agricultural income-tax officer. Then we come to sub-clause (*4*). There it is stated that "the powers conferred by sub-sections (*2*) and (*3*) shall not except with the permission of the Commissioner be exercised by the Agricultural income-tax Officer in the case of agricultural income which is assessed under the provisions of sub-section (*2*) of section 8 and regarding which an assessee has submitted together with his return under section 24 a certified copy of an assessment order under the Indian Income-tax Act, 1922".

The only way in which the repugnancy of sub-clause (*3*) of clause 8 and sub-clause (*4*) of clause 25 can be removed is by giving a direction to the Commissioner of Agricultural Income-tax to acknowledge or accept the assessment made under the Indian Income-tax Act, 1922; otherwise, there is no way out of it. As a matter of fact, I may point out that I wanted to move an amendment in order that clause 25 might be kept intact and the provisions in clause 8 (*3*) making the return under the Indian Income-tax Act, 1922, inconclusive, so that clause 25 (*4*) might be kept in full force and the Bengal Agricultural Income-tax Officer might have a handle to see whether the Indian Income-tax Officers have dealt with the income correctly. This power has been taken away from the Commissioner of Agricultural Income-tax, by clause 8 (*3*) and it is then again re-incorporated in clause 25 (*4*). This repugnancy has to be removed; otherwise possibly it will lead to litigation and the amount of tax which will be collected from the persons who are assessed will be spent up in litigation, as we all know how Government incur expenses in litigation in these matters. Therefore, I submit that so far as these two clauses are concerned, an attempt should be made to reconcile the repugnancy. Then, there is one other matter with regard to Chapter III. In Chapter III there is a very great hardship placed on the trustees and guardians and agents and any person who is under a liability to handle trust property or the property of minors kept under their guardianship. With regard to these matters, we find that the provision is this: any agricultural income-tax payable under this Act on such income shall be levied upon and recoverable from such guardian, trustee, agent, receiver or administrator in like manner and to the same extent as would be leviable upon and recoverable from any such person if in direct

ceipt of such agricultural income and such guardian, trustee, agent, etc., ıall be deemed to be the assessee in respect of the agricultural income-tax) payable by such minor, etc., etc. If a tr ·tee of a property also himself ɔssesses agricultural properties with an .come of Rs. 5,000, the same as ıat of the trust property then he will be assessed under clause 13 of the ill on the basis of an income of Rs. 10,000. But his real income is only s. 5,000 and the other Rs. 5,000 goes to the beneficiary over which he has ɔsolutely no power or control. The Act, of course, provides that the extra ıx which the trustee has thus to pay, he is entitled to deduct from the trust nd the other beneficiaries whose properties are in his charge. Here you re not only putting a pressure upon the trustee to pay a higher rate of tax ut you are charging persons who are not liable to tax because they have ad the misfortune of placing their properties in the hands of trustees for ıe purpose of administering the trust which they have created for the benefit f themselves and may be for some charitable objects. Therefore, I submit hat so far as this clause is concerned, the Hon'ble Minister will be pleased ɔ note——

Mr. PRESIDENT: You have already spoken for half an hour.

Mr. BANKIM CHANDRA MUKHERJEE: If I am repeating, you will top me but so long as I am not doing so——

Khan Sahib FARIDUDDIN AHMAD: I move that the question be now ıut. There has been enough of discussion over this question.

Mr. PRESIDENT: The question before the House is: that the question ɔe now put.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I have not yet finished.

Mr. PRESIDENT: But I have accepted the closure motion.

Mr. BANKIM CHANDRA MUKHERJEE: But, Sir, this is very unfair. I am still on my legs and I have not yet finished. You have gagged dis-ɔussion and we protest against the attitude of the President. We shall ɔetire after this and shall take no part in the discussion of this Bill.

Mr. HUMAYUN KABIR: Sir, this is very unfair, as many of us had ıntended to speak.

(The question that the question be now put was then agreed to.)

Mr. PRESIDENT: The question before the House is: that the Bengal Agricultural Income-Tax Bill, 1944, as settled in the Council, be passed.

(The motion was agreed to.)

Mr. PRESIDENT: The House stands adjourned till 2 p.m. tomorrow.

Adjournment.

The Council then adjourned till 2 p.m. on Wednesday, the 25th October, 1944.

Members Absent.

The following members were absent from the meeting held on the 24th October, 1944:—

(1) Mr. S. Ahmed.
(2) Rai Bahadur K. C. Banerji.
(3) Mr. H. R. Chowdhury.
(4) Mr. Mohd. H. Chowdhury.
(5) Mr. B. C. Datta.
(6) Mr. K. K. Dutta.
(7) Mr. M. Hossain.
(8) Mr. N. N. Moholanabish.
(9) Khan Bahadur M. A. Momin.
(10) Mr. R. S. Purssell.
(11) Khan Bahadur M. Rahman.
(12) Dr. K. S. Ray.
(13) Rai Bahadur R. B. Roy.
(14) Mr. S. N. Sanyal.

BGP-44/5-9461A-750

BENGAL LEGISLATIVE COUNCIL DEBATES

First Session, 1944, No. 90.

THE COUNCIL met in the Legislative Chamber of the Legislative Building, Calcutta, on Wednesday, the 25th October, 1944, at 2 p.m., being the ninetieth day of the First Session of 1944, pursuant to section 62(2)(*a*) of the Government of India Act, 1935.

Mr. President (the Hon'ble Sir BIJOY PRASAD SINGH ROY, K.C.I.E.) was in the Chair.

QUESTIONS AND ANSWERS

Mr. PRESIDENT: There are two short-notice questions due to be answered today: one standing in the name of Mr. Haridas Mazumdar and the other in the name of Mr. Latafat Hossain. The first one is to be answered by the Hon'ble Minister in charge of the Local Self-Government Department and the second one by the Hon'ble Minister in charge of the Judicial Department.

Mr. K. C. ROY CHOWDHURY: Sir, may I answer the questions on behalf of the Hon'ble Ministers?

Mr. PRESIDENT: Yes, but you will have to read out the questions and answers, as the questions could not be printed and circulated among the honourable members in the House.

We shall take up the printed questions in the first instance.

Barley-atta.

Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state—

(*a*) the approximate quantity of barley-*atta* in custody of the Civil Supplies Department for the disposal of which tenders have just been invited;

(*b*) the reason or reasons for which it was procured by this Department;

(*c*) the amount that has been spent on procuring the same;

(*d*) the reason or reasons for which it is now thought necessary to dispose of the stock;

(*e*) the place or places where it was manufactured or from where it was indented; and

(*f*) the amount that is expected from the disposal of the stock?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) 59,000 maunds of barley-*atta* was manufactured. The whole quantity has been sold.

(*b*) Barley-*atta* was not procured but manufactured from barley grains allotted to Bengal by the Government of India.

(*c*) The costs of barley-*atta* including price of barley transport and milling charges were about Rs. 10-8 per maund.

(*d*) The Barley-*atta* has been sold so that it can go into consumption.

(*e*) Manufactured in Calcutta and Howrah.

(*f*) Approximately Rs. 3,16,800.

Mr. RANAJIT PAL CHAUDHURI: Has the manufacture of these articles been suspended?

No answer.

Mr. BANKIM CHANDRA MUKHERJEE: Arising out of (*f*), will the Hon'ble Minister please state how he states that he expects Rs. 3,16,800 for 59,000 maunds of barley-*atta* when he says that the price is Rs. 10-8 per maund?

The Hon'ble Mr. H. S. SUHRAWARDY: Will the honourable member please repeat the question?

Mr. BANKIM CHANDRA MUKHERJEE: Sir, may I repeat the question? It is stated that 59,000 maunds of barley-*atta* was manufactured and it cost Rs. 10-8 per maund. Therefore the cost would be Rs. 5,95,000 out of which it is stated in answer (*f*) that the amount that is expected from the disposal of the stock is approximately Rs. 3,16,800. May I enquire where the amount of Rs. 2,15,000 has gone?

The Hon'ble Mr. H. S. SUHRAWARDY: The answer is self-evident. The honourable gentleman has made his calculation.

Mr. RANAJIT PAL CHAUDHURI: Will the Hon'ble Minister be pleased to state what is the reason of suspending this manufacture?

The Hon'ble Mr. H. S. SUHRAWARDY: Because barley-*atta* was not acceptable to the public; and this was the reason why it was a loss to Government.

Mr. SHRISH CHANDRA CHAKRAVERTI: Then according to the Hon'ble Minister for Civil Supplies the whole transaction was entirely a loss to Government?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state when this barley-*atta* was manufactured?

The Hon'ble Mr. H. S. SUHRAWARDY: This was the first consignment that we received. The quantity was considerable and we turned it into *atta* at once, and we hoped that it will be taken by the public and so we tried to push it in the market but the people would not take it. Since then barley-*atta* has not been manufactured and the whole thing had to be sold.

Mr. HUMAYUN KABIR: I want to know the month and the year when the barley-*atta* was manufactured.

The Hon'ble Mr. H. S. SUHRAWARDY: It must be about 10 months back.

Mr. HARIDAS MAZUMDAR: Will the Hon'ble Minister be pleased to state who is responsible for this loss?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know whether there is any responsibility attaching to anybody in this transaction. Only there was some loss.

Mr. HUMAYUN KABIR: Are we to understand that this barley-*atta* was manufactured some time in the months of January and February this year?

The Hon'ble Mr. H. S. SUHRAWARDY: I cannot exactly remember but that is my impression.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state whether he was satisfied that this barley-*atta* was placed upon the market in time when it was imperative to do so?

The Hon'ble Mr. H. S. SUHRAWARDY: There is no question of being imperative. Barley was turned into *atta* and after it was turned into *atta*, it was placed into the market for consumption but the public did not buy it and so we tried to sell it to all kinds of places and it was refused. Consequently it had to be sold at the best price it could fetch.

Mr. HUMAYUN KABIR: My question was, was the Hon'ble Minister satisfied that this public loss was necessary in the interest of the Province? Was the situation such at that time that this barley-*atta* had to be placed into the market?

The Hon'ble Mr. H. S. SUHRAWARDY: If we did not do that, probably it would have been a total loss.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state why barley-*atta* was in that case requisitioned?

The Hon'ble Mr. H. S. SUHRAWARDY: I did not say that barley had been requisitioned. I said that if the barley-*atta* had not been sold at a loss we would not have got anything out of it. This was the first consignment of barley that we received from outside. It was not requisitioned. It was not purchased.

Mr. BANKIM CHANDRA MUKHERJEE: Was any expert opinion taken before deciding that 50,000 maunds of barley should be converted into *atta* and sold in the market for public consumption?

The Hon'ble Mr. H. S. SUHRAWARDY: I don't know that.

Mr. RANAJIT PAL CHAUDHURI: Did the barley deteriorate or was it damaged?

The Hon'ble Mr. H. S. SUHRAWARDY: It deteriorated.

Bad quality atta.

Mr. HUMAYUN KABIR: (*a*) Will the Hon'ble Minister in charge of the Civil Supplies Department be pleased to state whether it is a fact that in some parts of Bengal adjoining Calcutta people are being forced to accept bad quality *atta* unfit for human consumption by withholding the quota of sugar unless they agree to take their quota of *atta*?

(*b*) Is it a fact that such inferior quality of *atta* is being forced on the public of Calcutta by stopping the issue of wheat?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No. The allegation is entirely unfounded.

(*b*) No.

Mr. HUMAYUN KABIR: Is the Hon'ble Minister satisfied that at no time this state of affairs as alleged in the question was in existence?

The Hon'ble Mr. H. S. SUHRAWARDY: According to information received from all sources this answer has been given.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister please enquire whether in certain localities during the months of May and June the supply of sugar was actually withheld unless *atta* was also taken?

The Hon'ble Mr. H. S. SUHRAWARDY: If the honourable member will please mention the locality concerned, I shall make an enquiry.

Mr. PRESIDENT: Mr. K. C. Roy Chowdhury will now please read out the questions which could not be circulated among the members together with answers thereto.

Mr. K. C. ROY CHOWDHURY: All right, Sir. The first question is by Mr. Haridas Mazumdar, and it is this:—

Question.

Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) if it is a fact that the Mohammadan Headmaster of a Dacca High English School has been belaboured by the Moslem students for allowing the Hindu students of the school to celebrate birth day of Sri Rabindra Nath Tagore, in spite of protest from a section of the Moslem students of the Institution;

(*b*) if it is a fact that the said Headmaster told that section of the students who called this celebration "un-Islamic", not to participate in the function if they so desired but he could not in any way interfere with the celebration which he thought just and proper; and

(*c*) if the answers to parts (*a*) and (*b*) are in the affirmative, what steps, if any, the Government propose to take to check this rising tide of communalism in the country which will spell ruin and disaster to both the communities of the province?

Answer.

(*a*) The Headmaster of Armenitola Government High School, Dacca, who happened to be a Muslim, was assaulted by some unknown person or persons on his way home at about 10 p.m. on the 6th May, 1944. It is not a fact that he allowed the Hindu students to celebrate the birth day anniversary of the late Dr. Rabindranath Tagore. A proposal was made by the Hindu students for holding the function on the 5th May, 1944, but it was dropped as the Muslim students raised an objection and no agreement could be arrived at between the two sections.

(*b*) No.

(*c*) Does not arise.

Mr. K. C. ROY CHOWDHURY: The next question is by Mr. Latafat Hossain, and it is a follows:—

Question.

(*a*) Will the Honourable Minister in charge of the Public Health and Local Self-Government Department be pleased to state what expenditures have been incurred for construction and repair of roads and drains within the Bhatpara municipality area from May, 1942, to December, 1943?

(*b*) Is it a fact that the Bhatpara Municipality has spent little or nothing on roads and drains in 1942, 1943 and 1944 from the day of supersession and after the appointment of the Executive Officer by the Government?

(*c*) If the reply to part (*b*) be in the affirmative, how was the income of the Bhatpara municipality utilised?

Answer.

(*a*) The expenditure incurred on construction and repair of roads and drains from May, 1942, and December, 1943, is Rs. 28,768.

(*b*) No. The municipality spent Rs. 28,768 from May, 1942, to December, 1943, and Rs. 3,911 from January, 1944, to March, 1944, on roads and drains.

(c) Does not arise. The unusually high expenditure on conservancy including Pumping Station made it impossible to spend more on roads and drains; at the same time, owing to difficulty in getting materials many important works could not be taken up.

Points of information.

Mr. HARIDAS MAZUMDAR: Sir, I have an important matter to mention: I sent in a short-notice question. As most probably the House is going to be prorogued today and as it is a very important question, I should like the Government to treat it as a very urgent and important question. I also——

Mr. PRESIDENT: But what is it about?

Mr. HARIDAS MAZUMDAR: It is in respect of Maulana Maniruzzaman Islamabadi, M.L.A., who has been put under arrest. I want to know whether it is a fact that the said Maulana Sahib was suffering from high blood pressure.

Mr. PRESIDENT: You cannot get an answer to a question immediately after putting the question on the floor of the House.

Mr. HARIDAS MAZUMDAR: The public are very anxious to know the whereabouts of this gentleman and the place of his detention. As he was suffering from high blood pressure, we are very much anxious to know of his whereabouts.

Mr. PRESIDENT: You want to know whether the Maulana Sahib has been suffering from high blood pressure and you also want to know his whereabouts.

Mr. HARIDAS MAZUMDAR: Yes, Sir, his condition of health and under what circumstances he was arrested.

The Hon'ble Khwaja Sir NAZIMUDDIN: He was arrested under the direction of Government of India; as far as my information goes, he has been taken out of Bengal and is now in the custody of the Government of India.

Mr. HARIDAS MAZUMDAR: Sir, I want to know the condition of his health.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got no information.

Mr. HUMAYUN KABIR: So it was not at the instance of the Government of Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. HUMAYUN KABIR: Will the Hon'ble Minister be pleased to state under what Regulation he was arrested?

The Hon'ble Khwaja Sir NAZIMUDDIN: Under the Defence of India Rules.

Mr. HARIDAS MAZUMDAR: Sir, I have got a very important matter to mention. This is with regard to the missing of children numbering 49 in the month of September. In one month 49 children have been missing and only 3 have been traced out. Sir, this is a very important matter and it should be advertised by the Government either through the cinema or through the Press so that the citizens might be more watchful about their children. I would like to know what steps Government propose to take to prevent this.

Mr. PRESIDENT: Where were these children missing?

Mr. HARIDAS MAZUMDAR: In Calcutta, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I strongly protest against this. He had ample opportunity to put in a short-notice question for eliciting information in this connection long before. I have not seen any question of this nature anywhere.

Mr. HARIDAS MAZUMDAR: This startling information is to be found in the Police Commissioner's report and I think, Sir, the Home Minister is in possession of this information.

Mr. PRESIDENT: Mr. Mazumdar, have you put a short-notice question regarding this?

Mr. HARIDAS MAZUMDAR: Yes, Sir, I have done so. As this is a very urgent matter, you can compel the Hon'ble Minister to reply to my question now.

Mr. PRESIDENT: Mr. Mazumdar, I find that your short-notice question was received only yesterday. I have not seen it yet.

Mr. HARIDAS MAZUMDAR: I have already mentioned that this is a very important matter and the merits of my question should compel the Government to give a definite answer.

The Hon'ble Khwaja Sir NAZIMUDDIN: The Honourable member opposite has deliberately misled the House and created a serious breach of privilege by making a false representation.

Mr. HARIDAS MAZUMDAR: It is in the Police Commissioner's report.

Mr. PRESIDENT: Mr. Mazumdar, if you have put a short-notice question only yesterday, you cannot expect the Hon'ble Minister to reply to your question today.

Mr. HARIDAS MAZUMDAR: It could be the subject-matter of an adjournment motion.

Mr. PRESIDENT: That might be so; but the proper course for you would have been to put a short-notice question much earlier.

Mr. HARIDAS MAZUMDAR: Sir, I am just bringing this fact to your notice.

Mr. PRESIDENT: I have understood your point, Mr. Mazumdar. I see your difficulty. You have just mentioned that these children disappeared in September last, and now we are in the third week of October——

Mr. HARIDAS MAZUMDAR: But the Police Commissioner's report was published only two days ago. So, how could I know beforehand?

Mr. PRESIDENT: Then the proper course for you would have been to approach the Hon'ble Minister direct.

Mr. HARIDAS MAZUMDAR: They would not take any action.

Mr. LALIT CHANDRA DAS: On a point of privilege, Sir. The Hon'ble the Chief Minister gave an undertaking in this House so far as the holding of public meetings and processions are concerned. He said this ban would apply only t the city of Calcutta, Dacca and Midnapore. Now, Sir, certain events have happened in the meantime which compel me to mention this point again. His undertaking in this House has not been implemented. In the press-note he repeated the suggestion that——

Mr. PRESIDENT: Mr. Das, you rose on a point of privilege. But what you say is not a question of privilege.

Mr. LALIT CHANDRA DAS: Sir, if it is not a question of privilege, it is a point of information. However, Sir, in Munshiganj the immersion of Durga could not take place due to an order by the Deputy Magistrate that no procession could be taken out though there was an order under section 144 by the Additional District Magistrate that Muslims should be prevented from creating breach of the peace during the immersion. If the undertaking by the Chief Minister had been carried out, this thing would not have happened. I want to know from the Chief Minister whether he is ready and willing now to fulfil the undertaking and allow the immersion to take place in Munshiganj.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I told the House the other day that the statement of the honourable member was not correct and I repeat that today. I challenge him to read out the press communique where it says that Dacca was not included or left out——

Mr. LALIT CHANDRA DAS: Sir, before he proceeds further, I will read out the press-note: "A Bengal Government Press-Note states that the republication of an Order under the Defence of India Rules dealing with public meetings has caused some misunderstandings. Government wish to make it clear that the re-issue of this Order has not changed the position with regard to the holding of meetings, assemblies or processions and that although the Order empowers the Commissioner of Police, Calcutta, and District and Subdivisional Magistrates to enquire that written notice be given of the intention to hold meetings, assemblies or processions or that previous permission in writing be taken to hold such gatherings general Orders to this effect are in fact in force only in Calcutta and the district of Dacca and Midnapore. In all other areas, instructions have been given to District Magistrates that no general Order requiring notice of or permission to hold or organise or take part in meetings, assemblies or processions shall be issued and that orders requiring notice of or permission to hold such gatherings should be issued in particular cases only when the District Magistrate considers for good and sufficient reason that the exercise of this power has become necessary for the maintenance of public peace. "The attention of the District Magistrate is again being drawn to these instructions."

Here is a definite and clear instruction that except in the city of Calcutta and the districts of Dacca and Midnapore——

The Hon'ble Khwaja Sir NAZIMUDDIN: I thought, Sir, that the honourable member would spot out the mistake but he could not. This order refers to the condition which existed at the time and it is definitely mentioned that instructions are going to be issued to the District Magistrates pointing out only the city of Dacca will be included under the ban.

(At this stage Mr. Das took the notification to the Chair for his perusal.)

Mr. PRESIDENT: It is a question of interpretation of the Government order. I think the best course for you would be to meet the Hon'ble Minister to find out what is his interpretation and to mention what are your suggestions.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is only fair that I should try to explain to the House where Mr. Das was making a mistake. The honourable member did not take the trouble of reading the whole notification——

Mr. LALIT CHANDRA DAS: I read the whole thing——

The Hon'ble Khwaja Sir NAZIMUDDIN: It was not issued at the time when this thing was done. This notification was published a day after the commitment was made by me in the Council Chamber. The Opposition

members were not satisfied with my assurance and therefore this communique was published reiterating the position as it stood, and it clearly stated that the attention of the District Magistrates are again being drawn to the fact that the restriction order will only apply to the city of Dacca and not to the rest of the Dacca district. So I hope the House will see that I am correct.

Now, Sir, about Munshigunj affair. Here again, as I stated previously, we have left the discretion to the District Magistrates that where they consider that the holding of a meeting or a procession is likely to lead to a breach of the peace, there they are still entitled to stop meetings and processions and they can do so only by previously notifying the parties. It is for this reason that we did not agree to withdraw the ban altogether from the Province. The order is there but the executive instructions are that the restrictive order is not to be used unless the local officers are of the opinion that the holding of a particular meeting or taking out of a particular procession is likely to lead to breach of the peace—

Mr. LALIT CHANDRA DAS: Sir, may I explain the whole thing? Here is a clash of two orders—one order by the Additional District Magistrate of Dacca and the serving of notice under section 144 prohibiting the holding of all meetings and then there is a counter-order by the Subdivisional Officer of Munshiganj to the effect that the immersion could not take place owing to the order banning all processions. We want an explanation as to how there could be this counter-order against the order of the Additional District Magistrate: The Hon'ble Home Minister has not replied to that. Will the Hon'ble the Chief Minister give an answer to the point as to why the order of the Additional Magistrate was not carried out and how is it that the Subdivisional Officer of Munshiganj is obstructing that order?

Mr. HAMIDUL HUQ CHOWDHURY: In reply to Mr. Das, may I say that——

Mr. LALIT CHANDRA DAS: I have not asked you this question but I have addressed this question to the Chief Minister.

Mr. PRESIDENT: Mr. Chowdhury, I do not think you need enter into a debate over this matter.

Mr. HARIDAS MAZUMDAR: May I rise on a point of personal explanation, Sir? The Hon'ble the Home Minister in reply to a certain remark from me made the observation that I was deliberately misleading the House. I remember an occasion when facts were based on the *Calcutta Gazette* and one Hon'ble Minister told the House that it was a false statement or something like that. Here also my remark was based on the Police Commissioner's Report, and still it is described as a false statement. I, therefore, propose that the Hon'ble Minister should withdraw his remark; otherwise I would be bound to say that he too has made a false statement.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think I should make the position clear. When I said that it was a false statement I did not refer to the report about disappearance of the children from Calcutta, but I was referring to the matter about the short-notice question. I said that the honourable member was misleading the House by saying that he had given notice of the short-notice question long ago but that Government had not cared to answer it. His remark gave us to understand, gave every honourable member of this House to understand, that the short-notice question had been put by him long ago and that the Minister concerned did not answer it. Let the honourable members opposite honestly say what was their impression and let the Hon'ble the President also say what his impression was. The impression no doubt was that that question was put long ago and that the Minister would take about a year to answer. On

enquiry it was, however, revealed that the question was put only yesterday and that it had not been seen even by the Hon'ble President. It was then that I said that the honourable member had deliberately misled the House.

Mr. HARIDAS MAZUMDAR: I may refer to the fact that in many cases short-notice questions were pending before the Ministry for more than two or three months.

Mr. PRESIDENT: There should be an end to that discussion now. There are other motions before the House Mr. Mukherjee.

Mr. BANKIM CHANDRA MUKHERJEE: Before I move my adjournment motion, may I rise on a question of privilege?

Mr. AMULYADHONE ROY: May I ask if the remark made by the Hon'ble Chief Minister was dignified? Should he not withdraw it?

Mr. PRESIDENT: Order, order.

Points of Privilege.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, my point of privilege is this: There is a rumour afloat that the present Council Session is going to be prorogued. I would like to point out that this will seriously affect the privilege of the members of the House in view of the fact that several adjournment motions have been already tabled and you, yourself, Sir, were pleased to state that most of them dealt with matters of urgent public importance and should be discussed in the House. Adjournment motions have to be admitted by the President before they can be moved formally. Adjournment motions are allowed by the President strictly in accordance with the rules prescribed by them. They are first admitted and then, according to our convention, fixed for discussion one after another. Only one adjournment motion can be discussed in one day. Following that procedure we have been discussing the adjournment motions. Now we have come to a position where there is no further Government business to be transacted and a rumour is afloat that the Council is going to be prorogued today. Therefore, I would request you to consider the matter and allow the adjournment motions to be moved.

Mr. PRESIDENT: Does that question arise today?

Mr. BANKIM CHANDRA MUKHERJEE: If after today's sitting the House is prorogued, it would seriously affect the privilege of the House. We shall not be able to discuss all the adjournment motions. (Laughter from the Treasury benches.) This is no question of laughter. I feel ashamed that responsible people should be laughing when people in the province are dying for want of food and medicine and the Opposition is prevented from criticising the attitude of the Government with regard to these matters. At any rate, we want that the rules should be followed and you should allow us to have the admissibility of the adjournment motions considered before allowing any further business of the day to be gone into.

Mr. PRESIDENT: The position is this. Prorogation of the House is done under the orders of His Excellency the Governor and if he passes an order in his discretion, I do not think anyone in this House can question it.

Mr. BANKIM CHANDRA MUKHERJEE: What I am saying is this. His Excellency is acting on the advice of his Council of Ministers and as was done in the case of the Lower House, this House, I think, is also going to be prorogued on the plea of want of any Government business. There are adjournment motions which should have been admitted today and therefore

there is business still to be carried on and so the House should not be prorogued. I want to draw the attention of His Excellency as well as of his advisers, the Council of Ministers, to the fact that as there is still some non-official business before the House, it ought not to be prorogued. This is a serious question affecting the privilege of the members of this House. Therefore, I think that you should not fritter away the rights of the Opposition members. I would not have raised this question if there were no adjournment motions to be discussed. Sir, practice cannot override a law and if the construction of rule 99 permits the admission of all adjournment motions to be disposed of and the fixing of dates for discussion thereon, that ought to be done today.

Mr. HARIDAS MAZUMDAR: Is the prorogation order passed by His Excellency the Governor under the instruction of the Hon'ble Chief Minister?

Mr. PRESIDENT: Prorogation order is issued by His Excellency the Governor in his discretion.

Mr. HARIDAS MAZUMDAR: Sir, I want to know whether the Ministers have given their advice or information that there is no business before the House.

Mr. PRESIDENT: You should understand that there is difference between "discretion" and "advice".

Mr. HARIDAS MAZUMDAR: My point is that His Excellency must have been informed that there is no business.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I want your decision on the question of privilege which I have raised.

Mr. PRESIDENT: As regards your point of privilege, I would like to consider it first and then give my decision. This House has been following certain practice for some time and if that practice has to be upset, I must take time to consider the matter more thoroughly.

Mr. HUMAYUN KABIR: Sir, I have a point of privilege. I may draw your attention——

Adjournment Motion.

Mr. PRESIDENT: Order, order. Mr. Mukherjee, you are losing your chance to move your adjournment motion.

Mr. HUMAYUN KABIR: Sir, my point of privilege is a very serious one. In this House there is no provision for any member to question the decision of the President and it is not my intention to question in any way the decision which you took yesterday. But I simply want to draw your attention to the manner in which the privilege of this House was infringed yesterday at the time when the third reading of the Bill was very suddenly brought to a close. I mention this fact for your consideration. I will not question your decision, but I want you to consider that under the rules, a closure motion can only be put when there has been a complete and fair discussion. Even if there be a motion for closure, it is not imperative for the President to put the motion immediately. He has got to satisfy himself that there has been full and fair discussion on the matter. Then and then alone can the question be put. On the third reading of the Bill, only one or two Opposition members spoke. One of them was an independent member, I mean, Khan Bahadur Naziruddin Ahmad. Mr. Bankim Chandra Mukherjee was speaking when the discussion was brought abruptly to a close. You know, Sir, in the Opposition there are more than three parties. The other parties which are represented in the Opposition had not taben part in the deliberation on the motion for the third reading of the Bill.

You know, with your experience as a parliamentarian, that at the third reading many questions can be raised,, which are not discussed in the second reading stage or even at the introduction stage of a Bill. I want you to consider whether in these circumstances your action did not stifle the discussion——

Mr. PRESIDENT: Mr. Kabir, I have understood your point. I am very glad that you have raised the point. I can quite see that there is some amount of misunderstanding on this matter. It is my desire that there should be no misunderstanding between myself and any section of the House. It has always been my endeavour from the very beginning of my assumption of office to see that there is no such feeling. Let me now explain the position. The Bill could have been passed day before yesterday. When the Hon'ble Minister in charge of the Bill moved the third reading of the Bill there was only one speech from the Opposition, namely, that of Khan Bahadur Naziruddin Ahmad and all the other Opposition benches were empty—(Mr. HUMAYUN KABIR: For a particular reason which you know) and it was I who in order to give the Opposition a chance to take part in the third reading of the Bill postponed the debate till yesterday. Now, yesterday, Mr. B. K. Roy Chowdhury spoke first, then Rai Sahib J. N. Ray, and thereafter Mr. Bankim Chandra Mukherjee spoke for nearly half an hour. I found there was no other Opposition member except yourself. So, out of four members in the Opposition three members had already spoken including Mr. Bankim Chandra Mukherjee. Only you were there and there was no other member in the Opposition to speak. In those circumstances when the question was put, I had no other alternative but to infer that the Opposition did not like to take advantage which I wanted to give. It was clear that the Opposition was taking no interest in the debate whatsoever. If there were some more members to speak, certainly I would have given them opportunity. Therefore, I hope you appreciate the fact that it was only to give a chance to the Opposition to speak that I adjourned the House the other day although it would have been perfectly regular for the Chair to have concluded the debate on the third reading of the Bill on the 23rd of October, 1944, shortly after the motion had been moved by the Hon'ble the Finance Minister.

Mr. BANKIM CHANDRA MUKHERJEE: May I say one thing by way of personal explanation? The point of personal explanation is this that when you pointed out to me that I had spoken for half an hour and so I must stop, I said that if I repeated or if I was irrelevant you would stop me. As a matter of fact, I was going to discuss in the very next sentence a very important question of constitutional law but you did not allow me to continue. I wanted a few minutes' time to finish my speech but you did not allow me to do that. Therefore I protested against your action and said that your action was highly unjustifiable and that you gagged me in the middle of my speech yesterday.

Mr. PRESIDENT: When you wanted to continue your speech, I allowed you to continue your speech. But immediately after that Khan Sahib Fariduddin Ahmad got up and moved the motion that the question be put——

Mr. BANKIM CHANDRA MUKHERJEE: When he said that, you ought to have told him, "Let Mr. Mukherjee finish his speech". But you did not say that. You ought not to have gagged me in the middle of my speech.

Mr. HARIDAS MAZUMDAR: Sir, with reference to the remark made by you just a few minutes ago that we were not taking any interest in the debate and that we were sitting outside the Chamber, I may say that here the question of interest does not arise at all and that we were attempting to bring the members of the Government Party under our control by arguments.

Mr. PRESIDENT: That is a novel argument, Mr. Mazumdar.

Mr. HARIDAS MAZUMDAR: That is a very good argument.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I beg to move that this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen out of the action of the District Magistrate of Murshidabad prohibiting the municipality of Berhampur from seizing or destroying unwholesome food under the provisions of the Bengal Municipal Act.

Sir, the circumstances in which a similar motion was disallowed has already been stated by you yesterday, and I need not repeat them. I would refer the honourable members of this House and also you, Sir, to the provisions of the Bengal Municipal Act, section 427, and the provisions of sections 428, 429 and 430. I hope, Sir, that the honourable members of this House would realise and the Hon'ble Minister in charge of the Department of Civil Supplies should also realise that the provisions of the Bengal Municipal Act authorise the local municipalities for the protection of the consumers within the municipalities to act under the provisions of the Local Self-Government Act, and there is a regular system provided for the analysis of the sample of food taken by the municipality for examination. As far as possible, they also remedy the cases of unlawful or malicious interference with the normal trade by the officers of the Municipality because they have got a very ample safeguard left with them. In that order of the District Magistrate it is stated in the preamble that it was necessary for maintaining supplies and services essential to the life of the community. I would like, Sir, the Hon'ble Minister of Civil Supplies to say whether by compelling the consumer to purchase unwholesome articles of food it would serve the purpose as indicated in the order. The order is said to have been promulgated in exercise of the powers conferred upon the District Magistrate by a gazette notification No. 3660 P., dated the 6th April, 1942, under rule 81(2) of the Defence of India Rules; the order of the Magistrate refers to Chapter XIX of the Bengal Municipal Act which contains the sections I have quoted above. The order states that in the absence of specific and clear directions by the Magistrate in exercise of the powers conferred on him no seized stocks can be deemed to be the property of the Commissioners and therefore no question of any payment to the municipality for making over the stocks in compliance with this order can arise. Now, Sir, I would refer the honourable members to the provisions once more, to section 427(2) of the Bengal Municipal Act and say that it provides that if after inspection by the authorities prosecution is lodged under this Chapter the burden of proving that the article of food which was the subject-matter of enquiry was not intended for human consumption should rest with the party charged. Now, if you look to section 431(1), you will find that if the article of food seized under section 428 is not destroyed by consent under section 429(1) the article has to be taken before a Magistrate as soon as may be after such seizure and then action will be taken under sub-sections (2) and (3) in case the article of food be found by the Magistrate to be unwholesome or not. Therefore there is a wholesome safeguard in this regard. The municipal authorities can take steps but that is subject to the judgment of a Magistrate. There was also a safeguard for the supplier in case there is unlawful interference by a municipality with the samples of food which are really not unwholesome. The municipality of Berhampore seized some samples of food products which were found to be unwholesome and wanted to seize or destroy them in terms of the provisions of Chapter XIX of the Municipal Act. Th order prohibits the Chairman from doing so and the Chairman is compelled by reason of that order to deliver all articles seized up to the date of the promulgation of the order, namely, the 24th of August, 1944, to the Additional Director of Civil Supplies of that Circle, or for disposal according to the orders of the Magistrate. The order no doubt exempts unsound and unwholesome food as are kept for sale direct to

consumers living in the municipal area. I would submit that the provisions of the Bengal Municipal Act do not make any exception with reference to any stocks kept anywhere within the limits of any municipal area as long as it is proved that they are kept for purposes of human consumption and it is intended for sale to the public. I think it cannot be denied that these stocks lying with the officer mentioned in the order were kept for human consumption, and were therefore liable to be dealt with under the provisions of section 427 of the Bengal Municipal Act. The order, therefore, clearly prohibits the Chairman from functioning in accordance with the provisions of the Act. Under the provision of section 432 of the Act if any article of food had been found to be unfit for human consumption and if any authority directs in exercise of the powers conferred by Chapter 19 of the Act the destruction of that article of food then that article becomes the property of the commissioners of the municipality. In the present instance, the municipality of Berhampore had seized articles of food possessed by the authority mentioned in the order and they were found to be unfit for human consumption and the municipality intended to take proceedings under the provisions of Chapter 19 of the Act, for the purpose of destroying the articles in terms of section 432 of the Act. The order, therefore, I repeat, clearly purports to prevent the municipality from seizing or destroying unwholesome food in terms of this section of the Bengal Municipal Act. Let me now consider as to whether the order has been promulgated in terms of the order conferred on the District Magistrate by section 81(2) as published in the "Calcutta Gazette" notification. The preamble to the order indicates that it was necessary in the interest of services and supplies to the community that there should be no interference with them by any municipality in the district. Now I would submit that it is clear that the power of the District Magistrate of promulgating an order of the nature in question is by virtue of necessity as indicated in the preamble to the order. It has been pointed out in several decisions of the High Courts in India and particularly in the case of Banowarilal Roy relating to the order of supersession of the Howrah Municipality by the Government of Bengal that it is not enough that the order should be passed under colour of the power conferred; that must be done in actual exercise of it and no power is conferred to make such order in bad faith or any abuse of the Act or any abuse of the power or for the purpose of effecting a fraud on the Act and it is necessary to ascertain the issues for the purpose of determining whether the order has been made in the exercise of the power conferred by the Act and not merely in colourable exercise of such power. Now, Sir, if it is a fact that the articles of food were found to be unwholesome and unfit for human consumption, I would submit that it cannot be asserted that if the municipality wanted to seize the stocks and deal with them in accordance with the provisions of the Bengal Municipal Act they would any way affect the maintenance of supplies and services essential to the life of the community. On the contrary, I would assert that the action of the Municipality in seizing such stock was really intended to save the life of the community and save the people residing within the municipality of Berhampore from being supplied with unwholesome products of food. It is therefore clear that the power was exercised not in the exercise of the power but in colourable exercise of the power and was really a fraud on the Act and on the charge that it was really intended for the purpose of detecting that the Government stocks had been damaged and deteriorated and were unfit for human consumption and should not be allowed to be sent to the retail shops or to private shopkeepers for sale direct to consumers in bazar or black markets within municipal area. I submit the Government has no right to prevent the municipality from seizing the stocks with the officers mentioned in the order if they were found to be unwholesome and unfit for human consumption. It is now notorious, Sir, that in various municipalities stocks held by officers of the demonstration indicated in the order of the District Magistrate of Berhampore have been damaged and rendered unfit for human consumption and the municipalities should not

be prohibited from preventing the Government officers from distributing such unwholesome foodstuffs. Only the other day in the District of Birbhum within the municipality of Suri large stocks of unwholesome food were sent out for distribution among the retail shopkeepers and when they were found to be unwholesome they were thrown away in several ponds with the result that even the fish in the ponds having consumed the unwholesome foods died and were seen floating on the surface of the ponds after the unwholesome food have been thrown into them. I hope, Sir, that I have said enough for the purpose of condemning the action of the District Magistrate of Berhampore and if this is the policy pursued by the present Government, I hope the Government would immediately withdraw these orders and see that the municipalities within the province of Bengal are allowed to function in accordance with the provisions of Bengal Municipal Act. The municipality of Serampore seized some articles of foodstuff and were of opinion that they were unwholesome. There was a widespread epidemic disease soon after the consumption of these foods. Sir, as a matter of fact this question is very important. Only the other day we found that a very good business is being carried on in the province of Bengal by the Civil Supplies Department. They are selling or advertising to sell unwholesome goods (wheat) to the public, the price being Rs. 4 per maund. The persons who purchased that wheat managed to take delivery of good wheat from the Government stocks and again sold them to the Civil Supplies Department, thereby making a profit of about Rs. 48,000 in a single day. This sort of thing is very bad and the Civil Supplies Department should not be allowed to be its own judge. If the municipal authorities—I mean the sanitary officers and the persons who draw samples—deal in an unfair way, there are provisions in the Bengal Municipal Act to check that. Therefore, Sir, Government has done a serious thing in allowing the District Magistrate to promulgate the order prohibiting the municipality from drawing samples from the Government stores when they are unwholesome. With these few words, Sir, I move my motion.

Mr. PRESIDENT: Motion moved: That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen out of the action of the District Magistrate, Murshidabad, prohibiting the municipality of Berhampore from seizing or destroying unwholesome food under the provisions of the Bengal Municipal Act.

Mr. HARIDAS MAZUMDAR: Sir, I beg to support the motion moved by my friend Mr. Bankim Chandra Mukherjee. He has fully explained the position with regard to this matter. Yesterday the Hon'ble the Home Minister stated in connection with the report of the Howrah affairs enquiry committee that I would be badly disappointed. But, Sir, disappointment is the order of the day. We have been disappointed in regard to the supply of wholesome foodstuffs to the people; we have been disappointed in regard to the distribution of foodstuffs all over the prvince; we have been disappointed in regard to the administration of the Defence of India Rules and Ordinances; we have been disappointed with regard to the day-to-day administration. (The Hon'ble Mr. H. S. SUHRAWARDY. What oratory, what oratory!) Disappointment is writ large on the forehead of this unfortunate province from the day when this Ministry took the *gadi* and we shall not be surprised when the Chief Minister tells us that we shall be disappointed this time also. But, Sir, what is at the root of these executive illegal acts? It is simply due to the bungling of the Ministers, due to the mismanagement of the Ministers. Now, under the Defence of India Rules and other Ordinance they want to gag the public. Taking those Rules and Ordinances under their elbow they are introducing lawless laws in the country. Nobody knows what happens behind the screen. We have repeatedly told the Ministry on the floor of this House and outside not once

or twice or thrice but a hundred times that they should try by every means to supply the people with really good foodstuffs and that the rationing system become a success. In some of the ration shops the relation of the Hon'ble Ministers have been provided or some contracts have been given to their relations. All this is being done to shield the misdeeds of the Ministers.

Mr. PRESIDENT: Mr. Mazumdar, you better come to the subject-matter of this motion.

Mr. HARIDAS MAZUMDAR: This is the subject-matter, Sir. These municipalities are not given a free hand to work under the provisions of the very law under which they exist, and why? Because they want to screen the misdeeds of their colleagues. They have made millions out of these foodstuffs. They stocked foodstuffs which have become unfit for human consumption due to their own worthlessness. I brought in another adjournment motion but that motion would not come up——

Mr. PRESIDENT: I do not think, Mr. Mazumdar, you can refer to that.

Mr. HARIDAS MAZUMDAR: I can give a substance of that motion by way of illustration. These municipalities practically have been made to feel that these Ministers are trying to do things which ought not to have been done and that they are doing these things through the instrumentality of the executive officers of the district. That is the impression, Sir, that we have got about our Ministers. With these words, I support the motion and those who are fair-minded and those who know that justice should be done in all fairness should also support it. With these words, Sir, I commend this motion to the acceptance of the House.

Mr. HUMAYUN KABIR: Sir, I want to speak a few words on this motion, and I would like, first of all, to draw the attention of the Hon'ble Minister concerned to the fact——

Mr. LALIT CHANDRA DAS: Sir, the Hon'ble Minister is sleeping.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I protest against the remark that I was sleeping. I was not sleeping at all. I was simply in pain when Mr. Haridas Mazumdar was speaking.

Mr. HUMAYUN KABIR: Well, Sir, the point which I want to place for the consideration of this House is that we have been discussing this kind of question time and again, I think the members, both on this side of the House and on the other, will agree that all is not well in this Province. I will not at this stage attempt to apportion any blame. There is blame no doubt, and probably the Hon'ble Ministers who are responsible for this serious state of affairs know where the blame lies. I would, Sir, draw the attention of the House especially to what we can do at the present stage in order to improve the state of affairs in which we are unfortunately placed today.

I think, Sir, that it is the experience all over the province that there is great shortage and that there are great difficulties of the people. What adds to the injury and the sense of injury is that at a later stage it is found that foodstuffs were there, but they were not forthcoming at the time of the need of the people. Only a few days ago, we found a report in the papers that at Narayangunj about 80,000 maunds of wholesome food had been allowed to rot——

The Hon'ble Mr. H. S. SUHRAWARDY: Is it relevant, Sir, to the subject-matter of discussion today?

Mr. HUMAYUN KABIR: The Hon'ble Minister will have his chance of replying to these points. I do not yield to him unless it is on a point of order.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. I submit that this is most irrelevant to the question of the rights of the municipalities, and so I do not undertake to answer that sort of reference that found place in the papers regarding unwholesome food here, there and in Narayangunj. This is not the subject-matter of the adjournment motion of today——

Mr. HUMAYUN KABIR: Sir, it ill-suits the Hon'ble Minister to adopt a lecturing attitude——

The Hon'ble Mr. H. S. SUHRAWARDY: Because it is false——

Mr. HUMAYUN KABIR: If it is false, you can say so; but it is not for you to lecture——

Mr. PRESIDENT: Mr. Humayun Kabir, I hope you will kindly try to confine yourself as far as possible to the actual subject-matter of discussion.

Mr. HUMAYUN KABIR: Sir, I shall not say anything irrelevant at all. If the Hon'ble Minister has the sense of understanding what I say, he will see that the remarks which I have made are absolutely relevant to the subject-matter for discussion. In the Berhampore municipality, the question of requisition came up because food rotted and because food became unwholesome——

(At this stage the Hon'ble Minister for Civil Supplies left the Chamber.) Sir, I refuse to proceed if the Hon'ble Minister walks out in this way. It is an insult not only to the speaker but also to the President of the House as well as to the House itself, if in the midst of a speech the Hon'ble Minister turns his back on the President and walks out of the House.

(There was no Minister on the Treasury Bench.)

Mr. PRESIDENT: There should be at least somebody here to represent Government. Where is the Government?

(Cries of 'there is no Government,' let the House be adjourned.)

Mr. KRISHNA CHANDRA ROY CHOWDHURY (Parliamentary Secretary): Perhaps the Hon'ble Minister will return very soon.

(At this stage the Hon'ble Mr. Suhrawardy and Mr. Tarak Nath Mukerjea entered the Chamber.)

Mr. HUMAYUN KABIR: As I was stating a moment ago, if the Hon'ble Minister will have patience, he will find that the remarks I quoted from the papers were absolutely relevant to the subject. There is no question on my part of trying to be "as far as possible" relevant, Sir; I am wholly relevant. This is the only question that we are discussing here today, namely, as to whether the executive authorities are justified in taking recourse to the Defence of India Rules or any other similar rules in order to prevent the municipalities and other local bodies from doing their duty. It is imperative on the municipalities to see that unwholesome food is not supplied to the people in their respective areas, to see that Government do not force upon the people in their areas rotten stuff. Therefore, Sir, this question of unwholesome food is absolutely relevant to the subject-matter under discussion.

As I was saying, Sir, I did not intend that this particular motion should be discussed in an attitude of party spirit; but I regret to find that the Hon'ble Minister is unable to rise above a partisan spirit. Therefore, even when suggestions are made for his consideration,—I stated at the very outset

hat I was only concerned with finding out methods for preventing the tate of affairs now prevailing,—he cannot take them in a proper spirit. He s the victim of the partisan spirit which has characterised his activities up ill now. In great chagrin he left the Chamber like a school boy reprimand-ed by his teacher, not only in a partisan spirit but also in a spirit of rresponsibility. I did not expect this from a senior politician like him—for he ought to remember that he is no longer so young as he was; in fact, he occupies a senior position among the politicians of the day. Besides, he has gifts which, if they were used for the service of the country, would do great good.

Mr. PRESIDENT: Mr. Kabir, I do not think you are quite relevant; you should confine yourself to the subject-matter of the motion.

Mr. HUMAYUN KABIR: Quite so, Sir.

Mr. PRESIDENT: But for some moment you had become absolutely rrelevant.

Mr. HUMAYUN KABIR: But you should also control the irrelevancies of the Ministers. They should certainly be prepared to bear with remarks which their conduct extorts.

However, Sir, I was saying that the present position in Bengal has been created by abuse of power. The case of Berhampore is only one instance of such abuse. We have found that large stocks of foodstuffs were damaged in Narayangunj, the report about which the Civil Supplies Minister now says is false and incorrect. If it is incorrect, then he should see that those reports are not published in the press. He should take steps to see that such incorrect statements are not allowed to be made with impunity. Then again, we find that there is executive interference with the duties of the local bodies, whether at Berhampore or at Calcutta. We find that in the case of the Calcutta Corporation where it made an attempt to find out from tests and examination the quality of food supplied by Government, the Government became afraid of such examination. Government will not allow the Calcutta Corporation to test the quality of the foodstuffs. All these, I say, are instances of the executive attempting to conceal or hide the actual state of affairs. How can we remedy that? First of all, the present Ministers denied shortage. Valuable time was thus lost. Later, they bestirred themselves and I will concede that the Hon'ble Minister attempted with some success to get food from outside. To that extent he deserves commendatoin. But after that food was brought, how was it utilised? Was it distributed in proper time? Was it used in a way which was to the greatest advantage of the people of the province? Or was the situation mismanaged and bungled whether on account of political or other reasons, I will not say here? Unfortunately, the impassee through which the province is passing now makes one suspect that there were political reasons for which the Hon'ble Minister bungled in distribution after he had succeeded in bringing supplies to the province. Sir, he has himself admitted and often stated that such questions—the question of food—should be discussed from a point of view which is altogether free from partisanship. I would ask him to remember that principle himself——

Mr. PRESIDENT: Order, order. Your time is up.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. President, Sir, I propose to ignore the remarks of the member who has spoken last, as I consider them to be wholly irrelevant and waste of the valuable time of the House. I will confine myself to the motion itself. I wish to state, Sir, that I have nothing to add to the statement which I made on the first occasion. I do not know under what circumstances this motion has been allowed.

Mr. PRESIDENT: Order, order, Mr. Suhrawardy. You can not refer to that.

The Hon'ble Mr. H. S. SUHRAWARDY: I am not raising that point. I do not know why it has been allowed and the statement which I made on the first occasion still stands. There has been a certain amount of misunderstanding regarding the powers of the municipality and the circumstances under which this order came to be passed. I have now before me a fuller report of the District Magistrate which was not in my hand at that time when the question first came up for consideration. The honourable members may remember that I read from a telegram which I had received. The motion says that the District Magistrate of Murshidabad has passed an order prohibiting the municipality from seizing or destroying unwholesome food under the provisions of the Bengal Municipal Act. My contention will be that the Magistrate has done nothing of the kind and that he has left unimpaired the powers of the municipality under the Bengal Municipal Act. It was my contention at that time that the District Magistrate had not in any way interfered with the powers of the municipality nor did he intend to do so. Mr. Mukherjee said that so long as—and this is the crux of the whole argument—the food is intended for human consumption the powers of the municipalities are attracted. Mr. Mukherjee says, and he bases his entire argument upon his statement, "that it could not be denied that the stock was meant for human consumption". Therefore he says that as it was meant for human consumption, under section 427 of the Bengal Municipal Act the municipality had the power to take samples and thereafter proceed under the various sections. Now, the contention of the Magistrate is that the stock to which his order referred cannot be said, at the moment the seizure was made, to have been meant for human consumption and consequently the powers of the municipality under section 427 were not attracted and therefore there has been no interference with the powers of the municipality. The honourable members should realise that the stock that was seized was the stock of foodgrains in the possession of Government stockists before they were distributed to retailers for the purpose of human consumption. The honourable members know and it appeared in the papers on several occasions that the stocks in the hands of stockists had on occasions been destroyed by Government. Government examine stocks from time to time and pass some for human consumption, some for cattle consumption and some for industrial purposes for sizing and destroy the rest. Therefore, the mere fact that there are foodgrains in the possession of Government stockists does not mean that all the foodgrains are for human consumption. I hope this is clear to the honourable members. The entire argument of Mr. Mukherjee, the entire basis of his motion is "that it could not be denied that the stock was meant for human consumption," and that the Magistrate prohibited the municipality from seizing or destroying the unwholesome food. But until the food is distributed to the retailers, it cannot be said that Government intended that the stock should go for human consumption. It is for that reason that the Magistrate in the course of his order made it quite clear that the municipality could proceed against the stocks in the hands of retailers and could seize them; but they could not seize the stocks from Government stockists unless they are distributed for human consumption. The Magistrate did not prevent the seizure of unsound or unwholesome food which might be lying at the retail shops or with private wholesalers in the bazar or in the blackmarkets within the municipal area. The municipalities have always full powers to seize stocks in the hands of the private shopkeepers.

Mr. HARIDAS MAZUMDAR: On a point of information, Sir. May I know why foodgrains were not allowed to be taken by the Calcutta Corporation people from ration shops for the purposes of examination?

The Hon'ble Mr. H. S. SUHRAWARDY: Well, Sir, this does not arise out of this debate, but as the honourable member needs the information, I will give it to him. In the case of the Calcutta Municipality all orders on the subject are governed by the rationing order and under the

rationing order no one who is not in possession of a ration card can go and take stocks from the ration shops.. It has got nothing to do with the powers of the municipalities.

Now, Sir, it is clear that the order is with respect to such stocks about which the municipalities are not supposed to do anything, because they do not know whether such stocks should be sold to the consumers within the municipal area or whether the whole or part of it will be destroyed or used for purposes other than human consumption. Consequently, the Magistrate was entirely right in taking steps against the action of the municipality.

As I pointed out on the last occasion, out of 13,000 maunds which means 6,500 bags, 7 samples were taken and on the basis of the analysis of 7 samples it was decided that the entire 13,000 maunds should be condemned and that the municipality should get hold of it and that it should become the property of the municipality much to the advantage of the municipality. That was a thing, Sir, which the Government could not stand, namely, what is loss to the Government should be the profit of the municipality. In storage, sales to agents, etc., there should be no interference from the municipalities. I want that the honourable members will listen to me. I want that there should be no misunderstanding regarding this, for I agree with the view that in the matter of storage there should be no interference from the municipalities: otherwise if by taking a few samples they can declare huge stocks as being unwholesome, it will be impossible to manage supplies in the district. There are large stocks of Government stores in Dacca and Narayanganj; but the Dacca and Narayanganj municipalities cannot go and take samples from those stocks and condemn all the 8 lakhs of maunds of rice which we have stocked in Dacca.

Then, I submit, Sir, that the District Magistrate was entirely right in preventing the municipality from taking illegal action.

Sir, reference has been made by some honourable members to a report which has appeared in a particular paper regarding certain maunds of wheat which subsequently has been found to be good. It is stated therein that this wheat has been re-sold to civil supplies at Rs. 20 and so much money has been gained. Now, Sir, I have caused an enquiry to be instituted; but I have not got the report as yet——

Mr. LALIT CHANDRA DAS: Please do not prejudice the report.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, after all we are dealing with a large number of persons who are stockists and agents and nobody can expect that there would be no corruption anywhere. But it is our duty as soon as such cases of corruption are brought to our notice to take steps at once. But I say that this information is being subjected to enquiry but I do not exactly know how it could have got into the press; it is possible that the wheat might have been changed in course of transit; but the news that the Civil Supplies should have purchased it back at Rs. 20 a maund is rather surprising, because we are not purchasing wheat at all. I do not understand how that report has got into the press.

Mr. HARIDAS MAZUMDAR: Will the result of the enquiry see the light of day?

The Hon'ble Mr. H. S. SUHRAWARDY: Oh, yes, certainly.

Mr. BANKIM CHANDRA MUKHERJEE: Sir, I would like to say a few words in reply to the Hon'ble Minister for Civil Supplies. I find that he has taken up a brief on behalf of the District Magistrate of Murshidabad and has tried to justify his action by referring to certain sections of the Bengal Municipal Act. I am sorry however that the Hon'ble Minister did not look carefully to the various sections which I mentioned in my

preliminary speech and portions of which I will again refer to for his elucidation in order that he might consider the desirability of not interfering with the functions of the municipalities in the province of Bengal. Sir, the sole object of the Minister in taking up the brief on behalf of the District Magistrate of Berhampore is as follows: He says that out of 13,000 maunds of wheat or *atta*, or 6,500 bags, only 7 samples were taken and the municipality found that all these 7 samples were unfit for human consumption and the municipality thereafter wanted to seize the entire stock in order that it might be destroyed under the provisions of the Act. And he stated that it might be that beyond the 7 samples that were taken, it might be that other bags might contain wholesome food and he also stated that when the articles were in the hands of stockists as distinguished from retailers the municipality is not authorised to take samples from the stockists under the Bengal Municipal Act and declare them to be unwholesome or unfit for human consumption. With regard to these observations I would like to refer to certain provisions in order to elucidate the points for the consideration of the honourable members of this House. If we look to section 427 (*1*)—clause (*a*) of the Bengal Municipal Act, we find that commissioners, executive officer, sanitary inspector, health officer or any other officer authorised by the commissioners may at all reasonable time enter into and inspect any place (within the limits of a municipal area—it is not limited to retailers only and I think the Hon'ble Minister will agree with this interpretation) and seize any article of food—I am leaving out the irrelevant portions—intended for human consumption, which is being hawked about for sale and is brought out for such purpose. It will surely be conceded that these stocks were kept principally for human consumption. I do not think that the Civil Supplies Minister will contend that he was stocking *atta* for the purpose of consumption by animals in the province of Bengal, unless he wants to characterise the population of Bengal as cattle population.

The Hon'ble Mr. H. S. SUHRAWARDY: Will the honourable member read that section properly?

Mr. BANKIM CHANDRA MUKHERJEE: Yes, I am reading it properly.

The Hon'ble Mr. H. S. SUHRAWARDY: "For the purpose of sale".

Mr. BANKIM CHANDRA MUKHERJEE: The large amount of money that is being brought into the coffers of the Department of Civil Supplies is responsible for this. Now, Sir, I would refer to section 427, sub-section (*2*).

The Hon'ble Mr. H. S. SUHRAWARDY: Will the honourable member tell me the meaning of the words "for such purposes".

Mr. BANKIM CHANDRA MUKHERJEE: I would refer the Hon'ble Minister to the next sub-section "If, as a result of such inspection as is provided for in sub-section (*1*), a prosecution is instituted under this chapter, then the burden of proving that any such living thing, or other article of food or drug as aforesaid was not exposed or hawked about or deposited or brought for sale or for preparation for sale, or was not intended for human consumption shall rest with the party charged."

There is a remedy for the Civil Supplies Department against this. As soon as a prosecution is launched by the municipality, the Civil Supplies Department can say that they have not brought or stocked this article for the purpose of human consumption. That is a point of time when the question as to whether it is for human consumption or not has got to be raised. The moment an article of food is seized by the officers of the municipality—they are entitled to seize it and they are entitled to launch prosecution—it is for the Civil Supplies Department to go there and say, oh, they have

not brought this article for human consumption; they have brought this article for the cattle population of Bengal. There is remedy under section 427, sub-section (*2*), but here the argument of the Civil Supplies Minister on behalf of the District Magistrate of Berhampore is absolutely fallacious. Under section 427 of the Bengal Municipal Act he can get the stock released by saying that these samples were not brought for human consumption. This one point has been answered completely. Therefore it is clear that the order of the District Magistrate was to prohibit the Chairman of the Berhampore municipality from functioning normally.

Under section 431 we find that: "Where any living thing, article of food, drug, utensil or vessel seized under section 428 is not destroyed by consent under sub-section (*1*) of section 429, or where an article of food so seiezd which is perishable is not dealt with under sub-section (*2*) of that section, it shall be taken before a Magistrate as soon as may be after such seizure."

Therefore, it is not for the municipality to destroy the whole article the moment it finds that it is unwholesome. The municipality has to bring the case before the Magistrate. Under section 431 (*3*): "If it appears to the Magistrate that any such living thing is not diseased or that any such food or drug is not unsound, unwholesome or unfit for human food or for medicine, as the case may be, or that any such utensil or vessel is not used for preparing, manufacturing or containing food or drugs which are unsound, unwholesome or unfit for human food or for medicine, as the case may be, the person from whose shop or place it was taken shall be entitled to have it restored to him, and it shall be in the discretion of the Magistrate to award him such compensation, not exceeding the actual loss which he has sustained, as the Magistrate may think proper." There is also provision that the municipality would be liable to pay compensation for unlawful seizure. Therefore, I say, Sir, that the provisions under the Bengal Municipal Act are quite sound and they were passed with reference to the probabilities of all cases of overzealous officers seizing wholesome foods and destroying them. But the officer from the municipality has got to produce the articles so seized before the Magistrate if complaint is made by the shopkeeper that his articles have been wrongly seized. So, why is the Hon'ble the Civil Supply Minister afraid of the officers of the municipalities? Sir, I have already shown by quoting rules from the Municipal Act that the stockists are not exempted from the operation of section 427. If that is so then why should not the municipalities function normally in accordance with the provisions of the Municipal Act. I regret to submit, Sir, that the Defence of India Rules are not for the purpose of protecting the citizens from accepting the unwholesome food but they are for the purpose of protecting the Civil Supplies Department from top to toe from uncomfortable exposure of the state of things that were going on in the Civil Supplies Department. They are bringing unwholesome food and if they are not detected they pass them on to the retailers for human consumption. I think the Hon'ble Minister will realise that it is not possible for the sanitary officer to examine retail shops and seize articles there and leave out the Government stockists——

Mr. PRESIDENT: Mr. Mukherjee, did I hear you to say to Mr. Suhrawardy that "cattle population like yourself"?

Mr. BANKIM CHANDRA MUKHERJEE: I said cattle population as you say."

Mr. PRESIDENT: Then you did'nt say cattle population like yourself?

Mr. BANKIM CHANDRA MUKHERJEE: What I stated is this. The Hon'ble Minister characterised the population of Bengal as cattle population because the *atta* was meant for them; so unless he says that

it was not meant for human consumption he cannot escape. It goes without saying, Sir, that the articles of food must have been stored there for human consumption and not for cattle population.

Mr. PRESIDENT: I hope you do not mean any reflection.

Mr. BANKIM CHANDRA MUKHERJEE: If it is a reflection, it is reflection in that sense. If he describes the entire population as cattle population, he is included in that.

Mr. PRESIDENT: The question before the House is: That this Council do adjourn its business to discuss a definite matter of urgent public importance, namely, the situation that has arisen out of the action of the District Magistrate, Murshidabad, prohibiting the municipality of Berhampore from seizing or destroying unwholesome food under the provisions of the Bengal Municipal Act.

(The motion was put and lost.)

Mr. PRESIDENT: Now, the Chief Minister will make a statement.

Statement by the Hon'ble Chief Minister.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this item was put down on the agenda merely to enable the honourable members of the Opposition to discuss this adjournment motion, as there cannot be any adjournment motion when there is no Government business. So, in order to obviate this technical difficulty, this item was put. I hope the honourable members would realise how Government try to help the Opposition.

Prorogation.

Mr. PRESIDENT: Order, order. I have it in command from His Excellency the Governor that the Bengal Legislative Council do now stand prorogued.

Members Absent.

The following members were absent from the meeting held on the 25th October, 1944:—

(1) Mr. S. Ahmed.
(2) Mr. K. Baksh.
(3) Rai Bahadur K. C. Banerji.
(4) Mr. H. Huq Chowdhury.
(5) Mr. H. R. Chowdhury.
(6) Mr. Mohd. Habibullah Chowdhury.
(7) Mr. B. C. Datta.
(8) Mr. K. K. Dutta.
(9) Mr. Mohamed Hossain.
(10) Mr. M. R. Jaipuria.
(11) Rai Bahadur B. M. Maitra.
(12) Mr. N. N. Moholanobish.
(13) Khan Bahadur M. A. Momin.
(14) Mr. N. N. Mookerji.
(15) Mr. R. S. Purssell.
(16) Khan Bahadur Mukhlesur Rahman.
(17) Rai Sahib J. N. Ray.
(18) Dr. K. S. Ray.
(19) Rai Bahadur R. B. Roy.
(20) Mr. S. N. Sanyal.

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(4) Mr. Nur Ahmed regarding exempting the printing of the Holy Quoran from the Paper Control Order.

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Remark by—in connection with an adjournment motion that, as there were already two admitted short-notice question also on the same subject, if the Government answered the questions the adjournment motion need not be moved provided that the answers were satisfactory to the members. Page 126.

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Remark by—that instead of an Hon'ble Minister moving an amendment to a non-official amendment some one else from the Government Party may move it. Page 139.

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Remarks by—that when a ruling is definitely given by the President, it has got to be accepted by the House and cannot be questioned. Pages 203-204.

Remarks by—that more than one member can speak on a particular motion on behalf of Government. Page 207.

Remark by—that an honourable member should not make running comments upon a speech which was being delivered at the time. Page 436.

Remark by—that there is no distinction between the two Houses in respect of Finance Bills and that the Upper House had as much right to vote upon them as the Lower House. Page 467.

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Remarks by—that the House had the right to get a reply to a question even if it had become old and that in the public interest the Chair could allow the Hon'ble Minister concerned to reply to a question even if it is not put by the member. Page 524.

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